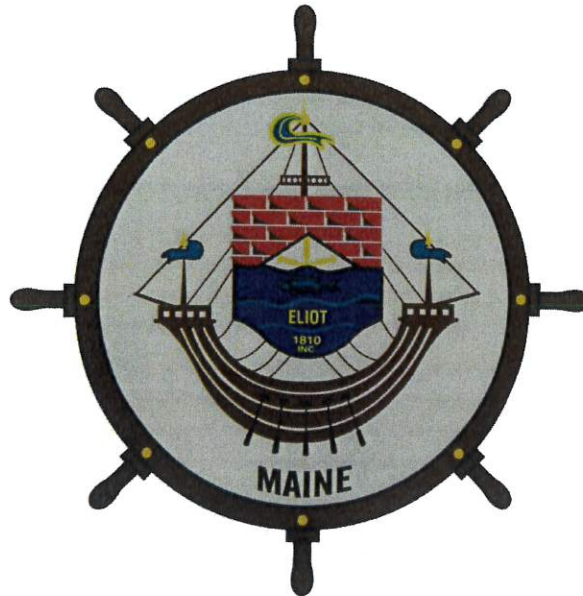


Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

Town of Eliot, Maine



Date of Enactment: June 13, 2023

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to enact/amend this Ordinance:

June 13, 2023

Per the Charter of the Town of Eliot, Article 2(11) this Ordinance
shall become ~~effective on June 20, 2023.~~

Certified by the Town Clerk:

On the 15th day of June, 2023.

Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

Planning Board recommends (4-0)

Select Board recommends (5-0)

Short Title

Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

Ballot question # 25 – Town Meeting and Referendum, June 13, 2023

ARTICLE #27: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges” be enacted?
(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

The Town of Eliot is subject to a Clean Water Act permit designed to protect waters from stormwater pollution. The permit, called the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (“MS4 Permit”), is issued by Maine Department of Environmental Protection (DEP). DEP periodically issues updated versions of the permit, most recently in 2021.

The new MS4 Permit requires that, by June 30, 2023, municipalities update their ordinances to ensure that any pollutants discharged to the storm drain system be removed within 60 days of identification of the source of the pollutant. If removal within 60 days is not possible, the owner or discharger may work with the Code Enforcement Officer to set an alternate schedule to remove the source of the pollutant.

The Town of Eliot enacted Chapter 31 Non-Stormwater Discharges in 2004 prohibit pollutants from being discharged to the storm drain system. This ordinance includes a list of a few allowed non-stormwater discharges such as uncontaminated groundwater and spring water. The changes are proposed to be made to the Notice of Violation section of the Chapter. Additional changes are being made to Section 31-11 to correct the basis for the ordinance.

Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

(New text underlined in bold)

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

Sec. 31-9. – Enforcement.

In order to determine compliance with this chapter, the enforcement authority may enter upon and inspect the property of the premises subject to this chapter at reasonable hours or any building on the premises with the consent of the premises' owner, occupant or agent: to inspect the premises and connections thereon to the storm drainage system; and to conduct monitoring, sampling and testing of the discharge to the storm drainage system.

- (1) *Notice of violation.* Whenever the enforcement authority believes that a person has violated this chapter, the enforcement authority may order compliance with this chapter by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:
 - a. The elimination of non-stormwater discharges to the storm drainage **system within 60 days of identification of the source**, including, but not limited to, disconnection of the premises from the MS4;
 - b. The cessation of discharges, practices, or operations in violation of this chapter;
 - c. At the person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of non-stormwater discharges to the storm drainage system and the restoration of any affected property; and/or
 - d. The payment of fines, of the municipality's remediation costs and of the municipality's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation and/or restoration of affected property is required, **or if elimination of the Non-Stormwater Discharge is not possible within 60 days of identification of the source**, the notice shall set forth a deadline within which such **elimination**, abatement, or restoration must be completed

Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

Sec. 31-11. - Basis.

The town enacts this Non-Stormwater Discharge Ordinance (the "ordinance") pursuant to 30-A M.R.S.A. § 3001 (Municipal Home Rule Ordinance Authority), 38 M.R.S.A. § 413 (the "Wastewater Discharge Law"), 33 U.S.C. § 1251 et seq. (the "Clean Water Act"), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General permit for the discharge of stormwater from small municipal separate storm sewer systems" dated June 3, 2003, has listed the Town of Eliot as having a regulated small municipal separate storm sewer system ("Small MS4"); under this general permit, listing as a regulated small MS4 necessitates enactment of this chapter as part of the municipality's stormwater management program

Municipal Officers' Certification of Official Text of a Proposed Ordinance

To the Town Clerk of the Town of Eliot, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges", which is to be presented to the voters for their consideration on June 13, 2023

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.


Dated: April 13, 2023

Richard Donhauser, Chairman

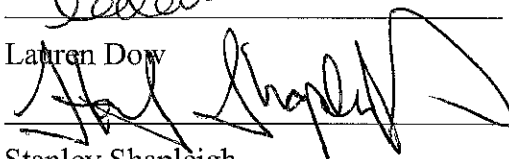


William Widi, Vice Chairman

Robert McPherson, Secretary



Lauren Dow



Stanley Shapleigh

Select Board

Eliot, Maine