



Utilities & Maintenance
ILLICIT DISCHARGE AND CONNECTION STORM
WATER POLICY

October 27, 2004

Rev. 0

SECTION I. PURPOSE/INTENT

The purpose of this policy is to provide for the health, safety, and general welfare of the students, staff, faculty and visitors of the University of Notre Dame du Lac 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 municipal separate storm sewer system ("MS4") in order to comply with requirements of the National Pollutant Discharge Elimination System ("NPDES") permit process. The objectives of this policy are:

1. To regulate the contribution of pollutants to MS4 by storm water discharges by any user.
2. To prohibit Illicit Connections and Discharges to the MS4.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this policy.

SECTION II. DEFINITIONS

For the purposes of this policy, the following shall mean:

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 storm water, receiving waters, or storm water 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.

Contractor— An individual or company, including a subcontractor, hired by the University to perform services on University property.

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

Construction Activity — Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more. 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 Discharge — Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section VII of this policy.

Illicit Connections — An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system 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 the University or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the University.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit — means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that 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-Storm Water Discharge — Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant — Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

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

Storm Drainage System — Facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water — Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

University — An employee or designee of the University of Notre Dame du Lac authorized to enforce this policy.

Utility Excavation Permit (“UEP”) – Permit required by the University before any work can be commenced on University property and is issued by the University’s Utilities Department.

Wastewater — Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION III. APPLICABILITY

This policy shall apply to all water entering the storm drain system generated on any developed and undeveloped University owned lands unless explicitly exempted by the University.

SECTION IV. RESPONSIBILITY FOR ADMINISTRATION

The University shall administer, implement, and enforce the provisions of this policy.

SECTION V. 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 Contractor, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this policy.

SECTION VI. ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this policy are minimum standards; therefore, this policy does not intend nor imply that compliance by any Contractor will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

SECTION VII. DISCHARGE PROHIBITIONS

Prohibition of Illegal Discharges:

No Contractor shall discharge or cause to be discharged into the University's 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:

- A. The following discharges are exempt from discharge prohibitions established by this policy: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, 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 dechlorinated - typically less than one PPM chlorine), fire fighting activities, non-contact cooling water and any other water source not containing Pollutants.
- B. Discharges specified in writing by the University as being necessary to protect public health and safety.

- C. Dye testing is an allowable discharge, but requires a verbal notification to the University prior to the time of the test.

Prohibition of Illicit Connections:

- A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- B. 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.
- C. Contractor is considered to be in violation of this policy if the Contractor connects a line conveying sewage to the MS4.

SECTION VIII. SUSPENSION OF MS4 ACCESS

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

SECTION IX. MONITORING OF DISCHARGES

A. Applicability:

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

B. Access to Facilities:

1. The University may inspect projects subject to regulation under this policy as often as it deems necessary to determine compliance with this policy. If a Contractor has security measures in force which require proper identification and clearance before entry into its premises, the Contractor shall make the necessary arrangements to allow access to representatives of the University.
2. Contractors shall allow the University ready 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. The University shall have the right to set up 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. The University has the right to require the Contractor to install monitoring equipment as necessary. The Contractor's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Contractor at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the project site 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. Unreasonable delays in allowing the University access to a project site is a violation of a storm water discharge permit and of this policy.
6. If the University has been refused access to any part of the premises from which storm water is discharged, and the University is able to demonstrate probable cause to believe that there may be a violation of this policy, 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 policy or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the University may seek appropriate relief from any court of competent jurisdiction.

SECTION X. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The University will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The Contractor shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any Contractor which is, or may be, the source of an illicit discharge, may be required to implement, at said Contractor's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4.

SECTION XI. WATERCOURSE PROTECTION

Every Contractor shall keep and maintain that part of the watercourse within the MS4 free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

SECTION XII. NOTIFICATION OF SPILLS

To the fullest extent required by law, as soon as any Contractor responsible for a project site has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States said Contractor shall take steps to help ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said Contractor shall immediately notify emergency response agencies of the occurrence via emergency dispatch services and the University. In the event of a release of all other materials, said Contractor shall notify the University and to the extent required by law the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the University within three (3) business days of the phone notice.

SECTION XIII. ENFORCEMENT

A. **Notice of Violation:**

Whenever the University finds that a Contractor 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 Contractor. 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 to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration 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 the University and the expense thereof shall be charged to the violator.

B. Termination

The University, in its sole discretion, may terminate the Contractor's UEP and otherwise terminate its relationship with the Contractor without issuing a Notice of Violation in Section XIII.A.

SECTION XIV. COST OF ABATEMENT OF THE VIOLATION

After abatement of the violation, the violating Contractor will be notified of and required to pay the cost of abatement, including administrative costs, and reasonable attorneys' fees. Any Contractor violating any of the provisions of this policy shall become liable to the University by reason of such violation. Interest shall be assessed on any unpaid balance beginning on the 31st day following receipt of the notice of cost of abatement and remediation.

SECTION XV. VIOLATIONS DEEMED A NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this policy is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION XVI. REMEDIES NOT EXCLUSIVE

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

SECTION XVII. ADOPTION OF POLICY

This policy shall be in full force and effect upon adoption. All prior policies and parts of policies in conflict with this policy are hereby repealed.

ADOPTED this ____ day of _____, 2004.

Signature

Printed Name

Title

