

## CHAPTER 8

**STORM WATER GENERALLY**

## SECTION:

- 7-8-1: Purpose
- 7-8-2: Definitions
- 7-8-3: Prohibited Activities
- 7-8-4: Prohibited Obstructions
- 7-8-5: Prohibited Discharges
- 7-8-6: Prohibited Storage and Littering
- 7-8-7: Mud, Dirt and Debris on City Streets
- 7-8-8: Damage to Storm Sewer System or Irrigation Lines
- 7-8-9: Requirements for Sumps
- 7-8-10: Manhole Covers
- 7-8-11: Drinking Water Protection
- 7-8-12: Notice of Violation
- 7-8-13: Violation and Penalty
- 7-8-14: Compliance with Federal and State Laws

7-8-1: **PURPOSE:** The purpose of this chapter is to minimize the pollutants that enter rivers and lakes through storm water runoff. Federal and state mandates require that municipalities such as Providence City adopt ordinances and policies that meet the requirements of The Environmental Protection Agency's (EPA) "National Pollutant Discharge Elimination System" (NPDES) and the "Utah Pollutant Discharge Elimination System" (UPDES). This ordinance seeks to meet that purpose through the following objectives:

- A. Minimize increases in storm water runoff from any development in order to reduce flooding, silt accumulation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- B. Minimize increases in non-point source pollution caused by storm water runoff from development which would otherwise degrade local water quality;
- C. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
- D. Minimize damage to public and private property.

7-8-2: **DEFINITIONS:** The following words and phrases shall be defined as follows for the purpose of this Chapter and Chapter 7-9, and 7-10 and all documents related to Providence City storm water.

## ACRONYMS:

BMP	Best Management Practice
CEU	Civil Engineering Unit
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	Environmental Protection Agency
FR	Federal Register
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NOT	Notice of Termination
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
SWMP	Storm Water Management Plan
SWP3	Storm Water Pollution Prevention Plan
TMDL	Total Maximum Daily Load
UPDES	Utah Pollutant Discharge Elimination System

**BEST MANAGEMENT PRACTICES (BMPs):** A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMPs can be found in the Providence City Best Management Practices Manual.

**CATCH BASIN:** A drain inlet designed to keep out large or obstructive matter.

**CITY ADMINISTRATOR:** The City of Providence City Administrator or his or her designee.

**CLEAN-UP:** To restore to a condition equal to or better than its pre-existing condition.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act, 33 USC Sec1251 et seq.; as amended, and the applicable regulations promulgated thereunder.

CONCRETE WASHOUT AREA:	An area on the construction site or building parcel set aside by the contractor for the washout of concrete delivery vehicles.
CONTRACTOR CERTIFICATION STATEMENT OF UNDERSTANDING:	This certificate shall be used as Providence City's Construction Activity Permit. This certificate may be issued, or denied as any Construction Activity Permit as set forth in this chapter. A copy of this certificate shall be received by the city prior to project approval.
CONSTRUCTION ACTIVITY:	Activities subject to NPDES/UPDES Construction Activity Permits. These include construction projects resulting in land disturbances of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
CONSTRUCTION SITE STORM WATER RUNOFF:	Storm water runoff from a development site following an earth change.
DEBRIS:	Any dirt, rock, sand, vegetation, rubbish or litter.
DECHLORINATED WATER:	Water with all traces of chlorine removed to meet EPA standards.
DETENTION BASIN:	A depression designed to detain storm water runoff until downstream storm sewer resources are less heavily taxed. A detention basin contains an inlet and an outlet, allows debris to settle out, and regulates water flow.
DEVELOPER:	Any person proposing or implementing the development of land.
DEVELOPMENT:	Any man-made change to improved or unimproved real estate, including but not limited to site preparation, filling, grading, paving, excavation, and construction of buildings or other structures.
DISCHARGER:	Any person or entity who directly or indirectly discharges storm water from any property.
DISTURB:	To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building or other construction activity.

- DISTURBED AREA:** All land areas that are stripped, graded, filled, grubbed, or disturbed. This description is used to determine the total area (acres) actually disturbed.
- DRAIN INLET:** A point of entry into a sump, detention basin, or storm drain system.
- DRAINAGE WAY:** An area which surface or groundwater is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.
- DRY WELL:** See Sumps.
- EARTH CHANGE:** Any human activity which removes the ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of the wind or rain.
- EROSION:** The process by which the ground surface is worn away by the action of wind, water, gravity or a combination thereof.
- FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of water bodies or the unusual and rapid accumulation of surface water runoff from any source.
- GRADING:** Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.
- HAZARDOUS MATERIAL:** 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 presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous material includes, but is not limited to, any hazardous substance designated under 40 CFR part 116 pursuant to section 311 of the Clean Water Act.
- ILLICIT CONNECTION:** Illicit connection means either of the following:
1. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system. Examples include, but are not limited to, any conveyances which allow non-storm water discharge

such as sewage, process waste water, or wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains or sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

2. Any drain or conveyance connected to or discharging to the storm drain system, which has not been (1) documented in plans, maps, or equivalent records submitted to the City, and (2) approved in writing by the City.

**ILLCIT DISCHARGE:** Any non-storm water discharge to the storm sewer system. Illicit discharges include both direct connections (e.g. waste water piping either mistakenly or deliberately connected to the storm sewer system) and indirect connections (e.g. infiltration into the storm sewer system or spills collected by drain inlets).

**LAND DEVELOPMENT:** Any development of a parcel, lot, subdivision plat or site plan. If there is more than one lot in the subdivision plat or site plan, all lots in the subdivision plat or site plan shall jointly be considered to be part of the land development. A land project that is less than one acre that was originally part of a larger project but subsequently has been sold will not be deemed a part of a larger project for purposes of this definition.

**MUNICIPAL SEPARATE:  
STORM SEWER (MS4)** A conveyance or system of conveyances (including, but not limited to roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains) owned or operated by Providence City designed or used for collecting or conveying storm water that is not a combined sewer.

**NON-STORM WATER  
RUNOFF:** Any runoff other than storm water.

**OPERATOR:** “Operator” is the party or parties that:

- i. Have operational control over the construction plans and site specifications, including the ability to change those plans; and
- ii. Have day-to-day operational control of those activities at the site necessary to ensure compliance with storm water pollution prevention plan and permit conditions (i.e., authority

to direct workers at the site to carry out activities identified in the plan).

PERSON:	Any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and the United States government.
PLAN:	Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this ordinance.
POLLUTANT:	Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete resonates); and noxious or offensive matter of any kind.
PROVIDENCE CITY:	Shall be known and used herein as the City.
PUBLIC IMPROVEMENT BOND:	A security acceptable to the City to ensure proper completion of required public improvements associated with public and private land development.
PUBLIC WORKS DIRECTOR:	The Public Works Director of the City of Providence or his or her duly appointed deputy, agent, or representative.
PRETREATMENT:	A structure or process that removes sediment, oils and floatables from storm water.
REDEVELOPMENT: or	Alterations of a property that changes the footprint of a site building.

RETENTION BASIN: A depression designed to hold storm water runoff. A retention basin contains an inlet and no outlet.

7-8-2

7-8-2

STORM DRAIN: A closed conduit for conducting collected storm water.

STORM SEWER SYSTEM: The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, detention and retention basins, curbs, gutters, ditches, man-made channels, sumps, storm drains, and ground water) owned and operated by the City, which is designed and used for collecting or conveying storm water. The storm sewer system is also referred to as a "municipal separate storm sewer system" or "MS4."

STORM WATER: Any flow that occurs during or following any form of natural precipitation. Storm water includes only the portion of such flow that is composed of precipitation.

STORM WATER ACTIVITY PERMIT: A permit issued by the City in conjunction with the required NOI/UPDES, to a Developer or any person proposing and undertaking any land project that exceeds One (1) acre or more of disturbed land or less if part of a larger project (a land project that is less than one acre that was originally part of a larger project but subsequently has been sold will not be deemed a part of a larger project for purposes of this definition), prior to the start of any construction projects. A Construction Activity Permit will be issued by the City after review and acceptance of the applicants' submittal. The Construction Activity permit when issued shall be the Providence City "Contractor Certification Statement of Understanding" form.

STORM WATER MANAGEMENT PERMIT: A permit issued by the City in conjunction with the required NOI/UPEDS and NOI, to a Developer or any person proposing and undertaking any land project that exceeds One (1) acre or more of disturbed land or less if part of a larger project, prior to the start of any construction projects. All on site Storm water Facilities shall be owned and maintained by the developer constructing the facility. This permit runs with the land and shall be binding on the original applicants, their heirs, successors, and assigns shall be recorded in court house. This permit is the requirement for maintenance during construction, as well as ongoing, long range continued maintenance after the construction activities are complete.

7-8-2

7-8-4

STORM WATER  
RUNOFF:

Water that is generated by storm water flowing over land.

SUMP:

A formalized underground structure, surrounded by drain rock, that acts as a drainage basin to allow the slow release of water into the surrounding sub-soil. Sumps usually receive storm water runoff from paved areas such as streets, parking lots, building roofs, etc.

WATER BODY:

A river, lake, stream, creek, or other watercourse or wetlands.

WATERSHED:

A region draining into a water body.

7-8-3:

**PROHIBITED ACTIVITIES:** The following activities are prohibited and unlawful, and shall be considered a nuisance under Chapter 4-1-1-3.14 of the City Code, regardless of whether or not the violator has a Storm Water Construction Activity Permit:

- A. Covering Sidewalk. Covering any portion of a curb, gutter or sidewalk with mud, dirt or debris and failing to remove the mud, dirt or debris before leaving the site. In no case shall the mud, dirt or debris be left overnight.
- B. Washing Vehicles and Equipment. Washing any vehicle or equipment in a manner that (1) leaves concrete, mud, dirt or debris on a public or private street or on any portion of the public right-of-way, or (2) allows concrete, mud, dirt or debris to enter the storm sewer system.

7-8-4:

**PROHIBITED OBSTRUCTIONS:**

- A. Illicit Discharges. It is unlawful for any person to cause or allow an illicit discharge to the storm sewer system.
- B. Exceptions. The following discharges to the storm sewer system shall not be considered to be illicit discharges and shall be exempt from the prohibitions of this section:

7-8-4:

7-8-7

1. Discharges regulated under a valid National Pollutant Discharge Elimination System (NPDES) storm discharge permit, provided that the discharge complies with the terms of the permit.
2. Discharges from water line flushing performed by the City.
3. Discharges from landscape irrigation or sprinkled lawn watering.
4. Discharges from non-commercial car washing so long as the mud, dirt and/or debris does not accumulate on a public or private street or gutter or obstruct or cause to obstruct the storm sewer system.
5. Discharges from natural riparian habitat or wetland flows.
6. Discharges from natural groundwater flows directly to a piped storm sewer system.
7. Discharges from air conditioning condensation.
8. Discharges from fire fighting or emergency management activities.
9. Discharges of dechlorinated water from swimming pools.
10. Discharges from foundation drains, footing drains, or crawl space or basement pumps if the discharges have been approved in writing by the City.
11. Discharges allowed by the City of Providence Storm Sewer Connection Permit.

7-8-6:

**PROHIBITED STORAGE AND LITTERING:** It is unlawful for any person to maintain, store, keep, deposit or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a manner that is likely to result in the discharge of the pollutant or hazardous material to the storm sewer system.

7-8-7:

**MUD, DIRT AND DEBRIS ON CITY STREETS:**

- A. Clean-up Required. Any person or entity that tracks, spills, deposits, discharges or drops any mud, dirt, or other debris on a public or private street or a public right-of-way within the City must remove the mud, dirt or other debris within four (4) hours of when it is left on the street or right-of-way or before the end of the work day whichever is less. The required cleanup for a construction project that takes place and is ongoing within the city right-of-way shall be completed at the end of the workday or before leaving the site. Failure to do so shall be a violation of this ordinance and shall also be considered a nuisance that may be enforced and/or abated pursuant to Title 4 of the City Code. The requirement to clean mud, dirt, and other debris from streets and rights-of-way applies regardless of whether or not the responsible parties are acting pursuant to a Storm Water Construction Activity Permit. Street shall be cleaned to a previous or better condition. Streets shall not be washed unless a City approved catchment system is in place to clean the wash water before it is deposited into any City storm water system pipe, pond or basins.
- B. Responsible Parties. The following people and entities shall be considered to be responsible parties for the purpose of enforcing this section:

7-8-7

7-8-10

1. Driver. The driver of the vehicle leaving the mud, dirt, manure, or debris; and
2. General Contractor. The general contractor or owner in charge of the job site from which the mud, dirt or debris came and was deposited upon the City right-of-way.
3. Supply contractor/owner of vehicle.

C. Possible Remedies. The City may avail itself of any of the following non-exclusive remedies to enforce this section if the mud, dirt or debris is not removed as required herein:

1. Public Improvement Bond. The City may clean (or may hire an independent contractor to clean) the mud, dirt or debris, and may deduct the cost of the clean-up, plus an administrative charge in an amount set by resolution of the City Council, from the Public Improvement Bond posted by the contractor on the job site from which the mud, dirt or debris came. The City may make draws against the security for performance bond as specified in 11-5-7 of the City Code.
2. Nuisance Abatement. The violation may be treated as a nuisance under Title 4 of the City Code and enforced by the City's nuisance abatement officer or other City designate representative.
3. Criminal Prosecution. The City may prosecute the violation as a crime pursuant to Title 1 of the City Code.
4. The cost of cleanup maybe charged against the person/persons responsible for the creation of the violation.

7-8-8: **DAMAGE TO STORM SEWER SYSTEM OR IRRIGATION LINES:** Any person who damages any portion of the storm sewer system, a City-owned irrigation line, or a City-maintained irrigation line shall be responsible for repairing the damages. The damages shall be repaired by a licensed contractor bonded to do work in the City and shall be repaired in accordance with the City's Construction Standards and Specifications. It is unlawful to remove or alter any portion of the storm sewer system without permission from the City.

7-8-9: **REQUIREMENTS FOR SUMPS:** It is unlawful for any person to construct a sump in the City unless (1) the sump has been approved by the City, (2) the sump is designed to separate sediments, oil and grease, and floatables from the storm water, (3) the sump complies with applicable City of Providence Construction Standards and Specifications, or BMPs and (4) written permit is obtained from the State.

7-8-10: **MANHOLE COVERS:** It shall be unlawful to open any storm sewer manhole or other storm sewer fixture (such as grates, lids or inlets) without permission from the Public Works Director or an authorized representative of the City.

7-8-11

7-8-16

7-8-11: **DRINKING WATER PROTECTION:** All storm water and non-storm water discharges shall comply with the City's drinking water source protection ordinance (Title 8 Chapter 1A).

7-8-12: **NEW WATER RIGHTS:** No individual or entity may file for any new water right with the office of the state engineer for water which is to be conveyed through a Storm water Drainage System facility controlled by this title, without first having obtained permission from the City to transmit water through a City-owned or controlled storm drainage facility.

7-8-13: **CONTROL BY THE CITY:** Any project which involves the drainage of Storm water through any channel within the City or which involves the type and level maintenance to be performed on any such projects, either existing or to be completed, shall be under the control and regulated at the discretion of the City.

7-8-14: **EXTENT OF CITY REGULATIONS:** The City shall have the right to exercise any type and degree of regulation it deems necessary in accordance with applicable state law, when exercising the powers granted by this chapter, including, but not limited to, the use of City regulated watercourses for storm drainage and flood control purposes; provided however, that said regulation shall not injure any water right already acquired by existing shareholders at the time the City begins regulation of any given water or water course.

7-8-15: **RECORDING OF DOCUMENTS:** All required recording of documents shall be the responsibility of the developer or person requesting compliance with the storm water ordinances.

7-8-16: **NOTICE OF VIOLATION:** Whenever the City finds that a person has violated a prohibition or failed to comply with a requirement of this Chapter, the City will order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- E. Payment to cover administrative, remediation, monitoring, analyses, and reporting costs; and

- F. The implementation of source control or treatment BMPs. The City may skip the notice requirements set forth in this Section and

7-8-16

7-8-19

immediately proceed with criminal and/or civil action against the violator if:

- (1) the violator has committed the same violation in the past, or
- (2) the violation, in the opinion of the City, creates a serious risk to persons, the environment or property, or
- (3) the City deems the violation to constitute an emergency.

- G. Stop work orders.

7-8-17: **VIOLATION AND PENALTY:**

- A. The violation of any provision of this Chapter is a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.
- B. If, as the result of the violation of any provision of this Chapter, the City or any other party suffers damages and is required to make repairs and/or replace any materials, the cost of repair and/or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties.
- C. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.

7-8-18: **AREA OF ONE (1) ACRE OR LESS:** Areas of one (1) acre or less shall be addressed through a UPDES NOI only if it is part of a larger project.

7-8-19: **COMPLIANCE WITH FEDERAL AND STATE LAW:** Nothing in this Chapter shall be interpreted to relieve any person from an obligation to comply with an applicable Federal, State or local law relating to storm water discharges or drinking water protection.