



MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
Water Resources Division

**Illicit Discharge Elimination Program (IDEP) –
Stormwater Management Program (SWMP) Template**

Background

A program must be developed to find and eliminate illicit connections and discharges to the regulated Municipal Separate Storm Sewer System (MS4) from commercial, industrial, private, educational, public, and residential sources.

- An “illicit discharge” is any discharge to, or seepage into, an MS4 that is not composed entirely of storm water or uncontaminated groundwater except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit. A discharge that originates from the applicant’s property and meets the illicit discharge definition is considered an illicit discharge.
- An “illicit connection” is a physical connection to an MS4 that primarily conveys non-storm water discharges other than uncontaminated groundwater into the MS4; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

The IDEP must include procedures and ordinances or other regulatory mechanisms to meet the permit application requirements. For detailed information on IDEP permit application requirements, the MS4 Program’s [IDEP Compliance Assistance Document](#) is available for reference.

Illicit Discharge Elimination Program

Ensure documentation is maintained for all activities described below.

Storm Sewer System Map

An up-to-date storm sewer system map(s) is available at the following location: Village of Pinckney ARC GIS System..

Procedure for Performing Field Observations

At a minimum of once per five (5)-year permit term, each outfall and point of discharge is observed during dry weather (at least 48-72 hours after precipitation) to determine if there are signs of a potential illicit discharge. Field screening is performed at outfalls and points of discharge per the timeframe indicated below:

- All field observations conducted in year 1 of permit term
- 20% of field observations conducted per year
- Other

Trained staff from the Village of Pinckney Department of Public Works observe the characteristics of dry weather flow, any staining or residues, and/or water quality at the receiving water. At a minimum, the focus of the field observation is to observe the following:

- Presence/absence of flow
- Deposits/stains on the discharge structure or bank
- Water clarity
- Color
- Odor
- Structural condition
- Floatable materials
- Vegetation condition
- Biology (e.g., bacterial sheens, algae, and slimes)

Field observation for each outfall or point of discharge is documented using a field form, which is included in Appendix 1. The documentation will include observations for each parameter listed above, as well as an identifier for the outfall/point of discharge, weather conditions (hours since last rain event), staff conducting the screening, and a photo.

If an outfall is submerged due to high water, an effort will be made to screen these outfalls during times of the year when the outfall is exposed (e.g. summer months). When the outfall is constantly submerged, dry weather screening will be conducted at the next upstream manhole or catch basin. This alternate location is still representative of the outfall and should be documented on a field form.

Dry weather screening of points of discharge will be conducted at the last manhole or catch basin before a jurisdictional boundary.

For additional information, the MS4 program's compliance assistance document [Dry-Weather Screening: A Guide for Permittees](#) is available for reference.

Procedure for Performing Field Screening

The following field screening activities will be conducted immediately, but not to exceed one to two days following the initial observations.

Following the identification of dry-weather flow, an upstream investigation will be performed. This investigation will entail reviewing the storm sewer map and tracking or tracing the observed flow upstream to determine the origin. Accessing manholes or catch basins throughout the drainage area until a source is identified may be required.

If the source of the dry-weather flow is not immediately determined, samples of the flow will be collected. Test strips will be used to analyze pH in the field within 15 minutes of collection. The remaining samples will be taken to Water Tech to be analyzed for *E. coli*, ammonia, and surfactants. Additional parameters may be selected based on field observations and potential source of the potential illicit discharge.

If the dry weather flow appears to be groundwater (e.g. clear water with no odor), field screening will occur to verify that the source of flow is uncontaminated groundwater. Parameters will include *E. coli* and other potential pollutants based on the surrounding land use.

If groundwater contamination is suspected, monitoring will be conducted to determine if any pollutants are present above background concentrations representative of the area if a discharge or release of pollutants had not occurred.

Guidelines for sample collection equipment and methods is available in [Dry Weather Screening: A Guide for Permittees](#), Attachment A.

Procedure for Performing Source Investigation

If field screening indicates that additional investigation is necessary to identify the source of the observed dry weather flow, a source investigation will begin immediately, but not to exceed two weeks following the initial observations.

Common methods used as a part of source investigation include, but are not limited to:

- **Visual Inspections:** Generally visual inspections of sites are conducted as a part of the screening process.
- **Records review:** Records typically include storm sewer maps, as-built plans, previous dry weather screening, and information regarding land use (residential, commercial, industrial etc.).
- **Sound Testing:** Sound testing involves tapping or striking a structure and listening for the sound to carry through a pipe. Sound testing is often used to confirm connectivity of the drainage system.
- **Dye Testing:** Dye testing involves inserting a tracer dye in a plumbing fixture or drainage system and observing the presence of the dye at other locations. Dye testing is often used to confirm connectivity. The use of tracer dyes with the potential to discharge to the surface waters of the state are regulated and require a permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
- **Smoke Testing:** Smoke testing involves blowing a non-toxic simulated smoke through the collection system to determine connectivity. Smoke testing requires notifying the residents and local authorities. Smoke found exiting a building plumbing vent indicates that the home is illicitly connected to the storm sewer. Smoke testing may be inconclusive when water traps or other blockages are present.
- **Video Surveillance:** Closed Circuit Television Video (CCTV) sewer inspections are commonly used to look at pipe conditions and locate connecting pipes (or taps) in the sewers. Video the sewer pipes may not by itself confirm connectivity and may be followed by dye testing or other similar approach.
- **Sandbagging:** Temporarily sandbagging a sewer pipe may be useful to check for intermittent flow conditions. Sandbagging involves partially blocking the lower portion of a drainage pipe and is only used during dry weather conditions.

Procedure for Responding to Illegal Dumping/Spills

Illegal dumping and spills to the MS4 are typically discovered by either visual and/or olfactory observations and are subsequently reported by citizens or staff. An on-going effort to educate the citizens about water quality issues is critical to the success of decreasing illegal dumping into the storm water catch basins/inlets and is included in the public education plan. Citizens are advised to report illegal dumping or spills by email to : dpw@villageofpinckney.org.

A complaint related to illegal dumping or spills will be investigated by trained DPW staff within 24-hours of receiving notification. Actions will be taken following the Enforcement Response Procedure.

Compliance and Enforcement Procedure for Illicit Discharges, Spills, and Dumping

Large spills requiring emergency response will be handled by the Putnam Fire Department in accordance with the Village of Pinckney Spill Response Plan, Attachment B.

When a complaint or report of a suspected improper connection or illicit discharge is received, the following steps will be followed: (1) documenting the complaint or suspicion in the tracking system, (2) investigation, (3) source identification, (4) voluntary and/or enforced corrective action, and (5) administrative tracking of steps 1 through 4 to assure remedy and closure.

A tracking system is important because locating and correcting a known or suspected discharge may not be immediately achievable. The tracking system is described in the Enforcement Response Procedure SWMP Template.

Spill Reporting

For facilities subject to the Part 5, Spillage of Oil and Polluting Materials administrative rules ([Part 5 Rules](#)) promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451 (NREPA), additional site-specific reporting requirements will be followed.

The noncompliance notification requirements below will be followed in response to all instances of noncompliance, including:

- 1) Spills, illicit connections, or dumping to the permitted MS4
- 2) Releases from municipal facilities that result in a discharge to waters of the state

Noncompliance Notification

All instances of noncompliance will be reported as follows:

24-Hour Reporting:

Within 24 hours of becoming aware of any noncompliance which may endanger health or the environment, the Village of Pinckney, will report to EGLE verbally by calling EGLE's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706. Also, within five (5) days, written

notification will be provided via MiEnviro Portal by submitting an “NPDES Unscheduled Permit Required Report” form.

Other Reporting:

Within five (5) days of becoming aware of other instances of noncompliance, the Village of Pinckney will provide written notification via MiEnviro Portal by submitting an “NPDES Unscheduled Permit Required Report” form.

Written notification will include:

- 1) A description of the discharge and cause of noncompliance
- 2) The period of noncompliance, including exact dates and times, or, if not yet corrected, the anticipated time the noncompliance is expected to continue
- 3) The steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge

IDEP Training and Evaluation

Training will be provided to all staff employed by the Village of Pinckney who may come into contact or observe an illicit discharge to the MS4. Training topics will include:

- Techniques for identifying an illicit discharge or connection, including field observation, field screening, and source investigation
- Procedures for reporting, responding to, and eliminating an illicit discharge or connection and the proper enforcement response

Training will occur on the following timeframe:

- Once per year (recommended)
- Once every permit term for existing employees and within the first year of hire for new employees (required at a minimum)

Options for training general field staff include:

[Southeast Michigan Council of Governments IDEP Training 1 video](#)

[Minnesota Pollution Control Agency Illicit Discharge IDDE](#)

Options for training staff conducting field observations, field screening, and source investigation include:

[Southeast Michigan Council of Governments IDEP Training 2 video](#)

Staff attending training will sign the IDEP Training Form to record attendance. The form is available in Appendix 2.

Evaluation of Overall Effectiveness

At the time each progress report is prepared, staff will compile a spreadsheet or narrative description of illicit discharges discovered during the reporting period, and corresponding method of detection (e.g. dry weather screening, complaint, notification from staff, wet weather screening, or alternate approach), enforcement method used to eliminate illicit discharge, and time elapsed before discharge

was eliminated. The most recent method of staff training method prior to the illicit discharge being discovered may also be considered in the evaluation. The [Illicit Discharge Elimination Evaluation Form](#) is available for download on the [MS4 webpage](#) for use in organizing this information and facilitating the evaluation. This information will be reported in the progress report and will be retained to evaluate overall effectiveness at the end of each permit term. The results of the evaluation will be considered when determining IDEP procedures for the next permit term.

IDEP Ordinance(s) or Other Regulatory Mechanism(s)

The IDEP ordinance is available at the following webpage www.villageofpinckney.org / Departments / Ordinances / Public Works / Chapter 53: Stormwater and provided in Appendix 3.

People with disabilities may request this material in an alternate format by emailing EGLE-Accessibility@Michigan.gov or calling 800-662-9278.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.

This form and its contents are subject to the Freedom of Information Act and may be released to the public.

Appendix 1 – Dry Weather Screening Field Form

General Information

Date(s) _____

Structure ID

GPS Coordinates/Address

Inspector(s)

Pipe Size _____

Material

RCP*

PVC*

Steel

HDPE*

Other _____

Weather

Sunny

Rainy

Overcast

Snow

Last Rain Event

48-72 Hours

> 72 Hours

Field Observations

Dry Weather Flow

No

Yes, Constant

Yes, Intermittent

Trace, Insufficient flow to sample

Submerged

Structure Condition

Good

Fair

Poor

Sediment Accumulation

No

Yes

Needs Cleaning

Flow Observations

Color

Clear

Brown

Gray

Other _____

Vegetation

None

Algae

Slime

None

Odor

Sewage

Petroleum

Detergent

Rotten Egg

None

Other _____

Floatables

Sewage

Suds

Petroleum Sheen

Bacterial Sheen

Trash

None

Other _____

* Definitions: HDPE means High Density Polyethylene; PVC means Poly Vinyl Chloride; RCP means Reinforced Concrete Pipe.

Field Screening

Date(s) _____

Parameters	Action Level	Results
<input type="checkbox"/> pH	<6.5 or > 9.0	
<input type="checkbox"/> Temperature		
<input type="checkbox"/> E. coli	>1,000 cts/100ml	
<input type="checkbox"/> Ammonia	>1.0 mg/l	
<input type="checkbox"/> Surfactants	>0.5 mg/l	
<input type="checkbox"/> Other _____		
<input type="checkbox"/> Other _____		

Source Investigation

Date(s) _____

- Sewershed Investigation Conducted (Y/N) _____
- Land Use Type (Residential, Commercial, Industrial) _____
- Televised Investigation Conducted (Y/N) _____
- Dye Test Conducted (Y/N) _____

(Note: Inform EGLE-WRD if performing dye testing)

- Further Investigation Required (Y/N) _____
- Illicit Discharge Identified (Y/N) _____

- Date Identified _____
- Date Responsible Party Notified _____
- Date Elimination Required _____
- Date Eliminated _____

- Illicit Connection Identified (Y/N) _____
- Date Identified _____
- Date Responsible Party Notified _____
- Date Elimination Required _____
- Date Eliminated _____

- Enforcement Action Taken (Y/N) _____

Summary:

Appendix 2 – IDEP Employee Training Form

Date of Training:

Trainer:

Training for general field staff

Training for staff conducting field observations, field screening, source investigation

Training Topics Covered:

Staff who may come into contact with or observe an illicit discharge are required to receive training at least once per permit cycle for existing employees, and within the first year of hire for new employees. Add additional lines below as necessary.

Attendees Name and Signature:

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

**To add more lines to the table, highlight a row, then hover the cursor to the left of the table until the + sign appears. Click on the + sign.*

CHAPTER 53: STORMWATER

Section

- 53.01 Findings
- 53.02 Purpose and intent
- 53.03 Compatibility with other regulations
- 53.04 Responsibility for administration
- 53.05 Definitions
- 53.06 Prohibitions
- 53.07 Watercourse protection
- 53.08 Industrial or construction activity discharges
- 53.09 Access and inspection of properties and facilities
- 53.10 Notice of non-stormwater releases
- 53.11 Enforcement
- 53.12 Appeals
- 53.13 Stormwater design and construction

- 53.99 Penalty

§ 53.01 FINDINGS.

The village finds:

- (A) Discharges to the municipal separate storm sewer system that are not composed entirely of stormwater runoff contribute to increased non-point source pollution and degradation of receiving waters;
- (B) These non-stormwater discharges occur due to spills, dumping and improper connections to the municipal separate storm sewer system from residential, industrial, commercial or institutional establishments;
- (C) These non-stormwater discharges not only impact waterways individually but, geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters;
- (D) The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;
- (E) These impacts can be minimized through the regulation of spills, dumping and discharges into the municipal separate storm sewer system;
- (F) The village is required to comply with a number of county, state and federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and non-point source pollution due to improper non stormwater discharges to the municipal separate storm sewer system;
- (G) Therefore, the Council adopts the ordinance from which the provisions of this chapter derive to prohibit such non-stormwater discharges to the municipal separate storm sewer system. It is

determined that the regulation of spills, improper pumping and discharges to the municipal separate storm sewer system is in the public interest and will prevent threats to public health and safety and the environment.

(Ord. 121, passed 8-26-2013)

§ 53.02 PURPOSE AND INTENT.

- (A) The purpose of this chapter is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the municipal separate storm sewer system to the maximum extent practicable as required by federal law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
- (B) The objectives of this chapter are to:
- (1) Regulate the contribution of pollutants to the municipal separate storm sewer system by any person;
 - (2) Prohibit illicit discharges and illegal connections to the municipal separate storm sewer system;
 - (3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the municipal separate storm sewer system; and
 - (4) Establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this chapter.

(Ord. 121, passed 8-26-2013)

§ 53.03 COMPATIBILITY WITH OTHER REGULATIONS.

This chapter is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(Ord. 121, passed 8-26-2013)

§ 53.04 RESPONSIBILITY FOR ADMINISTRATION.

The Council designates the Director of the Village Department of Public Works, or his or her designee, as its authorized enforcement agency to administer, implement and enforce the provisions of this chapter, together with such other persons as may be designated by resolution of the Council.

(Ord. 121, passed 8-26-

2013) **§ 53.05**

DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCIDENTAL DISCHARGE. A discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence.

AUTHORIZED ENFORCEMENT AGENCY. Persons designated by the Council to enforce this chapter.

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.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.) and any subsequent amendments thereto.

COAL TAR AND OTHER HIGH PAH CONTENT SEALANT PRODUCT. Coal tar and other high PAH sealant product are prohibited pursuant to § 132.197 and constitute hazardous materials as defined and regulated in this section.

CONSTRUCTION ACTIVITY. Activities subject to the NPDES general construction permits. These include construction projects resulting in land disturbance. 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 CONNECTION. An illegal connection is either of the following:

- (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted or approved by an authorized enforcement agency; or
- (2) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any direct or indirect non-stormwater discharge to the municipal separate storm sewer system, except as exempted in § 53.06.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial permits as defined in 40 C.F.R. § 122.26(b)(14).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). Any facility designed or used for collecting and/or conveying stormwater including, but not limited to, any roads with drainage systems, highways, municipal streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and humanmade or altered drainage channels, reservoirs and other drainage structures and which is:

- (1) Owned or maintained by the village;
- (2) Not a combined sewer; and
- (3) Not part of a publicly-owned treatment works.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT. A permit issued by the State Department of Environment, Great Lakes &

Energy under authority delegated pursuant to 33 U.S.C. § 1342(b) which 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-STORMWATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of stormwater.

PERSON. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

POLLUTANT. Anything which causes or contributes to pollution. **POLLUTANTS** may include, but are not limited to: paints, varnishes and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

POLLUTION. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes, but is not limited to, a change in temperature, taste, color, turbidity or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive or other substance into any such waters as will, or is likely to, create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare or environment or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wild animals, birds, fish or other aquatic life.

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

STATE WATERS. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Michigan which are not entirely confined and retained completely upon the property of a single person.

STORMWATER RUNOFF OR STORMWATER. Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STRUCTURAL STORMWATER CONTROL. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

VILLAGE. The Village of Pinckney, Michigan and/or its authorized representative.

(Ord. 121, passed 8-26-2013; Ord. 155, passed 1-11-2021)

§ 53.06 PROHIBITIONS.

(A) *Prohibition of illicit discharges.*

- (1) No person shall throw, drain or otherwise discharge, cause, or allow others under its control to throw, drain or otherwise discharge, into the municipal separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.
- (2) The following discharges are exempt from the prohibition provision above:
 - (a) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, uncontaminated 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, residential car washing, dechlorinated swimming pool water from family residences, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

(b) Discharges or flows from firefighting and other discharges specified in writing by the Council or its authorized representative as being necessary to protect public health and safety; and

(c) The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the U.S. Environmental Protection Agency (EPA), 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 municipal separate storm sewer system.

(B) *Prohibition of illegal connections.* The construction, connection, use, maintenance or continued existence of any illegal connection to the municipal separate storm sewer system is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person violates this chapter if the person connects a line conveying non-stormwater sewage to the municipal separate storm sewer system or allows such a connection to continue.

(3) Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Council.

(4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the village requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the village. (Ord. 121, passed 8-26-2013; Ord. 147, passed 8-26-2019; Ord. 155, passed 1-11-2021) Penalty, see § 53.99

§ 53.07 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

(Ord. 121, passed 8-26-2013)

§ 53.08 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

- (A) Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Council or its authorized representative prior to allowing discharges to the municipal separate storm sewer system.
- (B) The operator of a facility, including construction sites, required to have an NPDES permit to discharge stormwater associated with industrial activity shall submit a copy of the notice of intent (NOI) to the Council at the same time the operator submits the original notice of intent to the EPA, as applicable.
- (C) The copy of the notice of intent may be delivered to the Council either in person or by mailing it to:

Notice of Intent to Discharge Stormwater
Pinckney Village Council
220 S. Howell Street
Pinckney, MI 48169

(D) A person violates this chapter if the person operates a facility that is discharging stormwater associated with industrial activity without having submitted a copy of the notice of intent to do so to the Council.

(Ord. 121, passed 8-26-2013) Penalty, see § 53.99

§ 53.09 ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES.

- (A) The village shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this chapter.
- (B) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the village.
- (C) The owner or operator shall allow the village ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (D) The village shall have the right to set up on any property or facility such devices as are necessary in the opinion of the village, to conduct monitoring and/or sampling of flow discharges.
- (E) The village may require the owner or operator to install monitoring equipment and perform monitoring as necessary and make the monitoring data available to the Council. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his or her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (F) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the village and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (G) Unreasonable delays in allowing the village access to a facility is a violation of this chapter.
- (H) If the village has been refused access to any part of the premises from which stormwater is discharged and the village is able to demonstrate probable cause to believe that there may be a

violation of this chapter, 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 this chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the village may seek issuance of a search warrant from any court of competent jurisdiction.

- (l) The Livingston County Drain Commissioner has adopted requirements identifying best management practices (BMPs) for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the United States. The owner or operator of such activity, operation or facility shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that 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. 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 compliance with the provisions of this section. These BMPs shall be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

(Ord. 121, passed 8-26-2013) Penalty, see § 53.99

§ 53.10 NOTICE OF NON-STORMWATER RELEASES.

(A) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation, has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, state waters or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release so as to minimize the effects of the discharge.

(B) In the event of such a release of hazardous materials, emergency response agencies, including the Putnam Township Fire Department and/or other appropriate agencies, shall be immediately notified.

(C) Said person shall notify the village's authorized enforcement agency by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the village within three business days of the phone or in person notice. If the discharge of 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 years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(D) Failure to provide notification of a release as provided above is a violation of this chapter. (Ord. 121, passed 8-26-2013) Penalty, see § 53.99

§ 53.11 ENFORCEMENT.

(A) *Notice of violation.*

- (1) The village may issue a notice of violation with or without an order against any user believed to be in violation of this chapter and determine the civil administrative penalty, if any, to be imposed. The notice of violation shall be served upon the user either by personal delivery or by first class mail addressed to the user at his or her billing address, except that an immediate cease and desist order may be written or oral and may also be served by telephone.
- (2) The notice of violation shall specify the:
 - (a) Date and time of issuance;
 - (b) Date(s), time(s) and place(s) of violation;
 - (c) Nature of the violation;
 - (d) Possible penalties under the chapter; and
 - (e) The right of the alleged violator to present to the village written explanations, information or other materials in answer to the notice, including any defenses.

(B) *Emergency suspensions and orders.*

- (1) *Issuance of order.* If the village determines that a user has violated any provisions of this chapter or other applicable laws or regulations which the village is authorized to enforce, the village may issue an order, with or without notice of violation and whether or not a notice of violation was previously issued, to take action deemed appropriate under the circumstances.
- (2) *Immediate cease and desist order.* The village may issue an order to cease and desist from discharging any wastewater, incompatible pollutant, illegal discharge or illegal connection. The order shall have immediate effect when the actual or threatened discharge of pollutants to the MS4 presents, or may present, imminent or substantial endangerment to the health or welfare of persons, to the environment or cause interference with the operation of the MS4. If action is not taken immediately to correct illegal discharge, the village will implement whatever action is necessary to halt the discharge, including appropriate legal and/or equitable relief, in the appropriate legal forum.
- (3) *Order to show cause.* In cases other than those described in division (B)(2) above, the village may issue an order to show cause why an order to cease and desist by a certain time and date should not be issued. The proposed time for remedial action shall be specified in the order to show cause. The order may also contain the conditions deemed appropriate by the village, including, but not limited to, a requirement to:
 - (a) Submit samples;
 - (b) Install sampling or monitoring equipment;
 - (c) Submit reports;
 - (d) Permit access for inspection, sampling, tests, monitoring and investigations;
 - (e) Install and operate pre-treatment equipment;
 - (f) Reduce or eliminate a discharge or pollutants in a discharge; and
 - (g) Payment of use permit fees.

(4) *Disconnection orders.* The Director may disconnect a user from the MS4 if the user violates any provision of a final order issued pursuant to this section or an immediate cease and desist order issued pursuant to division (B)(2) above (whether final or not).

(5) *Content of orders.* Any order issued by the village shall contain the facts and grounds for its issuance and the remedial action ordered, together with the time within the action shall be taken. No such order shall be deemed insufficient, however, for inconsequential errors and omissions in the facts and grounds for the order. If any user deems the content of the order to contain insufficient information, it may request additional information from the village; however, no request shall extend any time limit or defer any payment, except as hereinafter set forth.

(Ord. 121, passed 8-26-

2013) **§ 53.12 APPEALS.**

Any user shall have the right to appeal any order, enforcement decision or other action taken by the village pursuant to this chapter to the Council unless the order, enforcement decision or other action has previously been approved or authorized by Council. The appeal shall be directed to the village within 30 days of the issuance of the order or the effective date of any enforcement decision or other action taken by the village. The Council shall consider the appeal and determine, in each particular case, whether any deviation from strict enforcement of the order or other enforcement decision or action will violate the intent of this subchapter or jeopardize the public health or safety. Resolution of appeals shall be made by the Council within 30 days of filing by a user of the appeal and any supporting documentation, in accordance with the best available data and this chapter.

(Ord. 121, passed 8-26-2013)

§ 53.13 STORMWATER DESIGN AND CONSTRUCTION.

For Stormwater Design and Construction, refer to the Village Technical Standards. (Ord. 155, passed 1-11-2021) **§ 53.99**

PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99.

(B) (1) Any person found to be violating any provision of §§ 53.01 *et seq.*, shall be served with written notice in accordance with § 53.11(A).

(2) Any person who is found to be in noncompliance with the requirements of §§ 53.01 *et seq.*, shall, unless the noncompliance constitutes a crime under the laws of the state, be guilty of a municipal civil infraction and shall be subject to a fine of not more than \$500 plus court costs and costs of prosecution upon conviction thereof. Each day in which any violation shall continue, shall be deemed a separate offense.

(3) A violation of §§ 53.01 *et seq.*, is also declared to be a public nuisance and the village may enforce by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises therefore and, if not collected, the bill will become a lien upon the property.

(4) Any business, industry or individual violating any of the provisions of §§ 53.01 *et seq.*, which results in fines or penalties being levied against the village, shall become liable for the fine or penalty, plus any expenses, loss or damage occasioned by the violation.

(5) Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to §§ 53.01 *et seq.*, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under §§ 53.01 *et seq.*, shall, unless the action constitutes a crime under the laws of the state, upon conviction, be guilty of a municipal civil infraction and shall be subject to a fine of not more than \$500 plus court costs and costs of prosecution upon conviction thereof.

(Ord. 121, passed 8-26-2013)