Whatcom Community College Policy to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System

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SECTION 1 PURPOSE/INTENT

The purpose of this Policy is to regulate non-stormwater discharges to Whatcom Community College's separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This Policy establishes methods for controlling the introduction of Pollutants and Hazardous Wastes into the College's MS4 in order to comply with requirements of the NPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this Policy are:

1.1 To meet the requirements of the NPDES General Permit for Stormwater Discharges from MS4s, Permit no. WAR045706 or as amended or revised;

1.2 To regulate the introduction and contribution of Pollutants and Hazardous Wastes to the MS4 since such systems are not designed to accept process or discharge such non-stormwater wastes;

1.3 To prohibit illicit connections, activities and discharges to the MS4;

1.4 To establish institutional authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Policy; and

1.5 To promote the College community's awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

SECTION 2 DEFINITIONS

Whenever used in this Policy, unless a different meaning is stated in a definition applicable to only a portion of this Policy, the following terms will have meanings set forth below:

2.1 Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping 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.

2.2 Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

2.3 Construction Activity. Activities requiring authorization under the NPDES permit for stormwater discharges from construction activity. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

2.4 DOE. The State of Washington Department of Ecology.

2.5 Design professional. Washington State licensed professional engineer or licensed architect.

2.6 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.

2.7 Illicit Connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain 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; or

2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

2.8 Illicit Discharge. Any direct or indirect Non-Stormwater Discharge to the MS4, except as exempted in Section 6 of this Policy.

2.9 MS4. Municipal Separate Storm Sewer System.

2.10 Municipal Separate Storm Sewer System. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by the College;

2. Designed or used for collecting or conveying stormwater;

3. Which is not a combined sewer; and

4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR 122.2

2.11 The College. Whatcom Community College

2.12 Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of stormwater.

2.13 Policy. The College's policy entitled "Policy to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System.

2.14 Pollutant. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

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

2.16 Special Conditions.

1. Discharge Compliance with Water Quality Standards. The condition that applies where the College has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the College must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

2. 303(d) Listed Waters. The condition in the College's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water. (Note: currently, there are no 303(d) listed waters in the area of the College.)

3. The condition in the College's MS4 permit that applies if a TMDL (Total Maximum Daily Load Strategy) is approved in the future by the DOE for any waterbody or watershed into which the College discharges. Under this condition the College must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If the College is not meeting the TMDL stormwater allocations, the College must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

2.17 National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by the DOE that authorizes the discharge of pollutants to waters of the state.

2.19 Stormwater. Rainwater, surface runoff, snowmelt and drainage.

2.20 Stormwater Management Officer (SMO). An employee of the College designated by the College to enforce this Policy. The SMO may also be designated by the College to accept and review stormwater pollution prevention plans, forward the plans to the College's architect and/or project planners and inspect stormwater management practices. The SMO may designate a qualified professional to carry out some of these responsibilities.

2.21 303(d) List. A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by DOE as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

2.22 TMDL. Total Maximum Daily Load.

2.23 Total Maximum Daily Load. The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

2.24 Wastewater. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

SECTION 3 APPLICABILITY

This Policy shall apply to all water entering the College's MS4 generated on any developed and undeveloped College property unless explicitly exempted by an authorized enforcement agency.

SECTION 4 RESPONSIBILITY FOR ADMINISTRATION

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this Policy. The primary SMO will be the Sr. Director of Facilities & Operations who may appoint a temporary designee if necessary. In the event there is a violation of the College's MS4 NPDES permit, the SMO will be responsible for contacting the appropriate authority (i.e. COB Stormwater, COB Emergency Response, Department of Ecology, etc.) based on the nature and extent of the violation and whether the discharge was contained or entered into the municipal stormwater system.

SECTION 5 SEVERABILITY

The provisions of this Policy are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Policy or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Policy.

SECTION 6 DISCHARGE PROHIBITIONS

6.1 Prohibition of Illicit Discharges.

No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Section 6.1.1. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

6.1.1 The following discharges are exempt from discharge prohibitions established by this Policy, unless the DOE or the College has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, natural riparian habitat or wetland flows,

dechlorinated swimming pool discharges, dechlorinated fire sprinkler line discharge (flow testing), campus street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

6.1.2 Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this Policy.

6.1.3 The prohibition of Illicit Discharges shall not apply to any discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the DOE, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

6.2 Prohibition of Illicit Connections.

6.2.1 The construction, use, maintenance or continued existence of Illicit Connections to the MS4 is prohibited.

6.2.2 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.

6.2.3 A person is considered to be in violation of this Policy if the person connects a line conveying any materials other than stormwater (except as provided in Section 6.1.1) to the College's MS4, or allows such a connection to continue.

SECTION 8 PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER

8.1 Activities that are subject to the requirements of this section are those types of activities that:

8.1.1 Cause or contribute to a violation of the College's MS4 NPDES permit.

8.1.2 Cause or contribute to the College being subject to the Special Conditions as defined in Section 2 (Definitions) of this Policy.

8.2 If a violation of the College's MS4 NPDES permit is identified, the Stormwater Management Officer (or designee) will immediately notify the person believed to be responsible for the violation. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the College's MS4 NPDES permit authorization, that person shall immediately discontinue any illicit discharge activities and will take all reasonable actions to correct such activities so that he or she no longer causes or contributes to violations of the College's MS4 NPDES permit authorization.

SECTION 9 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

9.1 Where the SMO has identified Illicit Discharges as defined in Section 2 or activities contaminating stormwater as defined in Section 8, the College may require implementation of Best Management Practices (BMPs) to control those Illicit Discharges and activities.

9.1.1 The College shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the College's MS4 through the use of structural and non-structural BMPs.

9.1.2 Any person responsible for an activity on campus property, which is, or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in Section 8, will be required to submit a written statement to the Stormwater Management Officer describing the events surrounding the discharge and the BMPs used to ensure it doesn't reoccur. In addition, the person may be required to pay for the implementation of additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the College's MS4.

9.1.3 Compliance with all terms and conditions of the College's valid NPDES permit authorizing the discharge of stormwater associated with a College activity, to the extent practicable, shall be deemed compliant with the provisions of this section.

SECTION 10 SUSPENSION OF ACCESS TO THE COLLEGE'S MS4

10.1 The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened

discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

10.2 Suspension due to the detection of Illicit Discharge. Any person discharging to the College's MS4 in violation of this Policy may have their MS4 access terminated if such termination would abate or reduce an Illicit Discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefore. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the Illicit Discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the Illicit Discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to Premises terminated pursuant to this Section, without the prior approval of the SMO.

SECTION 11 CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to a Construction Activity NPDES Stormwater Discharge Permit for any building or land development activity at the College shall comply with all provisions of such Permit. Compliance with such Permit shall be required and enforced as a material term in any contract governing such Construction Activity. Proof of compliance with said permit may be required in a form acceptable to the College prior to the allowing of discharges to the MS4. Any construction activity disturbing 1 acre or more will be required to have a Stormwater Pollution Prevention Plan (SWPPP) identifying specific BMPs and control measures for that project.

SECTION 12 ACCESS AND MONITORING OF DISCHARGES

12.1 Applicability. This section applies to all facilities that the SMO or his/her designee must inspect in order to ensure compliance with the provisions of this Policy, or whenever the SMO has cause to believe that there exists, or potentially exists, in or upon any of the College's Premises any condition which constitutes a violation of this Policy.

12.2 Access to Facilities.

12.2.1 The SMO or his/her designee shall have the authority to inspect any and all College facilities that are subject to this Policy as often as may be necessary to determine compliance with this Policy. If a discharger

has security measures in force which require proper identification and clearance before entry into a College building or property, the discharger shall make the necessary arrangements to allow access to the SMO.

SECTION 13 NOTIFICATION OF SPILLS

Notwithstanding other requirements of this Policy, as soon as any person responsible for a College building or operation, or responsible for emergency response for a College building or operation has information of any known or suspected release of materials which are resulting or may result in Illicit Discharges or Pollutants or Hazardous Material discharging into the MS4, 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 Pollutants or Hazardous Materials or non Hazardous Materials said person shall immediately notify the College's Facilities & Operations Department and the SMO of the occurrence via the College's Facilities and Operations Department dispatch services (360-383-3390). Notifications in person or by telephone to the Facilities and Operations Department shall be confirmed in writing in the Incident log. Such written record shall be retained by the SMO for three years.

SECTION 14 ADOPTION OF POLICY

This Policy shall be in full force and effect immediately and will be posted on the College's Consumer Information website.