

PUBLIC HEARING of the Burrillville Town Council held Wednesday, August 27, 2008 at 7:10 P.M. in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville.

MEMBERS ABSENT: Councilor Cynthia L. Roe was excused.

Relative to considering and acting on the following proposed changes to the Revised General Ordinances of the Town of Burrillville:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Burrillville Code of Ordinances, Chapter 12 entitled Environment is hereby amended by adding Article VI. Prohibition of Illicit Discharges.

NOTE: The notice of hearing was advertised in the legal section of the Woonsocket Call on, August 21, 2008.

1. Comments/Input/Recommendation from the Ordinance

Subcommittee

Councilor Margaret L. Dudley, Chair, Ordinance Subcommittee, reported that the Department of Environmental Management (DEM) requires adoption of a Prohibition of Illicit Discharges ordinance. Councilor Dudley said the proposal prohibits putting anything other than storm water into the storm water system. Councilor Dudley said the Ordinance Subcommittee had reviewed the proposal and recommended adoption.

2. Comments/Input/Recommendations by the Administration (Town Solicitor, Town Manager, Administrative Staff)

Leo Fontaine, Town Engineer, indicated that all Rhode Island cities and towns are required by DEM to have an ordinance relative to prohibition of illicit discharges. Mr. Fontaine testified that the Town is in the fifth year of a five-year plan to be in compliance with DEM, and that this ordinance is part of that plan. Mr. Fontaine said that the ordinance is to prevent introduction of illegal substances into the storm water system.

Michael C. Wood, Town Manager, discussed consequences imposed by the state for noncompliance with state mandates, such as fines, withholding grant money, not being eligible for grants, and/or withholding state aid.

3. Proponents: None

4. Opponents: None

5. VOTED to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilor Cynthia L. Roe was excused.

6. Town Council Members Comments/Input/Deliberation

Councilor Kevin M. Blais said that the ordinance prohibited washing cars. There was discussion of the DEM recommendations and requirements, enforcement of ordinances, and the Town Council's ability to amend the proposed ordinance. It was pointed out that residential car washing was listed in the proposed ordinance among the exceptions; that is, individual residential car washing is permitted. The matter was discussed.

Councilor John M. Karmozyn, Jr. commented on dry-wells on private property, suggesting that they would not be prohibited by the ordinance. Mr. Fontaine agreed.

7. VOTED to adopt amendments to the Revised General Ordinances of The Town of Burrillville 2004, Chapter 12 entitled Environment by adding Article VI. Prohibition of Illicit Discharges, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Burrillville Code of Ordinances, Chapter 12 entitled Environment is hereby amended by adding Article VI. Prohibition of Illicit Discharges.

Sec. 12-170. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning::

Illegal Discharge. Any direct or indirect non-storm water discharge to the municipal storm sewer system, except as exempted in Section 12-171(a) of this ordinance.

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 municipal storm sewer 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 an authorized enforcement agency 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 an authorized enforcement agency.

Municipal Storm Sewer System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal 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.

Non-Storm Water Discharge. Any discharge to the municipal storm sewer system that is not composed entirely of storm water.

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

Sec. 12-171. Illicit discharge and Illicit Connections

(a) Prohibition of Illicit Discharges. Non-storm water discharge is expressly prohibited from entering the municipal storm sewer system, unless the discharge has received all required federal, state and local permits including the Rhode Island Pollutant Discharge Elimination System (RIPDES) or is included in one of the following categories of discharges: discharges which result from the wash down of vehicles at retail dealers selling new and used automobiles where no detergents are used and individual residential car washing;

external building wash down where no detergents are used; the use of water to control dust; fire fighting activities; fire hydrant flushing; natural springs; uncontaminated groundwater; dechlorinated pool discharges; air conditioning condensate; lawn watering; potable water sources including waterline flushing; irrigation drainage; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; discharges from foundation or footing drains where flows are not contaminated with process materials such as solvents, or contaminated by contact with soils where spills or leaks of toxic or hazardous materials have occurred; uncontaminated utility vault dewatering; dechlorinated water line testing water; hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals.

(b) Prohibition of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the municipal storm sewer system is prohibited.

(2) 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. A person is considered to be in violation of this ordinance if the person connects a line conveying non-stormwater to the municipal storm sewer system or allows such a connection to

continue.

(3) A person is in violation of this ordinance if he/she connects a line conveying non-stormwater to the municipal storm sewer system, or allows such a connection to continue.

Sec. 12-172. Responsibility for Administration

The Director of Public Works or designee shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Director of Public Works may be delegated in writing by the Director of Public Works to persons or entities acting in the interest of or in the employ of the Department of Public Works.

Sec. 12-173. Right of Entry

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Director of Public Works or designee or designated representative may enter upon privately owned property for the purpose of performing their duties under this ordinance and may make or cause to be made such examinations, surveys or sampling as the Town of Burrillville deems reasonably necessary.

Sec. 12-174 Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency

response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in unauthorized discharges or pollutants discharging into storm water, the municipal storm sewer system, or waters of the State from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the Director of Public Works or designee no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works or designee within five (5) working days of the phone 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 (3) years. Nothing in this section shall preclude any owner/lessee from compliance with relevant provisions of the Rhode Island Clean Water Act, R.I.G.L. 46-12-1, et seq. or other applicable laws or regulations.

Sec. 12-175. Enforcement

(a) If an illicit discharge to the municipal storm sewer system is detected, the owner shall cease the discharge. If the discharge does

not cease within seven calendar days, the owner may be fined in accordance with the provisions of Section 1-6 the Burrillville Code of Ordinances and the Director of Public Works or designee shall have the right to take the available appropriate remedies it deems necessary to correct the violations and to place a lien on the subject property in an amount equal to the cost of the remedial actions. The lien shall be enforced in the manner provided or authorized by law for the enforcement of liens on real or personal property. The lien shall be recorded in the land evidence records of the Town of Burrillville and the amount thereof shall accrue legal interest from the date of the recording. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this ordinance, including revocation of the performance bond or assessment of a lien on the property.

(b) Any individual or other party is prohibited from discharging waste, including construction waste, building material, truck washout, chemicals, litter, sanitary wastes or other waste into the municipal storm sewer system. If such a violation occurs the individual or other party may be fined in accordance with the provisions of Section 1-6 the Burrillville Code of Ordinances and the Town of Burrillville may also require removal of the waste within ten (10) calendar days at the violator's expense. The Town of Burrillville may charge the violator any costs associated with removal or repair of damage resulting from the violation.

This Ordinance shall take effect ten (10) days after passage.

Adopted this 27th day of August 2008.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilor Cynthia L. Roe was excused.

8. VOTED to adjourn at 7:27 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilor Cynthia L. Roe was excused.

The hearing was taped. The tape is on file with the record of the hearing.

Louise R. Phaneuf, Town Clerk