

**ORDINANCE NUMBER 25-O-070**

**AN ORDINANCE TO REPEAL ARTICLE II EROSION AND SEDIMENTATION CONTROL OF CHAPTER 34 ENVIRONMENT AND REPLACE IT WITH ARTICLE II STORMWATER SYSTEM DISCHARGES TO ALIGN WITH CHANGES TO CHAPTER 35 OF CITY CODE**

WHEREAS, Chapter 35 of the Code of the City of Suffolk titled Erosion and Stormwater Management has been adopted by City Council as a combined erosion and stormwater management ordinance; and,

WHEREAS, the adoption of Chapter 35 makes it necessary to relocate and update City Code provisions relating to non-stormwater discharges to the storm sewer system.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that Article II Erosion and Sedimentation Control of the Code of the City of Suffolk is hereby repealed; and,

BE IT FURTHER ORDAINED that Article II Erosion and Sedimentation Control be replaced with Article II Stormwater System Discharges to read as follows:

**ARTICLE II. STORMWATER SYSTEM DISCHARGES**

**Sec. 34-31. Purpose and intent of article.**

This article is adopted as part of the city stormwater management program to prevent certain non-stormwater discharges to, and improper disposal of substances in, the storm sewer system to reduce pollutants that may be present in discharges from the storm sewer system to the maximum extent practicable.

Amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, in 1987 required the Environmental Protection Agency to establish National Pollutant Discharge Elimination System (NPDES) permit regulations and the Virginia Department of Environmental Quality to establish the Virginia Pollutant Discharge Elimination System (VPDES) permit regulations for municipal separate storm sewer systems. NPDES requires permits for discharges from municipal storm sewers into waters of the United States. These regulations require the city to adopt an ordinance to prohibit illicit discharges into the storm sewer system. It is the purpose of this article to meet the requirements of prohibiting illicit discharges by establishing controls to reduce pollutants to the storm sewer system from illicit discharges to the maximum extent practicable, as required by the city's small municipal separate storm sewer system VPDES discharge permit.

**Sec. 34-32. - Definitions.**

The following words and terms used in this article have the following meanings stated in this article unless the context clearly indicates otherwise:

"Administrator" means the Director of the Department of Public Works for the City of Suffolk or their designee.

"Director" means the Director of Public Works or their designee.

"Discharge" means to dispose, deposit, spill, pour, inject, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, dumped, leaked or placed by any means.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed

entirely of stormwater, except discharges pursuant to a VPDES or state permit (other than the state permit for discharges from the municipal separate storm sewer system), discharges resulting from firefighting activities, and discharges identified by and in compliance with 9VAC25-890-20(D)(3), or its successor provision, as the same may be amended and renumbered from time to time.

“Industrial wastes” means liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, that is:

- a. Owned or operated by a federal entity, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including a special district under state law such as a sewer district, flood control district, drainage district or similar entity, or a designated and approved management agency under § 208 of the federal Clean Water Act (33 U.S.C. § 1251 et seq.) that discharges to surface waters;
- b. Designed or used for collecting or conveying stormwater;
- c. Not a combined sewer; and
- d. Not part of a publicly owned treatment works.

"Other wastes" means materials that could adversely affect waters of the United States should they be discharges into the same including, but not limited to: decayed wood; sawdust; chips; shavings; bark; leaves; lawn clippings; lawn chemicals, except those applied in accordance with manufacture's recommendations; animal or vegetable matter; pet wastes; construction debris; garbage; refuse; ashes; offal; tar; paint; solvents; petroleum products; gasoline; oil waste; antifreeze and other automotive, motor, or equipment fluids.

“Person” means any individual, firm, corporation, partnership, association, organization or other entity, including governmental entities, or any combination thereof.

“Sanitary sewer” means a system of underground conduits that collect and deliver sanitary wastewater to a wastewater treatment plant.

“Sanitary wastewater” means wastewater from toilets, sinks and other plumbing fixtures.

“Sewage” means the water-carried human wastes from residences, buildings, industrial establishments or other places, together with such industrial wastes, stormwater or other water as may be present.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the commonwealth or within its jurisdiction, including wetlands.

“Storm sewer system” means the system of roads, streets, catch basins, curbs, gutters, ditches, pipes, lakes, ponds, channels, storm drains, and other facilities located within the City of Suffolk which are designed or used for collecting, storing, or conveying stormwater or through which stormwater is collected, stored or conveyed.

“Stormwater” means runoff from rain, snow or other forms of precipitation, and surface runoff and drainage.

"Stormwater" or "stormwater runoff" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

**Sec. 34-33. - Illicit discharges.**

- a. It is a violation of this article to:
  1. Discharge, or cause or allow to be discharged, sewage, industrial wastes or other wastes into the storm sewer system, or any component thereof, or onto driveways, sidewalks, parking lots or other areas draining to the storm sewer system; or
  2. Connect, or cause or allow to be connected, any sanitary sewer to the storm sewer system; or
  3. Throw, place or deposit, or cause to be thrown, placed or deposited into the storm sewer system anything that impedes or interferes with the free flow of stormwater therein.
- b. Subject to the provisions of subsection (c), the following activities shall not be in violation of this article unless they are identified by the administrator as significant contributors of pollutants to the MS4:
  1. Water line flushing, managed in a manner to avoid an instream impact;
  2. Landscape irrigation;
  3. Diverted stream flows;
  4. Rising groundwaters;
  5. Uncontaminated groundwater infiltration, as defined at 40 CFR 35.2005(20);
  6. Uncontaminated pumped groundwater;
  7. Discharges from potable water sources managed in a manner to avoid instream impact;
  8. Foundation drains;
  9. Air conditioning condensation;
  10. Irrigation water;
  11. Springs;
  12. Water from crawl space pumps;
  13. Footing drains;
  14. Lawn watering;
  15. Individual residential car washing;
  16. Flows from riparian habitats and wetlands;
  17. Dechlorinated freshwater swimming pool discharges managed in a manner to avoid instream impact;
  18. Street and pavement wash waters that do not contain cleaning additives or are otherwise managed in a manner to avoid instream impact;
  19. Routine external building washdown provided no soaps, solvents, or detergents are used, external building surfaces do not contain hazardous substances, and the wash water is filtered, settled, or similarly treated prior to discharge;
  20. Discharges or flows from emergency firefighting activities;

21. Discharges or flows of water for fire prevention or firefighting training activities managed in a manner to avoid instream impact in accordance with § 9.1-207.1 of the Code of Virginia;
  22. Discharges from noncommercial fundraising car washes if the washing uses only biodegradable, phosphate-free, water-based cleaners in accordance with § 15.2-2114.1 of the Code of Virginia;
  23. Other activities generating discharges identified by the Virginia Department of Environmental Quality as not requiring VPDES authorization; and
  24. Any activity authorized by a valid Virginia Pollutant Discharge Elimination System (VPDES) permit or Virginia Pollution Abatement (VPA) permit.
- c. In the event any of the activities listed in subsection (b) are found to cause sewage, industrial wastes or other wastes to be discharged into the storm sewer system, the administrator shall so notify the person performing such activities, and shall order that such activities be stopped or conducted in such manner as to avoid the discharge of sewage, industrial wastes, or other wastes into the storm sewer system. The failure to comply with any such order constitutes a violation of the provisions of this article.
- d. Violations of this section are subject to all penalties and provisions described in section 34-44 of this article.

#### **Sec. 34-44. Penalties.**

- a. Violation of this article shall result in any or all of the following penalties:
1. A willful violation of the provisions of this article constitutes a class 1 misdemeanor. Each day that a continuing violation is maintained or permitted to remain constitutes a separate offense.
  2. Any person who, intentionally or otherwise, commits any of the acts prohibited by this article will be liable to the city for all costs of monitoring, containment, cleanup, abatement, removal, and disposal of any substance unlawfully discharged into the storm sewer system.
  3. Any person who, intentionally or otherwise, commits any of the acts prohibited by this article shall be subject to a civil penalty not to exceed \$32,500.00 per violation for each day that a violation of this article continues. The court assessing such penalties may, at its discretion, order such penalties be paid into the treasury of the city for the purpose of abating, preventing or mitigating environmental pollution.
- b. The city may pursue violators of this article utilizing all such remedies as provided by law, including but not limited to, such applicable civil and criminal remedies set forth in Section 62.1-44.15:48 of the Virginia Erosion and Stormwater Management Act (Code of Virginia, § 62.1-44.15:48), or its successor provision, as the same may be amended and renumbered from time to time. The administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
1. In imposing a civil penalty pursuant to this section, the court may consider the degree of harm caused by the violation and the economic benefit to the violator from noncompliance.
  2. Any civil penalties assessed by a court as a result of a summons issued by the city shall be paid into the treasury of the city to be used for the purpose of minimizing,

preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.

- c. The remedies set forth in this section shall be cumulative, not exclusive; and it shall not be a defense to any action, civil, or criminal that one or more remedies set forth herein has been sought or granted.

BE IT FURTHER ORDAINED that this Ordinance shall be in effect upon passage and shall not be published.

READ AND PASSED: JULY 2, 2025

TESTE: \_\_\_\_\_  
Erika S. Dawley, MMC, City Clerk