

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2005-56

No. 569

### AN ORDINANCE RELATING TO §25-X ILLICIT DISCHARGE DETECTION AND ELIMINATION

Approved December 8, 2005

#### *Be it ordained by the City of Providence:*

##### **Section 1. Illicit Discharges**

Illicit discharges to the municipal storm sewer system are comprised of non-storm water discharges that are expressly prohibited from the municipal storm sewer system unless the discharges have received all required federal, state and local permits including the Rhode Island Pollutant Discharge Elimination System (RIPDES) or is included in one of the following categories of discharges: discharges which result from the washdown of vehicles at retail dealers selling new and used automobiles where no detergents are used and individual residential car washing; external building washdown where no detergents are used; the use of water to control dust; fire fighting activities; fire hydrant flushing; natural springs; uncontaminated groundwater; dechlorinated pool discharges; air conditioning condensate; lawn watering; potable water sources including waterline flushing; irrigation drainage; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; discharges from foundation or footing drains where flows are not contaminated with process materials such as solvents, or contaminated by contact with soils where spills or leaks of toxic or hazardous materials have occurred; uncontaminated utility vault dewatering; dechlorinated water line testing water; hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals.

##### **Section 2. Right of Entry**

To the extent permitted by State law, or if authorized by the owner or other party in control of the property, the Director of Public Works and/or his/her designated representative may enter upon privately owned property for the purpose of performing their duties under this Ordinance. He/she may make or make cause for such examinations, surveys or sampling as the City deems reasonably necessary.

##### **Section 3. Notification of Spills**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials, which are resulting or may result in unauthorized discharges or pollutants discharging into storm water, the storm drain system, or waters of the State from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency within five (5) business days of the phone notice. If the discharge of

No.

CHAPTER

AN ORDINANCE Relating to Sec.25-X  
Illicit Discharge Detection and  
Elimination

IN CITY COUNCIL  
APR 25 2005  
FIRST READING  
REFERRED TO COMMITTEE ON  
ORDINANCES  
Michael R. Clement CLERK

THE COMMITTEE ON  
ORDINANCES  
Approves Passage of  
The Within Ordinance  
Ann M. Stein  
11-2-05 Clerk

Councilwoman Williams (By Request)

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 recurrence. Such records shall be retained for at least three (3) years. Nothing in this section shall preclude any owner/lessee from compliance with relevant provisions of the Rhode Island Clean Water Act, R.I.G.L. 46-12-1, et seq. or other applicable laws or regulations.

#### Section 4. Enforcement

If an illicit discharge to the municipal storm system is detected, the owner shall cease the discharge within seven (7) calendar days from notice. Any owner who fails and/or refuses to cease a discharge within seven (7) calendar days from notice shall be fined up to seventy five dollars (\$75), and each day following notice during which said discharge continues shall constitute a separate offense. The City also may charge the owner any costs associated with the removal or repair of damage resulting from the discharge. In addition, any continuing discharge after notice shall be deemed, and is hereby declared to be, a public nuisance and the City Solicitor is hereby empowered to institute an action for an injunction, abatement or any other appropriate action to prevent, enjoin or abate such nuisance. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

**X-X.1** Any individual or other party is prohibited from discharging waste, including construction waste, building material, truck washout, chemicals, litter, sanitary wastes or other waste into the City Right of Way, storm drain or other city property. If such discharge is detected, the owner shall cease the discharge within ten (10) calendar days from notice. Any owner who fails and/or refuses to cease such a discharge within ten (10) calendar days from notice shall be fined up to two hundred dollars (\$200), and each day following notice during which said discharge continues shall constitute a separate offense. The City also may charge the owner any costs associated with the removal or repair of damage resulting from the discharge. In addition, any continuing discharge after notice shall be deemed, and is hereby declared to be, a public nuisance and the City Solicitor is hereby empowered to institute an action for an injunction, abatement or any other appropriate action to prevent, enjoin or abate such nuisance. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

**Section 5.** This Ordinance shall take effect upon passage.

**IN CITY COUNCIL**  
 NOV 17 2005  
 FIRST READING  
 READ AND PASSED  
*Claire E. Bessinger* CLERK  
*Justus Bessinger*

**IN CITY COUNCIL**  
 DEC 1 2005  
 FINAL READING  
 READ AND PASSED  
*[Signature]* PRESIDENT  
*Claire E. Bessinger* CLERK  
*Justus Bessinger*

**APPROVED**  
*[Signature]* 12/8/05  
**MAYOR**

FILED

2005 MAR 10 P 3: 2<sup>0</sup>

DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

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REVO AND BYZSED  
FIRST READING

IN CITY COUNCIL

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CC - SIG  
IN CITY