



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL PUBLIC WORKS DEPARTMENT

To: Town Council

From: Emily Cochran, Stormwater Administrator
Randy Dodd, Stormwater Utility Manager

Cc: Richard White, Town Manager
Daniel Snipes, Interim Public Works Director
Heather Holley, Stormwater Specialist

Date: May 3rd, 2022

Subject: Updates to Town Code Illicit Discharge Provisions

Summary:

The purpose of this memo is to provide a summary of and justification for proposed changes to the Illicit Discharge provisions in Chapter 5, Article IV of the Town Code.

Information:

Under the Town's EPA/NCDEQ issued NPDES stormwater permit, the Town's Stormwater Management Plan (SWMP) requires periodic review and updates of the regulations through which it protects surface waters. One requirement is that "The Town shall ensure the continued applicability, accuracy and legal standing of the [Illicit Discharge Detection and Elimination] provisions in the Town Code." The SWMP specifies that the following measurable goals be achieved in Permit Year 1 (by June 30, 2022):

1. Coordinate with the Town Attorney to conduct a review of the Illicit Discharge provisions; and
2. Update the Illicit Discharge provisions.

The Stormwater Division has conducted a review, drafted several recommended changes, and conferred with the Town Attorney and Stormwater Advisory Commission (see Attachment C). These specific changes were the result of the Stormwater Division's recommendations based on experience and coordination with other municipalities as well as a NCDEQ guidance document regarding swimming pool discharge (see Attachment D). The changes are not due to a State or federal regulatory requirement; however, as indicated above, the SWMP is a regulatory document, and the first annual report on the achievement of the written measurable goals must address the above SWMP requirements. Thus, this review and these proposed changes should be completed by June 30th.

Proposed Changes

The changes shown below are proposed. Specific language to be changed or added is shown in red and boldfaced font. A justification is provided for each change.

Recommendation:

It is recommended that the Town Code be updated to reflect these recommended changes to the Illicit Discharge provisions.

Citation	Provision with Updated Language	Justification
Section 5-31 Definitions	(5) <i>Pollutant</i> . Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; soaps and cleaning solutions; kerosene, gasoline, oil and other automotive fluids; liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects or accumulations, to the extent that the same may cause or contribute to pollution; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, sewage sludge, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; dredged spoil; filter backwash; salt ; chemical wastes; biological materials; toxic materials; radioactive materials; wrecked or discarded equipment; sand; dirt; ashes and incinerator residue; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. This includes any chemical additive to water potentially causing or contributing to pollution.	This change adds “salt” and “chemical additives to water” to address discharges from swimming pools that do not use chlorine as a sanitation method. A growing classification of swimming pools often referred to as “fresh water pools” do not use chlorine, but they do typically use a proprietary blend of chemical additives (which may include salts) that should not be allowed to enter surface waters or the MS4.
Section 5-31 Definitions	(9) <i>Surface waters</i> . All, streams, lakes, and ponds that appear as surface waters on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS) as well as Town regulated streams.	This change acknowledges that surface waters include both federally and State regulated streams and Town-regulated streams, i.e. smaller ephemeral streams.
Section 5-32 Illicit Discharges Prohibited	(13) Individual residential car washing or charity car washing that does not allow water to directly enter the stormwater system;	This change requires charity or residential car washing to occur in accordance with best management practices, including washing cars on pervious areas and/or directing the flow over landscaped areas to increase infiltration and prevent pollutants from reaching the MS4.
(b) the following shall not be regarded as constituting an illicit discharge:	(15) Dechlorinated swimming pool discharges that discharge across ground in a diffuse and non-erosive manner outside the stream buffer;	This change acknowledges that dechlorinated swimming pool discharges must not be directed to streams in a concentrated flow in such a way that would be erosive.
	(19) Runoff from residential properties that is discharged as diffuse flow in a non-erosive manner outside the stream buffer.	This change is an addition to allow runoff from residential properties that is discharged in a non-erosive manner outside the buffer.
Section 5-34 Inspections	(a) Upon the presentation of proper credentials, Town officers, agents, and employees engaged in the enforcement of this article shall have a right to enter on any premises within the Town at all reasonable hours for the purpose of making inspections, collecting samples , or carrying out other enforcement actions under this article.	This change adds the collection of samples as an explicit right of Town staff to enforce in the investigation of illicit discharges.
Section 5-35 Enforcement	The Administrator is authorized to enforce this article through the penalties and remedies as set forth in Section 5-21 of this chapter. In addition, nothing in this article is intended to preclude the Town from resorting in appropriate circumstances to the procedures set forth in Chapter 11, Article V, Part 2 of the Town Code dealing with the summary abatement of conditions dangerous or prejudicial to the public health.	This sentence specifies/reinforces that the Administrator has the authority to implement these provisions.