

*Town of Johnston  
State of Rhode Island*

Ordinance 2024-9

**ADOPTED**

DATE 8/13/24  
JOHNSTON TOWN COUNCIL  
ATTEST: *[Signature]*

**AN ORDINANCE AMENDING CHAPTER 298 ENTITLED "STORMWATER MANAGEMENT" OF THE TOWN OF JOHNSTON CODE OF ORDINANCES**

The Town Council of the Town of Johnston hereby ordains:

*Proposed new language is noted by underline-proposed deletions noted by strike-through*

An Ordinance amending Chapter 298, Sections 298-1 through 298-5 of the Town of Johnston Code of Ordinances as follows:

§ 298-1. **Purpose.** The purpose of this chapter is to regulate illicit connections and discharges into the municipal separate storm sewer system (MS4) as is necessary to protect Johnston's water bodies and groundwater, and to safeguard the health, safety, and welfare of the public, and the environment, from contaminated stormwater runoff. The objectives of this chapter are:

- A. To prevent (or reduce to the maximum extent practicable) pollutants entering Johnston's MS4;
- B. To require the removal of all such illicit connections and unauthorized discharges to the MS4;
- C. To comply with state law and federal statutes and regulations relating to stormwater discharges; and
- D. To set forth the legal authority and procedures to carry out all inspection, monitoring, and enforcement activities necessary to ensure compliance with this chapter.

§ 298-2. **Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

**BMPs or BEST MANAGEMENT PRACTICES.** 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 stormwater, receiving waters, or stormwater 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.

**CONSTRUCTION ACTIVITY.** Activities subject to RIPDES construction permits. As of March 2003, RIPDES Stormwater Phase II permits are required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**DISCHARGE PERMIT.** A permit issued by the EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342) 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.

**DISCHARGER.** Any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site or industrial facility.

**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.

**ILLICIT CONNECTION.** Either of the following:

- A. 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-stormwater 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 officer; or

- B. 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 officer.

**ILLICIT DISCHARGE.** Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to an RIPDES permit (other than the RIPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire-fighting activities.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by a city or town or the state, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the SWA that discharges to waters of the state;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined in Rule 3 of the RIPDES Regulations.

**NONSTORMWATER DISCHARGE.** Any discharge that is not composed entirely of stormwater.

**OPERATOR.** The party or parties that either individually or taken together have the day-to-day operational control over the facility's activities and the ability to make modifications to such activities.

**OWNER.** The party or parties that either individually or taken together have legal title to any premises.

**PERSON.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANTS.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous 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; heat; and noxious or offensive matter of any kind.

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

**UNAUTHORIZED DISCHARGE.** A discharge of stormwater not authorized by an RIPDES permit, or an allowable stormwater discharge found to be a significant contributor of pollutants to the MS4.

**WATERCOURSE.** A natural or man-made surface drainage channel or body of water (including a lake or pond) through which a water flow occurs, either continuously or intermittently.

**WATERS OF THE STATE.** Surface and groundwaters within the boundaries of the State of Rhode Island and subject to its jurisdiction.

**§ 298-3. Responsibility for Application, administration and fees.**

- A. This article shall apply to all non-stormwater entering a storm drainage system generated on any developed and undeveloped lands unless explicitly authorized or exempted by the terms of this article or a discharge permit.

B. The Director of the Department of Public Works and/or his or her designee shall administer, implement, and enforce the provisions of this chapter.

C. A connection or discharge to the MS4 may be made only after the issuance of a permit and the payment of a permit fee of \$150 for a new connection and \$250 for a previously made connection.

**§ 298-4. Discharge prohibitions; exceptions.**

**A. Prohibition of unauthorized discharges.**

(1) No person shall discharge or cause to be discharged into the MS4 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 stormwater, unless the discharges have received all required federal, state and local permits including the National Pollutant Discharge Elimination (NPDES) permit, or is included in one of the following categories of discharges listed in Subsection A(2).

(2) The following sources are allowable non-stormwater discharges:

(a) Discharges which result from the washdown of vehicles at retail dealers selling new and used automobiles where no detergents are used and individual car washing;

(b) External building washdown where no detergents are used;

(c) The use of water to control dust;

(d) Fire hydrant flushings;

(e) Natural springs;

(f) Uncontaminated groundwater;

(g) Dechlorinated pool discharges;

(h) Air-conditioning condensate;

(i) Lawn watering;

(j) Potable water sources, including water line flushings;

(k) Irrigation drainage;

(l) 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;

(m) 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;

(n) Uncontaminated utility and vault dewatering; dechlorinated water line testing; and

(o) Hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals.

B. Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. 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.

**§ 298-5. ~~Suspension of MS4 access.~~**

**A. Suspension of access.**

(1) Suspension due to illicit discharges in emergency situations. The authorized enforcement officer may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened non-stormwater discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement officer may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state or to minimize the danger to persons.


(2) Suspensions due to the detection of illicit discharge. Any person discharging into the MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement officer will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement officer for reconsideration and a hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement officer.

- B. Unauthorized connections prohibited. It shall be unlawful for any person to make any connection to the Town's MS4 without written authorization from the Town, or to reconnect access when it has been suspended or terminated due to an illicit discharge without the prior approval of the Town.
- C. Litter and refuse control.
- (1) It shall be the duty of the property owner to keep leaves from his or her property that have been piled for leaf collection or from lawn maintenance out of any gutter, inlet, catch basin, or ditch.
  - (2) It shall be unlawful to place yard waste and/or pet waste into any storm drain, stream, or conveyance where concentrated stormwater flows will wash such wastes into the storm drainage system.

*Robert V. Russo*

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Councilperson

Approved to form:

  
\_\_\_\_\_  
Town Solicitor

# Ordinance 2024-9

Date of passage August 13, 2024

Aye

Linda L. Folcarelli-Councilwoman  
*District 1*

Aye

Lauren A. Garzone - Vice-President  
*District 2*

Aye

Alfred T. Carnevale -Councilman  
*District 3*

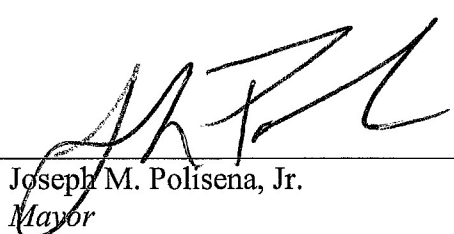
Aye

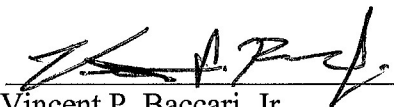
Robert J. Civetti - Councilman  
*District 5*

Aye

Robert V. Russo -President  
*District 4*

Approve  Veto

  
Joseph M. Polisena, Jr.  
*Mayor*

Attest:   
Vincent P. Baccari, Jr  
*Town Clerk*

Date 8/26/24