

## Stormwater Management Regulations

### Article 1 – Purpose and Applicability

#### **Sec 1-01. - Purpose.**

- (a) The purpose of these regulations is as set forth in Sec 7-01 of the Code of Ordinances of the Town of Bloomfield (Code of Ordinances).

#### **Sec 1-02. - Applicability.**

- (a) This chapter shall apply to:
  - (1) Any and all discharge or flow of any kind entering the storm drainage system having been generated, increased, concentrated, realigned, or redirected to any degree due to human interference or action (in relation to the natural flow of stormwater without such human interference or action), unless explicitly exempted by this chapter or in writing by the Authorized Enforcement Agent; or,
  - (2) Obstructions, or potential obstructions, to the flow of stormwater within the storm drainage system or watercourses.

#### **Sec 1-03. - Authority.**

- (a) These Stormwater Management Regulations are created, promulgated, administered and enforced in accordance with and under the authority set forth in Chapter 7 (Storm Drainage) of the Code of Ordinances. Said Chapter 7 is incorporated herein by reference. Any redundancy with said Chapter 7 within these Regulations is for convenience. The provisions of said Chapter 7 shall supersede in case of any conflict.

### Article 2 – Definitions and Terminology

#### **Sec 1-04. - Applicable definitions.**

- (a) The following definitions shall apply for purposes of this regulation:
  - (1) **Authorized Enforcement Agent (AEA).** The Authorized Enforcement Agent is the Town Manager, or the official or employee of the Town of Bloomfield so designated by the Town Manager. The AEA may, as deemed appropriate, at any time authorize other officials or employees of the Town to act in his stead, to any degree or limitation and on any relevant matter.
  - (2) **Best management practices (BMPs).** Industry standard measures for maintaining or improving stormwater quality, including schedules of activities, practices (and prohibitions of practices),

structures, vegetation, operating and maintenance procedures, source controls, preventative practices, and other management practices intended to meet or further the purposes, intents, and objectives of this chapter through the employment of methods and means consistent with federal, state or other equivalent and technically supported guidance.

- (3) **Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- (4) **Connection [to the storm drainage system].** The physical point or means, whether subsurface or above-ground, and being conveyed by any confined or non-diffuse means, including by conduit or open channel of any kind, other than a natural watercourse identified on the Town of Bloomfield Official Map of Inland Wetlands and Watercourses, where any concentrated discharge, presumed to be stormwater, having been concentrated, increased, realigned, or redirected to any degree due to human interference or action (in relation to the natural flow of stormwater without such human interference or action), enters into the Town storm drainage system.
- (5) **Construction activity.** Activities subject to NPDES Construction Permits, CTDEEP Construction Permits, any permit issued under the authority of the Town of Bloomfield Inland Wetlands and Watercourses Regulations, or any permit issued under the authority of the Town of Bloomfield Zoning Regulations as associated with the installation, construction, alteration, or demolition of any improvements (as defined therein).
- (6) **CT DEEP.** The Connecticut Department of Energy and Environmental Protection.
- (7) **Discharge [to the storm drainage system].** Emission of any water, substance, or material to the storm drainage system, directly or indirectly, from adjacent premises or from non-adjacent premises, including where the discharge must traverse some other premises before finally entering the storm drainage system.
- (8) **Effective Impervious Cover.** The total area of a site (and including any stormwater detention or treatment measures associated therewith): i) that is covered with impervious surface, or ii) (where the determination under (i) is impractical) that has a Rational Method [for estimating peak stormwater runoff] runoff coefficient of 0.7 or greater, and from which stormwater runoff discharges directly to a surface water or a stormwater collection or conveyance facility or system.
- (9) **Entity.** The term “Entity” means any, including one or more, individual, corporation, firm, partnership, association, proprietorship, organization, trust, or other entity recognized by law, and including any agent representing the same.
- (10) **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.

- (11) **Illegal discharge.** (a) Any discharge to the storm drainage system that does not consist entirely of stormwater, except those discharges as may be exempted by the provisions of Sec. 1-18 hereof; or, (b) Any discharge that is a primary cause of street or sidewalk flooding, icing, or other hazard to the intended use of a Town right of way.
- (12) **Illicit connection.** Any connection to the Town storm drainage system that is covered by either of the following: (i) Any drain or conveyance which allows, or poses a credible threat to allow, an illegal discharge to enter the storm drainage system, including illegal discharges such as sewage, process wastewater, wash water, or indoor drain or sink wastewater, notwithstanding any previous permit, approval, or other allowance by the Town or any other local authority for the same; or, (ii) Any non-permitted connection.
- (13) **Impervious Surface.** A constructed or created surface that prevents or retards the entry of precipitation water into the soil, and subsequently to the groundwater, such that a significant portion (herein defined as greater than 0.17 inch of depth for a 1 inch rainfall event – i.e. a surface that has a USDA Natural Resource Conservation Service (NRCS) Runoff Curve Number of 85 or greater, the USDA NRCS Technical Release 55, “Urban Hydrology for Small Watersheds” being a reference for the same) - of the precipitation water encountering the surface is discharged from the surface as stormwater runoff. Examples include rooftops, sidewalks, patios, and driveways, parking lots, storage areas, or roads surfaced with concrete, asphalt, gravel, or similar surface treatment (not specifically designed and constructed to be pervious).
- (14) **Industrial activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
- (15) **MS4.** Municipal separate storm sewer system; also termed the “storm drainage system” and any use of the terms “MS4” and “storm drainage system” shall be interchangeable and mean the same.
- (16) **MS4 General Permit.** The State of Connecticut's General Permit for the Discharge of Small Municipal Separate Storm Sewer Systems as issued by the CT DEEP.
- (17) **National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.** A permit issued by the Environmental Protection Agency (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.
- (18) **Non-stormwater discharge.** Any discharge that is not composed entirely of stormwater.
- (19) **Permittee.** The premises owner associated with any permit.
- (20) **Pollutant.** Anything which causes or contributes to pollution, as defined per CGS Sec. 22a-423, including paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, construction and demolition wastes, and noxious or offensive matter of any kind.

- (21) **Premises.** Any lot, parcel, or portion of land, as individually recognized by the Town Assessor, and including buildings, structures, or other facilities or things located thereon, from, upon, or under which relevant discharges or obstructions, or portions thereof, originate, exist, or traverse.
- (22) **Premises owner.** The owner of record of any subject premises, as determined by the Town Assessor, such determination being rebuttable.
- (23) **Storm drainage system.** Town-owned facilities by which stormwater is collected and/or conveyed, including municipal street curbs, gutters or other means or routes of conveying stormwater upon streets, inlets, pipes and other conduits, pumping facilities, retention or detention basins, natural or human-made or altered drainage channels, reservoirs, or other drainage structures; also termed “MS4” and any use of the terms “MS4” and “storm drainage system” shall be interchangeable and mean the same.
- (24) **Stormwater / stormwater runoff.** Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- (25) **Town.** The Town of Bloomfield.
- (26) **Wastewater.** Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
- (27) **Watercourse.** Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog, or other body of water (natural or artificial, continuous, vernal, or intermittent, public or private) which is contained within, flows through, or borders upon the Town.

**Sec 1-05. - Terminology.**

- (a) Use of the word “including”, or any variation thereof intended for a similar purpose, shall be interpreted to be non-limiting with respect to its objects thereafter listed; (i.e. to be equivalent to “including, but not limited to”), unless such interpretation is inconsistent with the obvious intent of the encompassing provision. Any use of the phrase “but not limited to” in combination with the word “including” does not alter the interpretation of this provision.
- (b) Use of the word “or” shall be interpreted to encompass both the inclusive and exclusive comparison of the associated terms or phrases, (i.e. to be equivalent to the common term “and/or”,) unless such interpretation is inconsistent with the obvious intent of the encompassing provision, or the word “or” is directly followed by a parenthetical “exclusive” [e.g. “this or (exclusive) that”], in which case “or” is to be interpreted in strictly the exclusive sense. Any use of the term “and/or” does not alter the interpretation of this provision.

## **Article 3 – General Provisions**

### **Sec 1-06. - Responsibility for administration.**

- (a) The Authorized Enforcement Agent (AEA) shall administer, implement, and enforce the provisions of these regulations.
- (b) The AEA shall have the authority to create, modify, promulgate and apply, subject to approval of the content of the same by the Town Council, standard requirements and provisions for the administration, implementation, and enforcement of the provisions of these regulations.

### **Sec 1-07. - Protection of flow ways.**

- (a) No Entity shall cause or contribute to, or allow any situation to persist that threatens to cause or contribute to, the obstruction of the storm drainage system or any watercourse as a result of debris (including parts, pieces, or remnants of trees or other vegetation), wreckage, or other similar material or obstruction which prevents or may tend to prevent the free discharge of flood waters; nor shall any property owner allow any of the same to occur upon their property.
- (b) Where any Entity is responsible for any non-compliance with subsection 1-07(a) above, then the Entity may be required to remove the offending obstruction/material such that it no longer results in such non-compliance.
- (c) Where any Entity fails to comply with any such requirement per subsection 1-07(b) above within a reasonable time, then the Town shall have the authority to remove or cause to be removed the offending obstruction/material and assess the cost of such removal to against such Entity.
- (d) Any Entity aggrieved by any such assessment may appeal from such assessment.

### **Sec 1-08. - Illegal discharge a nuisance.**

- (a) As set forth in Sec 7-07 of the Code of Ordinances, any illegal discharge, or credible threat of illegal discharge, is defined as a nuisance by the Bloomfield Town Council, and may be prohibited and abated per the provisions of Chapter 7 of the Code of Ordinances and these Regulations.

### **Sec 1-09. - Responsibility.**

- (a) The rebuttable presumption of responsibility for any discharge shall rest with the premises owner associated with such discharge.
- (b) The rebuttable presumption of responsibility for any connection, including any flows entering the storm drainage system at such connection, shall rest with the permittee associated with such connection. Where no permit exists, the AEA shall use his/her best judgment, taking into consideration any reasonable factors deemed appropriate thereby, which factors may include known easements or other documented arrangements, proximity of subject premisses to the connection, relative flow amounts being contributed to the discharge flows by subject premisses, or previous relevant approvals, permits, or enforcement actions of any kind, to determine what Entity is the responsible party.

- (c) The standards set forth herein and promulgated pursuant to these regulations are minimum standards; therefore, these regulations do not intend nor imply that compliance by any Entity will ensure that there will be no contamination, pollution, unauthorized discharge of pollutants nor other harm.
- (d) It is the responsibility of each premises owner and each permittee to be aware of and understand the applicable provisions and requirements of any federal, state, or local laws, regulations, permits, or standards as may be applicable to discharges or actions associated therewith. No permit issued in association with these regulations shall in any way waive or alter any of the same.

## **Article 4 – Enforcement**

### **Sec 1-10. - Additional enforcement available for illegal discharges.**

- (a) Notwithstanding any other enforcement measure or remedy as may be available to or undertaken by the Town or other regulatory agency with respect thereto, the AEA may initiate and implement the process and procedures set forth in Sec. 1-11 through Sec. 1-15, inclusive, hereof with respect to any illegal discharge or other violation of these Regulations or credible threat of the same.

### **Sec 1-11. - Notice of Violation.**

- (a) Whenever the AEA determines that an illegal discharge or other violation of these regulations is occurring, or there is a credible threat of the same either due to evidence of past occurrence or a situation that, in the judgment of the AEA, could readily allow or lead to an illegal discharge or other violation, then the AEA may, at any time subsequent thereto, order the abatement of the subject violation, or credible threat thereof, by the Entity deemed responsible for the same by the AEA and/or the subject premises owner (individually or jointly, the “recipient”) through the issuance, delivered by U.S. mail (with delivery confirmation) to the most recent address known to the AEA, of a Notice of Violation (“NOV”) to such recipient. Any such NOV may include one or more actual notice documents issued by the AEA, at various times, detailing, clarifying, amending, or supplementing the requirements or other provisions of the composite NOV, as deemed fit by the AEA, as new findings or circumstances arise or become evident to the AEA, or in consideration of the efforts of the recipient of the NOV or other relevant factors. Notwithstanding the foregoing sentence, the date of issuance of any NOV shall be the date of issuance by the AEA of the first notice as associated therewith. Any such NOV may require without limitation:
  - (1) The performance of monitoring, analyses, or reporting;
  - (2) The elimination of illegal discharges, illicit connections, or any facilities or situations which create the subject violation or threat of violation;
  - (3) That violating discharges, practices, or operations shall cease and desist;
  - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

- (5) Interim mitigation measures;
  - (6) The implementation of source control or treatment BMP's; or,
  - (7) The reasonable, as solely determined by the AEA, deadlines or timeframes for when any such requirement or measure, or aggregate thereof, must be commenced and/or completed; or, the AEA may elect to set forth any such deadline or timeframe in a subsequent correspondence therefrom in respect thereto; in accordance with the MS4 General Permit, identified illegal discharges are to be eliminated in not more than 180 days.
- (b) Any recipient of any NOV may appeal such notice, or any part thereof, to the Town Manager by informing the Town Manager in writing of such appeal within 20 days of the date of issuance of the subject NOV.
  - (c) The Town Manager may use any methods or procedures deemed fit thereby to evaluate the subject appeal, NOV, and surrounding circumstances, and may base his decision with respect to the appeal on whatever criteria deemed fit thereby.
  - (d) Any decision of the Town Manager with respect to any appeal shall be in writing, shall be sent to the appellant and to the AEA, and shall supersede the subject NOV only to the strict extents that such decision directly alters or conflicts with the subject NOV or provisions thereof.
  - (e) Where a NOV is issued jointly to more than one Entity, then the subject Entities shall be considered and held severally and jointly responsible for any subject violation, subject to the determination of any appeal that finds otherwise.

#### **Sec 1-12. - Notice of Failure to Comply**

- (a) In any event where the Entity receiving any Notice of Violation under Sec. 1-11 above (the "recipient") fails to comply with any deadline, timeframe, or any other provision set forth within or as associated with the subject NOV, and notwithstanding the rescindment of any previous Notice of Failure to Comply regarding the subject NOV, the AEA or Town Manager may, at any time subsequent thereto as long as the recipient remains in non-compliance, issue to the recipient, delivered by U.S. mail (with delivery confirmation) to the most recent address for the recipient known to the issuer, a Notice of Failure to Comply with the subject NOV. Such notice shall inform the recipient:
  - (1) What provisions of the NOV have not been complied with;
  - (2) That in some designated period of time of not less than 7 days, the "Compliance Deadline", and if the Notice of Failure to Comply remains active, the Town may (i) issue one or more citations to the responsible entity as long as the violation persists, (ii) proceed to initiate activities to abate the subject illegal discharge as may be allowed by law, including suspension of access to the storm drainage system, and that the recipient may be held responsible for any expenses of the Town associated with such activities, and/or (iii) proceed to initiate further legal actions, including petitioning for injunctive relief, against the recipient to compel abatement, remediation and/or correction of and associated with the subject violation by the recipient; and,

- (3) That the subject Notice of Failure to Comply may be suspended or rescinded by the AEA or Town Manager if the recipient promptly and successfully commences to make progress towards complying with the NOV to the satisfaction of the AEA; and, if suspended, may subsequently be rescinded if satisfactory progress continues; or, if satisfactory progress does not continue, the suspension may be lifted and the days towards the Compliance Deadline resume passing.

**Sec 1-13. - Suspension due to illegal discharge to prevent imminent and substantial danger.**

- (a) Notwithstanding the provisions of Sections 1-11 and 1-12, above: The AEA or Town Manager may, without prior notice, and at any time up to and including immediately, suspend storm drainage system discharge access when such suspension is deemed necessary thereby to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to property, the storm drainage system or waters of Connecticut. The AEA shall reasonably endeavor to make the permittee or other responsible or known affected party aware of such suspension by whatever means deemed appropriate and available; however, there is no requirement for the AEA to succeed in such notice prior to suspension or any action of the Town in association with such suspension or situation. And, in any such instance, the AEA or Town Manager may take such steps as deemed necessary to prevent or minimize such danger or associated damage. Such steps may include issuing requirements to the responsible party to undertake or complete appropriate elimination, abatement, or mitigation measures, or other actions, in a timely manner, or for the Town to undertake the same where the AEA or Town Manager deems that the responsible party is failing or unable to do the same.
- (b) The Town may seek to recover, and the responsible party shall be liable to the Town for, any costs or expenses incurred by the Town in association with actions or measures undertaken by the Town under this Section 1-13.

**Sec 1-14. - Citation.**

- (a) Notwithstanding any other enforcement measure or remedy as may be available to or undertaken by the Town or other regulatory agency with respect to any subject violation, any violation of Chapter 7 of the Code of Ordinances, including any failure to comply with any provision of these Regulations, shall be subject to penalties and enforcement per Sec. 7-09 of the Code of Ordinances.
- (b) One or more citations may be issued at any point while any subject violation exists or continues.
- (c) Any applicable Notice of Violation issued under these Stormwater Management Regulations shall serve as the written warning as required under Section 7-148)(c)(10) of the Connecticut General Statutes with respect to any citation as may be issued in association with the subject violations of such Notice of Violation.
- (d) Other enforcement may be undertaken by the Town in accordance with other Town ordinances or regulations, including inland wetlands and watercourses regulations, zoning regulations, subdivision regulations, or rights of way regulations in addition to or concurrent with issuance of one or more citations with respect to any violation



**Sec 1-15. - Regulatory referral.**

- (a) Notwithstanding any other enforcement measures available or undertaken, where deemed appropriate by the AEA, the AEA may refer any violation to the CT DEEP, the United States Environmental Protection Agency, the state or local public health authority, or any other applicable regulatory agency for consideration thereby for further enforcement action.

**Article 5 – Discharges and Connections**

**Sec 1-16. - Permit Required for Discharge and Connection.**

- (a) A connection permit from the Town, as issued to the premises, in the opinion of the AEA, directly responsible, is required for any connection or discharge of stormwater to the Town storm drainage system; and any such permit shall be obtained prior to commencing such connection or any discharge or construction work associated therewith.
- (b) Such permit shall be in accordance with the applicable provisions of the Rights of Way Ordinance (Chapter 17, Article III of the Code of Ordinances) and the Permit Manual referenced therein.
- (c) Such permit may be explicitly created and issued by the AEA, or designee thereof, subject to review of any subject connection or discharges by the same with respect to the requirements and provisions of these Regulations and to the protection of the storm drainage system and its functions.
- (d) Any such connection permit may be deemed implicitly created by the AEA, at the sole discretion of the AEA, and upon explicit written recognition of the same by the AEA, by the explicit inclusion of the subject connection, generally as indicated by depiction of the subject connection on approved improvement plans, in a Town Plan and Zoning Commission subdivision, site plan, or special permit approval or an Inlands Wetlands and Watercourses Commission permit approval, provided that the subject connection is deemed compliant with all applicable provisions of these Regulations.
- (e) As a condition to the issuance of any connection permit hereunder, the AEA may designate the reasonable location or manner of connection to the storm drainage system. Where underground facilities of the storm drainage system exist adjacent to, or are otherwise reasonably accessible to, the subject premises, it shall, except in exceptional circumstances, be considered reasonable, and be required, that the connection be made to discharge into said underground facilities in lieu of such discharge entering onto the surface of a Town road to protect from icing, excessive gutter flow, or other potential deleterious effects to the road and its functions.
- (f) Any legacy permit for connection or discharge to the storm drainage system previously issued by the Town, or otherwise deemed issued by the AEA, and existing on the effective date of these Regulations (adoption date) shall remain in force, however such permit shall become temporary on the effective date of these Regulations. The burden of proof of the existence of any such existing valid permit rests solely with the discharger.

- (g) Any legacy permit per the provisions of Sec. 1-16(f) above, having become temporary per the same, shall become probationary two years subsequent to the effective date of these Regulations if the provisions of this Sec. 1-16 have not been fully complied with to the satisfaction of the AEA and the AEA has not issued, which issuance may include written recognition in association with Sec. 1-16(d) above, a new standard connection permit therefore by such time. Any temporary or probationary permit shall be superseded by the issuance of a new standard connection permit by the AEA for the subject connection.
- (h) The AEA may, at any time, in writing, require the permittee for a probationary permit to make the subject connection or discharge compliant, or verify compliance, and then obtain a new standard permit for the same. Such written notice shall set a date by which the new permit shall be obtained; where such date shall allow for a reasonable, as solely determined by the AEA using whatever considerations deemed appropriate thereby, timeframe for compliance. Failure to obtain a new permit in accordance herewith may, at any time subsequent thereto, be cause for the AEA to suspend or revoke the subject probationary permit, rendering the subject connection and any associated discharge in violation of Chapter 7 of the Code of Ordinances and these Regulations.
- (i) No connection to the storm drainage system as installed shall unduly interfere with or run counter to, as determined by the AEA, any function of the storm drainage system. Where the AEA determines that any connection does unduly interfere with or run counter to any function of the storm drainage system, such permit may be suspended or revoked by the AEA until such time as the subject concerns of the AEA have been mitigated to the satisfaction of the AEA, at which time the subject discharge permit may be re-issued or have its suspension lifted by the AEA.
- (j) Any connection permit is subject to review by the AEA in any case where, in the opinion of the AEA, the quantity or nature of the subject discharges contributing to the connection changes, or is likely to change, significantly as a result of development or other activity or matter; and such permit may be suspended or revoked where the AEA finds that the effect of the subject changes run, or will run, counter to the protection of storm drainage system or its functions, until such time as the subject concerns of the AEA have been mitigated to the satisfaction of the AEA, at which time the subject connection permit may be re-issued or have its suspension lifted by the AEA.
- (k) Except where otherwise duly suspended or revoked, any valid connection permit shall run with the premises to which it is issued.
- (l) Any violation of these Regulations, or any requirement or condition of any associated permit, or enforcement action or other directive of the AEA, constitutes cause for suspension or revocation of any associated connection permit.

**Sec 1-17. - Hold harmless and indemnification prerequisite to connection permit.**

- (a) No connection permit issued in accordance with the provisions hereof shall be valid until the property owner directly responsible for such connection, and every property owner anticipated to contribute to the discharge of such connection for whom the AEA deems it is reasonably in the Town's interest to obtain the same, shall have executed a hold harmless and indemnification in accordance with the provisions of Section 7-11 of the Code of Ordinances.

**Sec 1-18. - Prohibition of Illegal Discharges.**

- (a) No Entity shall discharge or cause to be discharged, either directly or indirectly, into the municipal storm drainage system any illegal discharge, as defined in Sec. 1-04(a)(11) hereof, including discharges that contain pollutants or that may cause or contribute to a violation of applicable water quality standards, nor shall any Entity create or allow the continued existence of any facilities or situation that poses a credible threat of the same. The commencement, conduct, or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows, and provided that any such excepted discharge shall not contribute to a violation of water quality standards or shall not significantly contribute pollutants to the storm drainage system:
  - (1) Naturally occurring (non-point) discharges such as rising groundwater, uncontaminated groundwater infiltration [as defined at 40 CFR 35.2005(20)], springs, diverted stream flows, and natural riparian habitat or wetland flows;
  - (2) Pumped groundwater, foundation or footing drains (not including active dewatering systems);
  - (3) Water discharge from crawl space pumps;
  - (4) Discharge from landscape irrigation or lawn watering;
  - (5) Firefighting activities (not including training);
  - (6) Residual street wash water;
  - (7) Water line flushing activities performed in accordance with applicable CT DEEP policies or guidance.
  - (8) Dye testing that has been brought to the attention of the Authorized Enforcement Agent prior to the time of the test; or,
  - (9) Any discharge permitted under any permit, waiver, authorization, or order issued to the discharger and administered under the authority of the CT DEEP, provided that the discharger is in full compliance with all requirements of such permit, waiver, authorization, or order and other applicable laws and regulations.

**Sec 1-19. - Maintenance and monitoring of Stormwater Facilities and Discharges.**

- (a) Stormwater retention or treatment facilities or measures that are required (by any law, regulation, or permit) or installed with the intent or effect of mitigating illegal discharge must be properly maintained in order to continue to provide such mitigation as intended or at effective levels over time.
- (b) Any development or other activity on a premises that requires the preparation of a Stormwater Management Plan as part of any permit approval process under the Zoning Regulations shall include on the improvement plans for such development or activity, as part of such Stormwater Management Plan, a stormwater management system operation, monitoring, and maintenance narrative, which narrative shall document:

- (1) Recommended and appropriate operation, monitoring, and maintenance activities and measures, including the timing thereof, as may be associated with or particular to (and presented in such a manner) the intended service and benefits (including mitigation of illegal discharges) of the various stormwater management facilities and measures proposed for the development.
- (2) Observable physical signs of significant inadequate maintenance, degradation, or improper function of, as associated with or particular to (and presented in such a manner), the various stormwater management facilities and measures, and their intended service and benefits, proposed for the development, including, as applicable, specific conditions that must be realized, timing, or procedures that must be used to accommodate observance.
- (c) Notwithstanding any other authority or requirement set forth herein, the AEA may at any time, whether or not associated a Notice of Violation or any other enforcement action, require monitoring or reporting as associated with any regulated facility or discharge in any manner or frequency as deemed by the AEA to be appropriate and reasonable to meet the objectives and requirements of said Chapter 7 of the Code of Ordinances, these Stormwater Management Regulations, or the MS4 General Permit.
- (d) Failure to properly install or maintain any such stormwater retention, treatment, or other facility or measure, or failure to meet applicable stormwater monitoring or reporting requirements, constitutes a credible threat of illegal discharge for purposes of these regulations.

**Sec 1-20. - Prohibition of Illicit Connections.**

- (a) The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system is prohibited. 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. Notwithstanding other actions as may be a violation hereunder, an Entity is considered to be in violation of this provision if the Entity connects a line conveying, intended to convey, or with the reasonable possibility to convey sewage or other illegal discharge to the storm drainage system, or allows such a connection to continue.

**Article 6 – Commercial and Construction Matters**

**Sec 1-21. - Use of Best Management Practices.**

- (a) The owner of any premises used for commercial or institutional purposes, or any operator of any commercial or institutional establishment, or any Entity responsible for construction activities, shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of structural and non-structural Best Management Practices (BMPs). Any such premises owner or operator responsible for a premise or establishment, or Entity responsible for construction activities, which is, or may be, the source of an illegal discharge may be required to implement, at said Entity's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal storm drainage system or any watercourse. Compliance with all terms and conditions of a

valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.

**Sec 1-22. - Notification of Spills.**

- (a) Notwithstanding other requirements of laws or regulations, as soon as any Entity 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 an illegal discharge or the discharge of hazardous materials or other pollutants into the storm drainage system or the waters of Connecticut, said Entity shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
  - (1) In the event of such a release of hazardous materials, said Entity shall immediately notify emergency response agencies of the occurrence via emergency dispatch services; and notify the AEA within the next three business days.
  - (2) In the event of such a release of non-hazardous materials, said Entity shall notify the AEA no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the AEA within three business days of the original notice.
  - (3) In the event of any such release, the owner or operator of the establishment where the spill occurred or from which the spill emanated shall 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.

**Sec 1-23. - Discharges from Industrial or Construction Activities.**

- (a) Any Entity subject to an industrial NPDES or a construction activity stormwater discharge permit issued by the CT DEEP shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the AEA prior to the allowing of discharges to the storm drainage system.

**Sec 1-24. - Monitoring of Industrial or Construction Activities for Compliance.**

- (a) To the extent allowed by laws, regulations, or provisions of applicable permits, the following applies to all facilities that have stormwater discharges associated with industrial activity or construction activity:
  - (1) The AEA is authorized to enter and inspect facilities subject to regulation under these regulations as often as may be necessary to determine compliance with these regulations. Any subject Entity shall cooperate fully with the AEA in association with any such inspection.
  - (2) Facility operators shall allow the AEA ready access to all parts of any subject premises for the purposes of inspection, sampling, examination and copying of relevant records as allowed by law.

- (3) The AEA shall have the authority to set up on any permitted facility such devices as are necessary in the opinion of the AEA to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The AEA has the right, with cause, to require an entity to install, calibrate, operate, maintain, and record results from monitoring equipment as deemed necessary thereby to assure compliance with these regulations.
- (5) If the AEA has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of these regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with these regulations or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the AEA may seek issuance of a search warrant from any court of competent jurisdiction.