

**Town of Duluth  
St. Louis County, Minnesota**

**Ordinance Number 031413**

**Providing Procedures for and Prohibitions of Illicit Discharges and Connections to the Township's  
Municipal Separate Storm Sewer System**

**THE BOARD OF SUPERVISORS OF THE TOWN OF DULUTH ORDAINS:**

**Section I. Purpose/Intent**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Duluth Township through the regulation of non-storm water discharges to the township's storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

**Section II. Definitions**

For the purposes of this ordinance, the following shall mean:

**Authorized Enforcement Agency:** Employees or designees of the director of the municipal agency designated to enforce this ordinance. For the purposes of this ordinance Duluth Township is the authorized enforcement agency.

**Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. 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.

**Construction Activity:** Activities subject to NPDES Construction Permits. NPDES Storm Water Phase II permits are required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Hazardous Materials:** 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.

**Illegal Discharge:** Any direct or indirect non-storm water discharge to the storm water system, except as exempted in Section V of this ordinance.

**Illicit Connections:** An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm water system including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm water system, and any connections to the

storm water system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

**Municipal Separate Storm Sewer System (MS4):** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that are owned and operated by a county, town, city or other public body. In the town of Duluth, the MS4 consists of township- owned roads, ditches and culverts (See Attachment A, map of township roads), including the storm water drainage system and BMPs at the Town Hall, Fire Department and Community Center.

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** This means a permit issued by EPA (or by a State under authority delegated pursuant to 33 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.

**Non-Storm Water Discharge:** Any discharge to the storm water system that is not composed entirely of storm water.

**Person:** Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent

**Pollutant:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: 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, ordinances, and accumulations, so that same 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; and noxious or offensive matter of any kind.

**Premises:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Storm Water:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation

**Storm Water Pollution Prevention Plan (SWPPP):** A document which describes the Best Management Practices and activities to be implemented in order to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable (A copy of the town of Duluth's SWPPP is available on the township website ([www.duluthtownship.org](http://www.duluthtownship.org))).

### **Section III. Applicability**

This ordinance shall apply to all discharges entering the MS4 which are generated on any developed or undeveloped lands unless explicitly exempted by the town of Duluth.

### **Section IV. Responsibility for Administration**

The Duluth Township Board of Supervisors shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the township board chair to persons or entities acting in the beneficial interest of or in the employ of the township.

## **Section V. Discharge Prohibitions**

### **V.1 Prohibition of Illegal Discharges**

No person shall discharge or cause to be discharged into the MS4 any materials, including but not limited to hazardous materials, pollutants or waters containing any pollutants (including sediments from construction activities) that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the MS4 drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.
2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety. For Duluth Township, this includes salt and sand spread on roads during the winter season for safe driving, and chloride solution spread judiciously on gravel roads during the summer for dust control.

### **V.2. Prohibition of Illicit Connections**

1. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

## **Section VI. Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices**

Duluth Township will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm water system, or waters of the U.S. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. These BMPs are described in the township's storm water pollution prevention plan (SWPPP).

## **Section VII. Monitoring**

The township supervisor of roads or designee shall conduct surveillances for illicit discharges during the annual road inspection tour and through periodic checks of the MS4.

### Section VIII. Notification of Spills

Notwithstanding other requirements of law, any person responsible for a property or operation who has information of any known or suspected release of materials which are resulting, or may result, in illegal discharges or pollutants discharging into the MS4, including spills on roads, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

In the event of a release of non-hazardous materials, said person shall notify the Duluth Township Clerk in person or by phone, facsimile, or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to Duluth Township within three business days of the phone notice.

In the event of release of hazardous materials said person shall immediately notify the following emergency response agencies of the occurrence via emergency dispatch services:

MPCA emergency spill response 24-hr hotline: To report a spill at any time, day or night, call the Minnesota Duty Officer at (651) 649-5451 or (800) 422-0798.

Regional Stormwater Protection Team (RSPT) Hotline: (218) 529-3281

### Section XIV. Enforcement

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance may be subject to enforcement actions. In the event the violation constitutes an immediate danger to public health or public safety, the township is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property at the owner's expense.

### Section XV. Penalties

Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$1000.00 or by imprisonment not to exceed 90 days, plus the costs of prosecution.

### Section XVI. Effective Date

This ordinance becomes effective upon the date of its signature by the Chair as duly authorized by the Town Board.

Dated: ~~March 14, 2013~~ Town of Duluth



By: Dave Mount,  
Chair Town Board of Supervisors

I, Ann Cox, Clerk of the Town of Duluth, hereby attest that the forgoing is an ordinance duly enacted by the Town Board of supervisors for the Town of Duluth and signed by the Chair upon the date set forth above.



