

CHAPTER 52: STORM WATER POLLUTION

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(I) **Receiving System.** The body of water, stream, or watercourse receiving the discharge waters from the storm water system, or formed by the water discharged from the storm water system.

(J) **State.** The State of North Carolina, North Carolina Department of Environment and Natural Resources Division of Environmental Management, or any duly authorized representative thereof.

(K) **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(L) **Storm Water System.** The network of inlets, pipes, ditches, swales, ponds, and other natural or manmade facilities and appurtenances which serve to collect and convey storm water through and from a given drainage area.

§52.01 PURPOSE

The purpose of this Chapter is to prevent pollutants from entering into the Storm Water System of the Town of Matthews. The provisions of this article are supplemental to regulations administered by the state or federal governments.

§52.02 DEFINITIONS

(A) **Committee.** The Matthews Environmental Advisory Committee as established by the Matthews Town Council.

(B) **EPA.** The United States Environmental Protection Agency or other duly authorized official of said agency.

(C) **Illicit connection.** Any physical connection, actual or potential flow discharge, or other condition which could permit non-storm water to enter the storm water system.

(D) **Improper disposal.** The releasing of matter or fluids other than atmospheric precipitation at the location where the matter or fluid can enter the storm water system.

(E) **Non-storm water.** Any flow which is not from a form of natural precipitation or includes matter other than water in an uncombined form.

(F) **NPDES Permit.** National Pollution Discharge Elimination System Permit issued pursuant to the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.*

(G) **Person.** Any individual, partnership, firm, association, company, trust, estate, corporation, commission, institution, utility, governmental entity, or other legal entity, or their legal representatives, agents, or assignees.

(H) **Pollutant.** A man-induced substance which alters the chemical, physical, biological, thermal, and/or radiological integrity of water.

§52.03 DISCHARGE PROHIBITIONS

(A) No person shall discharge, cause to be discharged, directly or indirectly, or cause any pollutant to enter into the storm drain system unless permitted by a NPDES Permit.

(B) No person shall discharge, cause to be discharged through pipelines, ditches, and overland flow carrying non-storm water into the storm water system except incidental non-storm water flow which does not negatively impact the quality of Receiving Stream, or as permitted by a NPDES Permit. Prohibited discharges include, but are not limited to, wastewater lines such as those from washing machines or sanitary sewers, commercial wash water from cleaning vehicles or equipment, flushing water such as that from industrial operations, floor drains, overflowing septic systems, and misuse of fertilizers, pesticides, and herbicides.

(C) No person shall dispose or cause to be disposed solids and fluids which may be harmful to biological life in or near the storm water system, or at a location exposed to wind or rain which could transport the substances to the storm water system. Prohibited substances include, but are not limited to, oil, grease, household industrial chemical waste, leaves, grass clippings, dead plants, animal matter, and animal waste.

§52.04 ACCIDENTAL DISCHARGE

In the case of an accidental discharge, the responsible party shall immediately begin to collect and

remove the discharge and restore all affected areas to their original condition. The responsible party shall immediately notify the town of the accidental discharge, including the location of the discharge, type of pollutant, volume or quantity, time of discharge, and corrective actions taken. Notification shall not be a defense, however, to any civil liability that may arise out of the discharge.

§52.05 NOTICE OF VIOLATION

When the Town Manager, or his authorized representative, finds that a discharge or disposal violates any provisions of this Chapter, the Manager or his authorized representative may issue a Notice of Violation and direct the responsible party to:

(A) Comply immediately;

(B) Comply in accordance with a schedule set forth in the Notice; or

(C) Take appropriate remedial or preventative action in the event of a continuing or threatening violation.

§52.06 APPEAL PROCESS

(A) Any person who desires to appeal a demand for payment of the civil penalty shall have thirty (30) days from said demand of payment to appeal in writing to the Committee. The Committee shall then grant an appeal hearing within thirty (30) days after receipt of Notice of Appeal of Penalty in writing. The Committee shall notify the appellant at least ten (10) days prior to the date of the hearing as to the time and place.

(B) Thereafter the appellant shall have thirty (30) days to comply with the final decision of the Committee.

§52.07 CIVIL PENALTIES

(A) A violation of the provision of this article shall be subject to a civil penalty of up to one thousand dollars (\$1,000.00) per day for the first offense. Each subsequent violation is subject to incrementally increasing penalties of up to an additional one thousand dollars (\$1,000.00) such that a second violation is subject to a penalty of up to two thousand dollars (\$2,000.00) per day; a third violation is subject to a penalty of up to three thousand dollars (\$3,000.00) per day; and the maximum penalty may not exceed twenty-five thousand dollars (\$25,000.00) per day per violation.

(B) Additional civil penalties shall be added to the violation penalties to be assessed based on restoration costs, which include, but are not limited to clean-up costs, devaluation of the property, value of animal and plant life damage, and the Town's administrative costs.

(C) A violation of this Chapter shall not constitute a misdemeanor or infraction punishable under the criminal laws of North Carolina.

§52.08 SEVERABILITY

Any section or sections of this article which are held to be invalid or unenforceable shall not effect the enforceability of all other sections herein.

(Ordinance No. 1140, passed 11-27-00)