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ORDINANCE NO.: 2023-061

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 21, Stormwater Management and Sedimentation Control, Article II, Stormwater Quantity and Quality Control, Division 1, Generally, Section 21-33, Definitions and Division 4, Detection and Removal of Illicit Connections and Discharges and Improper Disposal, Section 21-48, Illicit connections, illicit discharges and improper disposal

BE IT ORDAINED by the Mayor and Council this 20th day of June, 2023, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 21, Stormwater Management and Sedimentation Control, Article II, Stormwater Quantity and Quality Control, Division 1, Generally, Section 21-31, Findings and purpose and Division 4, Detection and Removal of Illicit Connections and Discharges and Improper Disposal, Section 21-48, Illicit connections, illicit discharges and improper disposal are amended to read as follows:

Sec. 21-33. Definitions.

Definitions contained in South Carolina regulations 61-9.122.2 and 72-301 are incorporated herein by reference unless a term is given a different meaning by the definition of that term in this section. Where the same words are defined in both the aforementioned regulations, but are not the same, the definitions contained in S.C. Regulation 61-9.122.2 shall be used for the purposes of this article. Additional terms, phrases and words shall have the meaning given in this article, except where the context clearly indicates a different meaning. All other words shall have their customary meanings. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

Accidental discharge means a discharge prohibited by this article into the City of Columbia MS4 or a community water, which occurs by chance and without planning or consideration prior to occurrence.

Best management practices means a wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use (S.C. Regulation 72-301(5)).

City means the City of Columbia, South Carolina.

City council means the city council of the City of Columbia, South Carolina.

City of Columbia MS4 is the municipal separate storm sewer system, as defined by S.C. Regulation 61-9.122.26(b), which is owned and operated by the city.

Clean Water Act means the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C § 1251 et seq.

Develop land means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration (S.C. Regulation 72-301(12)).

Development means any of the following actions undertaken by any person, including, without limitation, any public or private individual or entity:

- (1) The construction, installation, or alteration of a structure, impervious surface or drainage facility;
- (2) Clearing, scraping, grubbing or otherwise significantly disturbing the soil, vegetation, mud, sand or rock of a site; or
- (3) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.

Director means the City of Columbia Director of Utilities and Engineering or any duly authorized representative of the director.

Discharge means any discharge or discharge of any sewage, industrial wastes or other wastes into any of the waters of the State, whether treated or not (S.C. Regulation 61-9.122.2).

Entitled property means any property that, from January 1, 2006 to the adoption of this article, has been subject to either permitted development activity or a valid governmental approval. If a permitted development activity or valid governmental approval has occurred with respect to any tract and such tract was subsequently subdivided, or in the future is subdivided, by an approved subdivision plat, then all subdivided parcels that were part of the original tract shall be considered entitled property.

High Polycyclic Aromatic Hydrocarbons (PAH) pavement product means a product, material or substance that contains greater than 0.1% (1,000 ppm) PAH by weight and is intended for use on an asphalt or concrete surface, including but not limited to, a driveway, playground, parking area, sidewalk, pathway, or roadway. High PAH pavement product may contain coal tar, coal tar pitch volatiles, RT-12, refined tar, steam-cracked petroleum residues, heavy pyrolysis oil, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, ethylene cracker residue, or a variation of those substances assigned the chemical abstracts service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, 8007-45-2, 64742-90-1, or 69013-21-4.

Illicit connection means any man-made conveyance connecting a non-stormwater discharge directly to the City of Columbia MS4 which results in a discharge that is not composed entirely of stormwater runoff except discharges to the City of Columbia MS4 pursuant to an NPDES permit (other than the NPDES permit for the City of Columbia MS4).

Illicit discharge means any discharge to the City of Columbia MS4 or receiving waters that is not composed entirely of stormwater except (a) discharges pursuant to an NPDES permit (other than the NPDES for the City of Columbia) and (b) other discharges listed subsection 21-48(d) of this article.

Improper disposal means any discharge other than through an illicit connection that results in an illicit discharge, including, but not limited to, the disposal of used oil and toxic materials or other hazardous liquids or substances resulting from the improper management of these materials.

Industrial activity means activity associated with an industrial facility subject to an NPDES permitting requirements for stormwater discharge associated with industrial activity as defined in S.C. Regulation 61-9.122.26(b)(14) or any other industrial facility which the stormwater division determines has a potential to contribute substantial pollutant loadings to the City of Columbia MS4.

Land disturbance permit means written approval issued by the city pursuant to Section 21-43 of this article, authorizing land-disturbing activities in accordance with a SWPPP approved by the director.

Land disturbing activities means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff. (S.C. Code Ann. § 48-14-20(8)).

Maintenance means any action necessary to preserve stormwater controls in proper working condition, in order to serve the intended purposes set forth in this article and to prevent structural failure of such structures or controls.

NPDES program means the National Pollutant Discharge Elimination System program as defined in S.C. Regulation 61-9.122.2.

NPDES MS4 permit means the NPDES permit for stormwater discharges issued to the City of Columbia pursuant to the Clean Water Act and the state stormwater discharge regulations (S.C. Regulation 61-9.122.26).

Permitted development activity means the property owner has commenced construction of a building or of any portion of a potable water distribution or transportation system, a sanitary sewer distribution or transportation system, a storm drainage system or a public road; or the property owner has commenced grading or other land disturbance activities in conformance with valid permits issued by the City of Columbia.

Person means any individual, public or private corporation, political subdivision, association, partnership, corporation, municipality, State or Federal agency, industry, co-partnership, firm, trust, estate, any other legal entity whatsoever, or an agent or employee thereof. (S.C. Regulation 61-9.122.2).

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. Pollutant does not mean: (i) Sewage from vessels; or (ii) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and

disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources. (S.C. Regulation 61-9.122.2).

Receiving waters means the waters into which the City of Columbia MS4 discharges and which are located within the jurisdictional boundaries of the City of Columbia and include, without limitation, the lakes, rivers, streams, ponds, wetlands, and groundwater of the City of Columbia.

Runoff means direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer, or other concentrated flow during and following the precipitation. (S.C. Code Ann. § 48-14-20(13)).

Stormwater division means the City of Columbia Stormwater Management staff.

Stormwater means stormwater runoff, snow melt runoff and surface runoff and drainage (S.C. Regulation 61-9.122.26(b) (13)).

Stormwater management means for: (a) quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land; (b) qualitative control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by stormwater runoff (S.C. Code Ann. § 58-14-30(11)).

Stormwater management systems and facilities means those natural and man-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff.

Stormwater Best Management Practices (BMP) Design Manual means the most recent compilation of design, performance and review criteria for stormwater management practices developed by the director pursuant to section 21-42 of this article.

SWMP means the stormwater management program as required pursuant to the NPDES MS4 permit.

Stormwater pollution prevention plan or *SWPPP* means a set of drawings and other documents which describe the best management practices and activities to be implemented by a person or business to eliminate or reduce stormwater discharges to the maximum extent possible. The SWPPP shall include all of the information and specifications required by S.C. Regulation 72-300 et seq., the current Stormwater BMP Design Manual developed pursuant to section 21-42 of this article, and any applicable state general permit.

Surface water means all water, which is open to the atmosphere and subject to surface runoff which includes lakes, streams, ponds, and reservoirs. (S.C. Code Ann. § 49-4-20(10)).

Unavoidable discharge means an emergency discharge required to prevent imminent threat to human health or prevent severe property damage for which reasonable and prudent measures are taken to minimize the impact of the discharge.

Valid government approval means the issuance of a permit by City of Columbia to commence a permitted development activity; or approval by the City of Columbia of subdivision of the property, of planned development district zoning for the property, or of a sketch plan for development of the property.

Variance means the modification of the minimum stormwater management requirements contained in this article or the SWMP for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and would not fulfill the intent of this article.

Watercourse means a stream or other body of water, either natural or man-made, with a permanent or intermittent flow.

Water quality means those characteristics of stormwater runoff that relate to the physical, chemical, biological or radiological integrity of water.

Water quality buffer means an area of original or re-established vegetation that borders streams, rivers, ponds, lakes, wetlands and seeps in which no vegetation shall be disturbed, removed, or replanted unless a buffer restoration plan has been approved by the stormwater division.

Water quantity means those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

Waters of the state means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the state or within its jurisdiction. (S.C. Regulation 61-9.122.2).

Waters of the United States means "Waters of the United States" or "waters of the U.S." as defined at S.C. Regulation 61-9.122.2.

(Ord. No. 2011-095, 12-20-11)

Sec. 21-48. Illicit connections, illicit discharges and improper disposal.

(a) It shall be unlawful for any person to connect any pipe, open channel or any other conveyance system that discharges anything except stormwater or unpolluted water, which is approved by the stormwater division, into receiving waters.

(b) It shall be unlawful for any person to continue the operation of any such illicit connection regardless of whether the connection was permissible when constructed. Improper connections in violation of this article must be disconnected and redirected, if necessary, to the satisfaction of the stormwater division and any other federal, state or local agencies or departments regulating the discharge.

(c) It shall be unlawful for any person to throw, drain, run or otherwise discharge to any component of the City of Columbia MS4 or to the waters of the state or to cause, permit or allow to be thrown, drained, run or allow to seep or otherwise discharge into such system or receiving water all matter of any nature excepting only such storm or surface water as herein authorized.

(d) It shall be unlawful for any person to use, or permit to be used, a high polycyclic aromatic hydrocarbons (PAH) pavement product within the City of Columbia.

(e) The following discharges are exempt from the provisions in (a), (b) and (c) above unless the stormwater division determines such discharge to be a significant source of pollution:

- (1) Unpolluted industrial cooling water, but only under the authorization and direction of the stormwater division and appropriate NPDES permit.
- (2) Water line flushing performed or required by a government agency, diverted stream flows, rising ground waters, unpolluted pumped ground waters, and unpolluted ground water infiltration.
- (3) Discharges from portable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual car washing, residential pool backwashing, flows from riparian habitats and wetlands, and street wash water.
- (4) Discharges or flows from fire fighting.
- (5) Other unpolluted water.

(f) In the event of an accidental discharge or an unavoidable discharge to the City of Columbia MS4 of any pollutant, the person who caused the unanticipated discharge or the owner of the property on which the discharge originated shall inform the stormwater division as soon as possible, but not to exceed 24 hours, of the nature, quantity and time of occurrence of the discharge. The person who caused the accidental discharge and the owner of the property on which the discharge originated shall take immediate steps to contain the discharge, properly dispose of the contained material, and take such other actions as necessary to minimize the effects of the discharge on the MS4 and receiving waters. The person who caused the accidental discharge and the owner of the property on which the discharge originated shall also take immediate steps to prevent a recurrence of the discharge.

Requested by:

Utilities and Engineering

Approved by:

Cheresa B. Whitson
City Manager

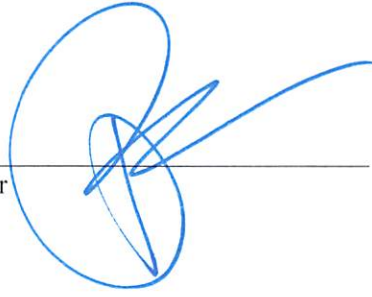
Approved as to form:

City Attorney

Introduced: 6/6/2023

Final Reading: 6/20/2023

Mayor



ATTEST:

Quika D. Hammond
City Clerk