



## Legislation Text

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**File #:** 22-147, **Version:** 1

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**TITLE:**

Updates to Town Code Illicit Discharge Provisions

**PURPOSE:** The purpose of this item is to update the Illicit Discharge provisions in Chapter 5, Article IV of the Town Code

**DEPARTMENT:** Public Works Department

**CONTACT INFORMATION:** Emily Cochran, Stormwater Administrator (919) 918-7435;  
Randy Dodd, Stormwater Utility Manager (919) 918-7341

**INFORMATION:** Under the Town’s NPDES stormwater permit, the Stormwater Management Plan (SWMP) requires periodic review and updates of surface water protection regulations, and specifically requires that the review for illicit discharge provisions be completed by June 30, 2022. Staff have drafted several recommended changes, and conferred with the Town Attorney, Stormwater Advisory Commission (SWAC), and NCDEQ (see Attachments C and D) about the proposed changes and followed up on the SWAC’s input. The changes are:

1. Additions to Section 5-31 Definitions, for the definitions of “Pollutant” (to add “salt” and “chemical additives”) and “Surface waters” (to include “Town regulated streams”)
2. Changes to Section 5-32 Illicit Discharges Prohibited, to specify that residential or charity car washing discharges must not directly enter the stormwater system, and that runoff from swimming pool discharges and residential properties must be discharged as diffuse flow in a non-erosive manner outside the stream buffer
3. Addition to Section 5-34 Inspections, to add the collection of samples as an explicit right of Town Staff in the investigation of illicit discharges
4. Under Section 5-35 Enforcement, specify that the Administrator is authorized to enforce this article through Section 5-21 Penalties and Remedies.

An ordinance is attached for Council’s consideration with the amendments to the Town Code along with a staff memo, Stormwater Advisory Commission recommendation, and NCDEQ document on swimming pool discharges that provide additional information and background on the proposed changes.

**FISCAL & STAFF IMPACT:** None anticipated

**RECOMMENDATION:** It is recommended that the Illicit Discharge provisions in the Town Code be updated by approving the attached ordinance.