

Fairmont State University

Board of Governors

Policy No. 58

Illicit Discharge Detection and Elimination

Effective Date: **June 19, 2014**

SECTION 1. PURPOSE/INTENT

The purpose of this Fairmont State University Board of Governors policy is to provide for the health, safety, and general welfare of the Fairmont State University students, faculty, and staff as well as the citizens of the surrounding area through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Policy establishes methods for controlling the introduction of pollutants into the storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Policy are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- B. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Policy

SECTION 2. APPLICABILITY

This Policy shall apply to all water entering the Fairmont State University storm drain system unless explicitly exempted by an authorized enforcement agency.

SECTION 3. RESPONSIBILITY FOR ADMINISTRATION

Fairmont State University shall administer, implement, and enforce the provisions of this Policy. Any powers granted or duties imposed upon Fairmont State University may be delegated in writing by the University to persons or entities acting in the beneficial interest of or in the employ of the University.

SECTION 4. DISCHARGE PROHIBITIONS

A. Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants 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 storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this Policy: water line flushing or other potable water sources (if water line flushing is hyper-chlorinated, then water shall be de-chlorinated before discharging the line), 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), fire fighting activities, and any other water source not containing Pollutants.
2. Discharges specified in writing by Fairmont State University as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a verbal notification to the Fairmont State University prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, 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 storm drain system.

B. Prohibition of Illicit Connections

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connection 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 policy if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 5. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Fairmont State University prior to the allowing of discharges to the MS4.

SECTION 6. MONITORING OF DISCHARGES

A. Applicability

1. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities

1. Fairmont State University shall be permitted to enter and inspect facilities subject to this Policy as often as may be necessary to determine compliance.
2. Contractors shall allow Fairmont State University access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. Fairmont State University shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the University to conduct monitoring and/or sampling of the facility's storm water discharge.

4. Fairmont State University has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the contractor at the written or oral request of the University and shall not be replaced. The costs of clearing such access shall be borne by the contractor.
6. Unreasonable delays in allowing Fairmont State University access to a permitted facility is a violation of this Policy. A contractor or operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the University reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Policy.

SECTION 7. ENFORCEMENT

A. Notice of Violation.

Whenever Fairmont State University finds that a person has violated a prohibition or failed to meet a requirement of this Policy, the University may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or

restore within the established deadline, the work will be done by a designated contractor and the expense thereof shall be charged to the violator.

SECTION 8. APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the University. The notice of appeal must be received within 30 days from the date of the Notice of Violation. A meeting shall then be held between Fairmont State University and the appellant within 15 days of the receipt of the notice of appeal. Fairmont State University's decision following this meeting shall be final.

SECTION 9. ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the University, then representatives of the University shall take any and all measures necessary to abate the violation and/or restore the property.

SECTION 10. COST OF ABATEMENT OF THE VIOLATION

Within 60 days after abatement of the violation, the violator will be notified of the cost of abatement, including administrative costs.

SECTION 11. REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of Fairmont State University to seek cumulative remedies.