

**927.24 ILLICIT NON-STORMWATER DISCHARGE & ILLEGAL CONNECTION TO THE STORM SEWER SYSTEM.**

**Prohibited discharge to separate storm sewers and watercourses:**

- (a) No person shall discharge any wastewater treatment plant effluent, cooling water, or unpolluted water into any separate storm sewer or watercourse unless such discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit or is exempt from NPDES permit regulations and is not otherwise prohibited by this section.**
- (a) No person shall discharge or cause to be discharged into any separate storm sewer any stormwater associated with industrial activity as defined in 40 CFR 122.26(b) (Code of Federal Regulations associated with the NPDES program) unless the discharge is in compliance with all applicable provisions of the NPDES stormwater regulations in 40 CFR 122.26 and any applicable state regulations and is in compliance with the terms and conditions of any system-wide stormwater discharge permit issued to the district pursuant to those regulations. (Ord. 0179-2010. Passed 12-6-10.)**

**(A) PURPOSE AND SCOPE**

THE PURPOSE OF THIS REGULATION IS TO PROVIDE FOR THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THE CITY OF GAHANNA THROUGH THE REGULATION OF ILLICIT DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). THIS REGULATION ESTABLISHES METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE MS4 IN ORDER TO COMPLY WITH REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROCESS AS REQUIRED BY THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OHIO EPA). THE OBJECTIVES OF THIS REGULATION ARE:

- (1) TO PROHIBIT ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS TO THE MS4.**
- (2) TO ESTABLISH LEGAL AUTHORITY TO CARRY OUT INSPECTIONS, MONITORING PROCEDURES, AND ENFORCEMENT ACTIONS NECESSARY TO ENSURE COMPLIANCE WITH THIS REGULATION.**

**(B) APPLICABILITY**

THIS REGULATION SHALL APPLY TO ALL RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL FACILITIES RESPONSIBLE FOR DISCHARGES TO THE MS4 AND ON ANY LANDS IN THE CITY OF GAHANNA, EXCEPT FOR THOSE DISCHARGES GENERATED BY THE ACTIVITIES DETAILED IN SECTION 927.24 (G)(1)(A) TO (1)(C) OF THIS REGULATION.

**(C) DEFINITIONS**

THE WORDS AND TERMS USED IN THIS REGULATION, UNLESS OTHERWISE EXPRESSLY STATED, SHALL HAVE THE FOLLOWING MEANING:

- (1) BEST MANAGEMENT PRACTICES (BMPS):** MEANS SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, GENERAL GOOD HOUSE KEEPING PRACTICES, POLLUTION PREVENTION AND EDUCATIONAL PRACTICES, MAINTENANCE PROCEDURES, AND OTHER MANAGEMENT PRACTICES TO PREVENT OR REDUCE THE DISCHARGE OF POLLUTANTS TO STORM WATER. BMPS ALSO INCLUDE TREATMENT PRACTICES, OPERATING PROCEDURES, AND PRACTICES TO CONTROL SITE RUNOFF, SPILLAGE OR LEAKS, SLUDGE OR WATER DISPOSAL, OR DRAINAGE FROM RAW MATERIALS STORAGE.
- (2) COMMUNITY:** MEANS THE CITY OF GAHANNA, ITS DESIGNATED REPRESENTATIVES, BOARDS, OR COMMISSIONS.
- (3) ENVIRONMENTAL PROTECTION AGENCY OR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA):** MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, INCLUDING BUT NOT LIMITED TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA), OR ANY DULY AUTHORIZED OFFICIAL OF SAID AGENCY.
- (4) FLOATABLE MATERIAL:** IN GENERAL THIS TERM MEANS ANY FOREIGN MATTER THAT MAY FLOAT OR REMAIN SUSPENDED IN THE WATER COLUMN, AND INCLUDES BUT IS NOT LIMITED TO, PLASTIC, ALUMINUM CANS, WOOD PRODUCTS, BOTTLES, AND PAPER PRODUCTS.
- (5) HAZARDOUS MATERIAL:** MEANS ANY MATERIAL INCLUDING ANY SUBSTANCE, WASTE, OR COMBINATION THEREOF, WHICH BECAUSE OF ITS QUANTITY, CONCENTRATION, OR PHYSICAL, CHEMICAL, OR INFECTIOUS CHARACTERISTICS MAY CAUSE, OR SIGNIFICANTLY CONTRIBUTE TO, A SUBSTANTIAL PRESENT OR POTENTIAL HAZARD TO HUMAN HEALTH, SAFETY, PROPERTY, OR THE ENVIRONMENT WHEN IMPROPERLY TREATED, STORED, TRANSPORTED, DISPOSED OF, OR OTHERWISE MANAGED.
- (6) ILLICIT DISCHARGE:** AS DEFINED IN THE CODE OF FEDERAL REGULATIONS (C.F.R.) AT 40 C.F.R. 122.26 (B)(2) MEANS ANY DISCHARGE TO AN MS4 THAT IS NOT COMPOSED ENTIRELY OF STORM WATER, EXCEPT FOR THOSE DISCHARGES TO AN MS4

**PURSUANT TO A NPDES PERMIT OR NOTED IN SECTION 927.24 OF THIS REGULATION.**

(7) **ILLEGAL CONNECTION:** MEANS ANY DRAIN OR CONVEYANCE, WHETHER ON THE SURFACE OR SUBSURFACE, THAT ALLOWS AN ILLICIT DISCHARGE TO ENTER THE MS4.

(8) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** AS DEFINED AT 40 C.F.R. 122.26 (B)(8), MUNICIPAL SEPARATE STORM SEWER SYSTEM MEANS A CONVEYANCE OR SYSTEM OF CONVEYANCES (INCLUDING ROADS WITH DRAINAGE SYSTEMS, MUNICIPAL STREETS, CATCH BASINS, CURBS, GUTTERS, DITCHES, MAN-MADE CHANNELS, OR STORM DRAINS):

- A. OWNED OR OPERATED BY A STATE, CITY, TOWN, BOROUGH, COUNTY, PARISH, DISTRICT, MUNICIPALITY, TOWNSHIP, COUNTY, DISTRICT, ASSOCIATION, OR OTHER PUBLIC BODY (CREATED BY OR PURSUANT TO STATE LAW) HAVING JURISDICTION OVER SEWAGE, INDUSTRIAL WASTES, INCLUDING SPECIAL DISTRICTS UNDER STATE LAW SUCH AS A SEWER DISTRICT, OR SIMILAR ENTITY, OR AN INDIAN TRIBE OR AN AUTHORIZED INDIAN TRIBAL ORGANIZATION, OR A DESIGNATED AND APPROVED MANAGEMENT AGENCY UNDER SECTION 208 OF THE CLEAN WATER ACT THAT DISCHARGES TO WATERS OF THE UNITED STATES;
- B. DESIGNED OR USED FOR COLLECTING OR CONVEYING STORM WATER;
- C. WHICH IS NOT A COMBINED SEWER; AND
- D. WHICH IS NOT PART OF A PUBLICLY OWNED TREATMENT WORKS (POTW) AS DEFINED AT 40 C.F.R. 122.2.

(9) **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT:** MEANS A PERMIT ISSUED BY THE EPA (OR BY A STATE UNDER AUTHORITY DELEGATED PURSUANT TO 33 UNITED STATES CONSTITUTION (USC) § 1342(B)) THAT AUTHORIZES THE DISCHARGE OF POLLUTANTS TO WATERS OF THE UNITED STATES, WHETHER THE PERMIT IS APPLICABLE ON AN INDIVIDUAL, GROUP, OR GENERAL AREA-WIDE BASIS.

(10) **OFF-LOT DISCHARGING HOME SEWAGE TREATMENT SYSTEM:** MEANS A SYSTEM DESIGNED TO TREAT HOME SEWAGE ON-SITE

AND DISCHARGES TREATED WASTEWATER EFFLUENT OFF THE PROPERTY INTO A STORM WATER OR SURFACE WATER CONVEYANCE OR SYSTEM.

(11) OWNER/OPERATOR: MEANS ANY INDIVIDUAL, ASSOCIATION, ORGANIZATION, PARTNERSHIP, FIRM, CORPORATION OR OTHER ENTITY RECOGNIZED BY LAW AND ACTING AS EITHER THE OWNER OR ON THE OWNER'S BEHALF.

(12) POLLUTANT: MEANS ANYTHING THAT CAUSES OR CONTRIBUTES TO POLLUTION. POLLUTANTS MAY INCLUDE, BUT ARE NOT LIMITED TO, PAINTS, VARNISHES, SOLVENTS, OIL AND OTHER AUTOMOTIVE FLUIDS, NON-HAZARDOUS LIQUID AND SOLID WASTES, YARD WASTES, REFUSE, RUBBISH, GARBAGE, LITTER OR OTHER DISCARDED OR ABANDONED OBJECTS, FLOATABLE MATERIALS, PESTICIDES, HERBICIDES, FERTILIZERS, HAZARDOUS MATERIALS, WASTES, SEWAGE, DISSOLVED AND PARTICULATE METALS, ANIMAL WASTES, RESIDUES THAT RESULT FROM CONSTRUCTING A STRUCTURE, AND NOXIOUS OR OFFENSIVE MATTER OF ANY KIND.

(13) STORM WATER: ANY SURFACE FLOW, RUNOFF, AND DRAINAGE CONSISTING ENTIRELY OF WATER FROM ANY FORM OF NATURAL PRECIPITATION, AND RESULTING FROM SUCH PRECIPITATION.

(14) WASTEWATER: THE SPENT WATER OF A COMMUNITY. FROM THE STANDPOINT OF A SOURCE, IT MAY BE A COMBINATION OF THE LIQUID AND WATER-CARRIED WASTES FROM RESIDENCES, COMMERCIAL BUILDINGS, INDUSTRIAL PLANTS, AND INSTITUTIONS.

(D) DISCLAIMER OF LIABILITY  
COMPLIANCE WITH THE PROVISIONS OF THIS REGULATION SHALL NOT RELIEVE ANY PERSON FROM RESPONSIBILITY FOR DAMAGE TO ANY PERSON OTHERWISE IMPOSED BY LAW. THE PROVISIONS OF THIS REGULATION ARE PROMULGATED TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC AND ARE NOT DESIGNED FOR THE BENEFIT OF ANY INDIVIDUAL OR FOR THE BENEFIT OF ANY PARTICULAR PARCEL OF PROPERTY.

(E) CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY  
(1) WHERE THIS REGULATION IS IN CONFLICT WITH OTHER PROVISIONS OF LAW OR ORDINANCE, THE MOST RESTRICTIVE PROVISIONS, AS DETERMINED BY THE CITY OF GAHANNA, SHALL PREVAIL.

- (2) IF ANY CLAUSE, SECTION, OR PROVISION OF THIS REGULATION IS DECLARED INVALID OR UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE VALIDITY OF THE REMAINDER SHALL NOT BE AFFECTED THEREBY.**
- (3) THIS REGULATION SHALL NOT BE CONSTRUED AS AUTHORIZING ANY PERSON TO MAINTAIN A NUISANCE ON THEIR PROPERTY, AND COMPLIANCE WITH THE PROVISIONS OF THIS REGULATION SHALL NOT BE A DEFENSE IN ANY ACTION TO ABATE SUCH A NUISANCE.**
- (4) FAILURE OF THE CITY OF GAHANNA TO OBSERVE OR RECOGNIZE HAZARDOUS OR UNSIGHTLY CONDITIONS OR TO RECOMMEND CORRECTIVE MEASURES SHALL NOT RELIEVE THE SITE OWNER FROM THE RESPONSIBILITY FOR THE CONDITION OR DAMAGE RESULTING THERE FROM, AND SHALL NOT RESULT IN THE CITY OF GAHANNA, ITS OFFICERS, EMPLOYEES, OR AGENTS BEING RESPONSIBLE FOR ANY CONDITION OR DAMAGE RESULTING THERE FROM.**

**(F) RESPONSIBILITY FOR ADMINISTRATION**  
THE CITY OF GAHANNA SHALL ADMINISTER, IMPLEMENT, AND ENFORCE THE PROVISIONS OF THIS REGULATION. THE CITY OF GAHANNA MAY CONTRACT WITH OTHER AGENCIES TO CONDUCT INSPECTIONS AND MONITORING AND TO ASSIST WITH ENFORCEMENT ACTIONS.

**(G) DISCHARGE AND CONNECTION PROHIBITIONS**

- (1) PROHIBITION OF ILLICIT DISCHARGES. NO PERSON SHALL DISCHARGE, OR CAUSE TO BE DISCHARGED, AN ILLICIT DISCHARGE INTO THE MS4. THE COMMENCEMENT, CONDUCT, OR CONTINUANCE OF ANY ILLICIT DISCHARGE TO THE MS4 IS PROHIBITED EXCEPT AS DESCRIBED BELOW:**
- A. LINE FLUSHING; LANDSCAPE IRRIGATION; DIVERTED STREAM FLOWS; RISING WATER GROUND WATERS; UNCONTAMINATED GROUND WATER INFILTRATION; UNCONTAMINATED PUMPED GROUND WATER; DISCHARGES FROM POTABLE WATER SOURCES; FOUNDATION DRAINS; AIR CONDITIONING CONDENSATE; IRRIGATION WATER; SPRINGS; WATER FROM CRAWL SPACE PUMPS; FOOTING DRAINS; LAWN WATERING; INDIVIDUAL RESIDENTIAL CAR WASHING; SMALL CHARITY CAR WASHES; FLOWS FROM RIPARIAN HABITATS AND WETLANDS; DECHLORINATED**

SWIMMING POOL DISCHARGES; STREET WASH WATER; AND DISCHARGES OR FLOWS FROM FIRE FIGHTING ACTIVITIES. THESE DISCHARGES ARE EXEMPT UNTIL SUCH TIME AS THEY ARE DETERMINED BY THE CITY OF GAHANNA TO BE SIGNIFICANT CONTRIBUTORS OF POLLUTANTS TO THE MS4. ADDITIONAL, OTHER WATER SOURCES NOT CONTAINING POLLUTANTS MAY BE CONSIDERED AT THE DISCRETION OF THE CITY ENGINEER.

- B. DISCHARGES SPECIFIED IN WRITING BY THE CITY OF GAHANNA AS BEING NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY.**
- C. DISCHARGES FROM OFF-LOT HOUSEHOLD SEWAGE TREATMENT SYSTEMS PERMITTED BY THE FRANKLIN COUNTY PUBLIC HEALTH DISTRICT FOR THE PURPOSE OF DISCHARGING TREATED SEWAGE EFFLUENT UNLESS SUCH DISCHARGES ARE DEEMED TO BE CREATING A PUBLIC HEALTH NUISANCE BY THE FRANKLIN COUNTY PUBLIC HEALTH DISTRICT. IN COMPLIANCE WITH THE CITY OF GAHANNA STORM WATER MANAGEMENT PROGRAM, DISCHARGES FROM ALL OFF-LOT HOUSEHOLD SEWAGE TREATMENT SYSTEMS MUST EITHER BE ELIMINATED OR HAVE COVERAGE UNDER AN APPROPRIATE NPDES PERMIT ISSUED AND APPROVED BY THE OHIO ENVIRONMENTAL PROTECTION AGENCY. WHEN SUCH PERMIT COVERAGE IS AVAILABLE, DISCHARGES FROM HOUSEHOLD SEWAGE TREATMENT SYSTEMS WILL NO LONGER BE EXEMPT FROM THE REQUIREMENTS OF THIS REGULATION.**

**(2) PROHIBITION OF ILLEGAL CONNECTIONS. THE CONSTRUCTION, USE, MAINTENANCE, OR CONTINUED EXISTENCE OF ILLEGAL CONNECTIONS TO THE MS4 IS PROHIBITED.**

- A. THIS PROHIBITION EXPRESSLY INCLUDES, WITHOUT LIMITATION, ILLEGAL CONNECTIONS MADE IN THE PAST, REGARDLESS OF WHETHER THE CONNECTION WAS PERMISSIBLE UNDER LAW OR PRACTICES APPLICABLE OR PREVAILING AT THE TIME OF CONNECTION.**
- B. A PERSON IS CONSIDERED TO BE IN VIOLATION OF THIS REGULATION IF THE PERSON CONNECTS A LINE CONVEYING**

ILLICIT DISCHARGES TO THE MS4, OR ALLOWS SUCH A CONNECTION TO CONTINUE.

**(H) INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGE.**

**(1) INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGE.** ANY PERSON SUBJECT TO AN INDUSTRIAL OR CONSTRUCTION ACTIVITY NPDES STORMWATER DISCHARGE PERMIT SHALL COMPLY WITH ALL PROVISIONS OF SUCH PERMIT. PROOF OF COMPLIANCE WITH SAID PERMIT MAY BE REQUIRED IN A FORM ACCEPTABLE TO THE CITY OF GAHANNA PRIOR TO ALLOWING DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.

**(2) PORTABLE TOILETS**

- A. PROPERTY OWNERS, OCCUPANTS, MANAGERS OR OTHER PERSONS IN CHARGE OF ANY PREMISES, OFFICE, BUSINESS ESTABLISHMENT, INSTITUTION, INDUSTRY, OR SIMILAR FACILITY, INCLUDING CONSTRUCTION OR DEMOLITION SITES, SHALL BE RESPONSIBLE FOR THE PLACEMENT AND SANITARY MAINTENANCE OF PORTABLE TOILETS.**
- B. PORTABLE TOILETS SHALL BE INSTALLED IN A LEVEL POSITION AND BE EASILY ACCESSIBLE TO USERS.**
- C. WHERE POSSIBLE, PORTABLE TOILETS SHALL NOT BE LOCATED UPON ANY STREET OR PUBLIC RIGHT-OF-WAY. PORTABLE TOILETS SHALL NOT BE LOCATED ON, OR WITHIN TWENTY (20) FEET OF A STORM DRAIN, OR WITHIN ONE HUNDRED (100) FEET FROM ANY BODY OF WATER INCLUDING BUT NOT LIMITED TO PROJECT PONDS WITH OVER FLOW DEVICES. PORTABLE TOILETS SHALL NOT BE LOCATED WITHIN ELEVEN (11) FEET OF A CURB AND / OR GUTTER. IF PORTABLE TOILET PLACEMENT IS FOR A PERIOD OF TIME LASTING LONGER THAN ONE WEEK, AND IS DETERMINED BY THE CITY TO BE VULNERABLE TO TIPPING FROM WIND, OR VANDALISM, THE PORTABLE TOILET SHALL BE SECURED BY STAKING OR CABLING.**
- D. WHERE POSSIBLE, PORTABLE TOILETS SHALL BE LOCATED UPON NATURAL GROUND AND NOT ON AN IMPERVIOUS SURFACE SUCH AS CONCRETE OR ASPHALT.**

- E. PORTABLE TOILETS SHALL NOT BE LOCATED WHEREBY A SPILL OR RUNOFF WILL DIRECTLY ENTER INTO STORM DRAINS OR ANY WATER SYSTEM.**
  - F. PORTABLE TOILETS ARE NOT TO BE WASHED DOWN WHEREBY ALLOWING CONTAMINATION RUNOFF TO POLLUTE SOIL AND WATER RESOURCES AND CREATE POTENTIAL HUMAN HEALTH ISSUES AND/OR AQUATIC DEGRADATION. HOWEVER, WASHING THE OUTSIDE OF THE UNIT IS ALLOWED AS LONG AS NO CONTAMINANTS ARE PRESENT THERE.**
  - G. PORTABLE TOILETS MUST BE CLEANED AND SERVICED BY A LICENSED SERVICE COMPANY AT LEAST ONCE PER WEEK OR WHEN NEEDED TO MAINTAIN SANITARY CONDITIONS. CLEANING AND SANITIZING SHALL INCLUDE THE USE OF A SANITIZING SOLUTION FOR CLEANING URINALS AND TOILET SEATS, REMOVING WASTE FROM CONTAINERS, RECHARGING CONTAINERS WITH AN ODOR-CONTROLLING SOLUTION AND INSTALLING AN ADEQUATE SUPPLY OF TOILET PAPER. REMOVAL OF WASTE SHALL BE HANDLED IN A CLEAN AND SANITARY MANNER BY MEANS OF A VACUUM HOSE AND RECEIVED BY A LEAK PROOF TANK TRUCK. ALL PORTS ON THE TANK SHALL BE VALVED AND CAPPED.**
  - H. SPECIAL EVENTS: CITY OR PRIVATELY SPONSORED SPECIAL EVENTS MAY BE REQUIRED TO SUBMIT A PLAN SHOWING THE LOCATION OF THE PORTABLE TOILETS TO THE CITY SERVICE DEPARTMENT FOR REVIEW AND APPROVAL. THESE PORTABLE TOILETS FOR THE EVENT SHALL BE CONSIDERED TEMPORARY FOR A DURATION NO LONGER THAN FIVE (5) DAYS AFTER WHICH TIME THEY MUST BE REMOVED AND THE LOCATION PLAN SHALL BE CONSIDERED EXPIRED.**
- (I) MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS**
  - (1) ESTABLISHMENT OF AN ILLICIT DISCHARGE AND ILLEGAL CONNECTION MONITORING PROGRAM: THE CITY OF GAHANNA SERVICE DEPARTMENT OR ITS DESIGNEE SHALL ESTABLISH A PROGRAM TO DETECT AND ELIMINATE ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS TO THE MS4 IN COMPLIANCE WITH GENERAL PERMITTING REQUIREMENTS OF THE OEPA.**
  - (2) INSPECTION OF RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL FACILITIES.**

- A. THE CITY OF GAHANNA SERVICE DEPARTMENT OR ITS DESIGNEE SHALL BE PERMITTED WITHOUT PRIOR NOTICE TO ENTER AND INSPECT FACILITIES SUBJECT TO THIS REGULATION AS OFTEN AS MAY BE NECESSARY TO DETERMINE COMPLIANCE WITH THIS REGULATION.**
- B. THE CITY OF GAHANNA SERVICE DEPARTMENT OR ITS DESIGNEE SHALL HAVE THE AUTHORITY TO SET UP AT FACILITIES SUBJECT TO THIS REGULATION SUCH DEVICES AS ARE NECESSARY TO CONDUCT MONITORING AND/OR SAMPLING OF THE FACILITY'S STORM WATER DISCHARGE, AS DETERMINED BY THE CITY OF GAHANNA.**
- C. THE CITY OF GAHANNA SERVICE DEPARTMENT OR ITS DESIGNEE SHALL HAVE THE AUTHORITY TO REQUIRE THE FACILITY OWNER/OPERATOR TO INSTALL MONITORING EQUIPMENT AS NECESSARY. THIS SAMPLING AND MONITORING EQUIPMENT SHALL BE MAINTAINED AT ALL TIMES IN SAFE AND PROPER OPERATING CONDITION BY THE FACILITY OWNER/OPERATOR AT THE OWNER/OPERATOR'S EXPENSE. THE CITY OF GAHANNA SERVICE DEPARTMENT OR ITS DESIGNEE SHALL HAVE THE AUTHORITY TO CALIBRATE SAID DEVICES USED TO MEASURE STORM WATER FLOW AND QUALITY TO ENSURE THEIR ACCURACY.**
- D. ANY TEMPORARY OR PERMANENT OBSTRUCTION TO SAFE AND REASONABLE ACCESS TO THE FACILITY TO BE INSPECTED AND/OR SAMPLED SHALL BE PROMPTLY REMOVED BY THE FACILITY'S OWNER/OPERATOR AT THE WRITTEN OR ORAL REQUEST OF THE CITY OF GAHANNA AND SHALL NOT BE REPLACED. THE COSTS OF CLEARING SUCH ACCESS SHALL BE BORNE BY THE FACILITY OWNER/OPERATOR.**
- E. UNREASONABLE DELAYS IN ALLOWING THE CITY OF GAHANNA ACCESS TO A FACILITY SUBJECT TO THIS REGULATION FOR THE PURPOSES OF ILLICIT DISCHARGE INSPECTION IS A VIOLATION OF THIS REGULATION.**
- F. IF THE CITY OF GAHANNA IS REFUSED ACCESS TO ANY PART OF THE FACILITY FROM WHICH STORM WATER IS DISCHARGED, AND THE CITY OF GAHANNA DEMONSTRATES PROBABLE CAUSE TO BELIEVE THAT THERE MAY BE A VIOLATION OF THIS REGULATION, OR THAT THERE IS A NEED TO INSPECT AND/OR SAMPLE AS PART OF AN INSPECTION AND**

**SAMPLING PROGRAM DESIGNED TO VERIFY COMPLIANCE WITH THIS REGULATION OR ANY ORDER ISSUED HEREUNDER, OR TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE, THE CITY OF GAHANNA MAY SEEK ISSUANCE OF A SEARCH WARRANT, CIVIL REMEDIES INCLUDING BUT NOT LIMITED TO INJUNCTIVE RELIEF, AND/OR CRIMINAL REMEDIES FROM ANY COURT OF APPROPRIATE JURISDICTION.**

**G. ANY COSTS ASSOCIATED WITH THESE INSPECTIONS SHALL BE ASSESSED TO THE FACILITY OWNER/OPERATOR.**

**(J) NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS**

- (1) NOTWITHSTANDING OTHER REQUIREMENTS OF LAW, AS SOON AS ANY PERSON RESPONSIBLE FOR A FACILITY, ACTIVITY OR OPERATION, OR RESPONSIBLE FOR EMERGENCY RESPONSE FOR A FACILITY, ACTIVITY OR OPERATION HAS INFORMATION OF ANY KNOWN OR SUSPECTED RELEASE OF POLLUTANTS OR NON-STORMWATER DISCHARGES FROM THAT FACILITY OR OPERATION WHICH ARE RESULTING OR MAY RESULT IN ILLICIT DISCHARGES OR POLLUTANTS DISCHARGING INTO STORMWATER, THE MS4, STATE WATERS, OR WATERS OF THE UNITED STATES, SAID PERSON SHALL TAKE ALL NECESSARY STEPS TO ENSURE THE DISCOVERY, CONTAINMENT, AND CLEANUP OF SUCH RELEASE SO AS TO MINIMIZE THE EFFECTS OF THE DISCHARGE.**
- (2) SAID RESPONSIBLE PERSON SHALL NOTIFY THE AUTHORIZED ENFORCEMENT AGENCY IN PERSON, BY PHONE, OR OTHER METHOD NO LATER THAN TWENTY-FOUR (24) HOURS OF THE NATURE, QUANTITY AND TIME OF OCCURRENCE OF THE DISCHARGE. NOTIFICATIONS SHALL BE CONFIRMED BY WRITTEN NOTICE ADDRESSED AND MAILED TO THE CITY OF GAHANNA WITHIN THREE (3) BUSINESS DAYS. IF THE DISCHARGE OF PROHIBITED MATERIALS EMANATES FROM A COMMERCIAL OR INDUSTRIAL ESTABLISHMENT, THE OWNER OR OPERATOR OF SUCH ESTABLISHMENT SHALL ALSO RETAIN AN ON-SITE WRITTEN RECORD OF THE DISCHARGE AND THE ACTIONS TAKEN TO PREVENT ITS RECURRENT. SUCH RECORDS SHALL BE RETAINED FOR AT LEAST THREE (3) YEARS. SAID PERSON SHALL ALSO TAKE IMMEDIATE STEPS TO ENSURE NO RECURRENT OF THE DISCHARGE OR SPILL.**
- (3) IN THE EVENT OF SUCH A RELEASE OF HAZARDOUS MATERIALS, EMERGENCY RESPONSE AGENCIES AND/OR OTHER**

**APPROPRIATE AGENCIES SHALL BE IMMEDIATELY NOTIFIED. FAILURE TO PROVIDE NOTIFICATION OF A RELEASE AS PROVIDED ABOVE IS A VIOLATION OF THIS ORDINANCE.**

**(K) ENFORCEMENT**

- (1) NOTICE OF VIOLATION.** WHEN THE CITY OF GAHANNA FINDS THAT A PERSON HAS VIOLATED A PROHIBITION OR FAILED TO MEET A REQUIREMENT OF THIS REGULATION, THE CITY OF GAHANNA MAY ORDER COMPLIANCE BY WRITTEN NOTICE OF VIOLATION. SUCH NOTICE MUST SPECIFY THE VIOLATION AND SHALL BE HAND DELIVERED, AND/OR SENT BY REGISTERED MAIL, TO THE OWNER/OPERATOR OF THE FACILITY. SUCH NOTICE SHALL REQUIRE ONE OR MORE OF THE FOLLOWING ACTIONS:
  - A. THE PERFORMANCE OF MONITORING, ANALYSES, AND REPORTING;**
  - B. THE ELIMINATION OF ILLICIT DISCHARGES OR ILLEGAL CONNECTIONS;**
  - C. THAT VIOLATING DISCHARGES, PRACTICES, OR OPERATIONS CEASE AND DESIST;**
  - D. THE ABATEMENT OR REMEDIATION OF STORM WATER POLLUTION OR CONTAMINATION HAZARDS AND THE RESTORATION OF ANY AFFECTED PROPERTY; OR**
  - E. THE IMPLEMENTATION OF SOURCE CONTROL OR TREATMENT BMPs.**
- (2) IF ABATEMENT OF A VIOLATION AND/OR RESTORATION OF AFFECTED PROPERTY IS REQUIRED, THE NOTICE OF VIOLATION SHALL SET FORTH A DEADLINE WITHIN WHICH SUCH REMEDIATION OR RESTORATION MUST BE COMPLETED. SAID NOTICE SHALL FURTHER ADVISE THAT, SHOULD THE FACILITY OWNER/OPERATOR FAIL TO REMEDIATE OR RESTORE WITHIN THE ESTABLISHED DEADLINE, A LEGAL ACTION FOR ENFORCEMENT MAY BE INITIATED.**
- (3) ANY PERSON RECEIVING A NOTICE OF VIOLATION MUST MEET COMPLIANCE STANDARDS WITHIN THE TIME ESTABLISHED IN THE NOTICE OF VIOLATION.**
- (4) APPEAL:** IF THE VIOLATION HAS NOT BEEN CORRECTED PURSUANT TO THE REQUIREMENTS SET FORTH IN THE NOTICE OF VIOLATION, THE CITY OF GAHANNA SHALL SCHEDULE AN APPEAL BEFORE THE BOARD OF ZONING AND BUILDING APPEALS TO DETERMINE REASONS FOR NON-COMPLIANCE AND TO DETERMINE THE NEXT ENFORCEMENT ACTIVITY. NOTICE OF

**THE APPEAL SHALL BE HAND DELIVERED TO THE OWNER/OPERATOR OF THE FACILITY AND/OR SENT REGISTERED MAIL.**

**(5) INJUNCTIVE RELIEF: IT SHALL BE UNLAWFUL FOR ANY OWNER/OPERATOR TO VIOLATE ANY PROVISION OR FAIL TO COMPLY WITH ANY OF THE REQUIREMENTS OF THIS REGULATION PURSUANT TO O.R.C. 3709.211. IF AN OWNER/OPERATOR HAS VIOLATED OR CONTINUES TO VIOLATE THE PROVISIONS OF THIS REGULATION, THE CITY OF GAHANNA MAY PETITION FOR A PRELIMINARY OR PERMANENT INJUNCTION RESTRAINING THE OWNER/OPERATOR FROM ACTIVITIES THAT WOULD CREATE FURTHER VIOLATIONS OR COMPELLING THE OWNER/OPERATOR TO PERFORM ABATEMENT OR REMEDIATION OF THE VIOLATION.**

**(L) REMEDIES NOT EXCLUSIVE**

**THE REMEDIES LISTED IN THIS REGULATION ARE NOT EXCLUSIVE OF ANY OTHER REMEDIES AVAILABLE UNDER ANY APPLICABLE FEDERAL, STATE OR LOCAL LAW AND IT IS IN THE DISCRETION OF THE CITY OF GAHANNA TO SEEK CUMULATIVE REMEDIES.**

**(M) VIOLATIONS**

**ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE CHARGED WITH A MINOR MISDEMEANOR ON THE FIRST OFFENSE AND FOR EACH SUBSEQUENT OFFENSE SHALL BE CHARGED WITH A MISDEMEANOR OF THE FOURTH DEGREE.**