

## **Policy 4310**

### **Illicit Discharge Detection and Elimination (IDDE)**

**Date of Current Revision: December 2020**

**Responsible Officer: Associate Vice President for Business Services**

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#### **1. PURPOSE**

This policy establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4).

#### **2. AUTHORITY**

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

#### **STATE OR FEDERAL STATUTE AND/OR REGULATION**

The university is required to comply with the National Pollutant Discharge Elimination System (NPDES) permit process, as implemented through the General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems as regulated under the Virginia Administrative Code 9VAC25-890.

#### **3. DEFINITIONS**

##### **Affiliate:**

An individual who has a formal affiliation with the university and receives some services from the university, but is not a student or employee of the university and receives no remuneration from the university (Formal affiliation means that a necessary relationship exists between the university and the individual to provide a service of value to the university). Affiliates are defined in [Policy 1337](#) and include employees of contractors such as ARAMARK, Novitex, Follett, etc.

##### **Best Management Practices (BMPs):**

For the purposes of this policy, BMPs are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.

##### **Clean Water Act (CWA):**

The federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

##### **Contractor:**

An individual or company, including a subcontractor, hired to perform services on university property.

##### **Illicit Discharge:**

Any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater, except discharges pursuant to Virginia Pollutant Discharge Elimination System or state permit (other than

the state permit for discharges from the municipal separate storm sewer), discharges resulting from firefighting activities, and discharges identified by and in compliance with regulations of the Virginia State Water Control Board. 9VAC25-870-400 D 2 c (3).

**Municipal Separate Storm Sewer:**

A conveyance or system of conveyances otherwise known as a municipal separate storm sewer system, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

- a. Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the Clean Water Act (CWA) that discharges to surface waters;
- b. Designed or used for collecting or conveying stormwater;
- c. That is not a combined sewer; and
- d. That is not part of a publicly owned treatment works.

**Municipal Separate Storm Sewer System (MS4):**

All separate storm sewer systems that are defined as “large” or “medium” or “small” municipal separate storm sewer systems or designated under the regulations of the Virginia State Water Control Board. 9VAC25-870.

**National Pollutant Discharge Elimination System (NPDES):**

The national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing state permits, and imposing and enforcing pretreatment requirements under §§ 307, 402, 318, and 405 of the CWA. The term includes an approved program. (9VAC25-870-10)

**Outfall:**

When used in reference to municipal separate storm sewers, a point source at the point where a municipal separate storm sewer discharges to surface waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances which connect segments of the same stream or other surface waters and are used to convey surface waters. (9VAC25-870-10)

**Virginia Pollutant Discharge Elimination System (VPDES):**

Section 402 of the Clean Water Act established the National Pollutant Discharge Elimination System (NPDES) program to limit pollutant discharges into streams, rivers, and bays. In the Commonwealth of Virginia, the Department of Environmental Quality (DEQ) administers the program as the Virginia Pollutant Discharge Elimination System (VPDES). DEQ issues VPDES permits for all point source discharges to surface waters, to dischargers of stormwater from Municipal Separate Storm Sewer Systems (MS4s), and to dischargers of stormwater from Industrial Activities, and Virginia Stormwater Management Program (VSMP) permits to dischargers of stormwater from Construction Activities. The US Environmental Protection Agency (EPA) maintains authority to review applications and permits for "major" dischargers, a distinction based on discharge quantity and content. (9VAC25-890 VAR040)

**Visitor:**

A person who is not enrolled at, compensated by, or an affiliate of the university, but is present on university property.

#### 4. APPLICABILITY

This policy is applicable to all employees, students, visitors, contractors, and affiliates of James Madison University.

#### 5. POLICY

No university employee, student, visitor, contractor, or affiliate shall cause or allow discharges into the university's storm sewer system which are not composed entirely of stormwater, except for the allowed discharges provided in the Virginia Stormwater Management Program (VSMP) Permit Regulations (9VAC25-870). Prohibited discharges include, but are not limited to: oil, anti-freeze, grease, chemicals, wash water, paint, animal waste, garbage, and litter. The spilling, dumping, or disposal of materials other than stormwater to the storm drainage system is prohibited.

#### 6. PROCEDURES

##### A. Field Screening

Field observations of MS4 outfalls shall be conducted by the Stormwater Coordinator and/or another Stormwater Compliance Inspector at least once per year during dry weather conditions. Observations shall be recorded using the current inspection form and information entered into a tracking database.

If flow is observed, or evidence suggests that illicit discharges may exist, further investigation shall be administered by any of the following methods:

- i. Tracing discharge up storm sewer system;
- ii. Taking a sample of discharge for analysis in order to determine if a pollutant is present and to identify the pollutant;
- iii. Implementing best management practices to eliminate illicit discharges;
- iv. Scheduling follow up observations; and
- v. Any other appropriate measures deemed necessary.

##### B. Notification of Spills and Illicit Discharges

University employees, students, visitors, contractors, and affiliates are required to notify the Stormwater Coordinator, Stormwater Compliance Inspector, and/or the Safety & Training Coordinator of any spill or illicit discharge. If neither individual is available, the observer should contact Work Control or Campus Police to make a report. An employee's, student's, visitor's, contractor's, or affiliate's failure to provide notification of the incident shall be a violation of this policy, and appropriate disciplinary sanctions may be imposed.

Contact	Phone	Email
Stormwater Coordinator	(540) 568-7606	<a href="mailto:chestndl@jmu.edu">chestndl@jmu.edu</a>
Stormwater Compliance Inspector	(540) 568-3174	<a href="mailto:brownnd@jmu.edu">brownnd@jmu.edu</a>
Safety & Training Coordinator	(540) 568-4535	<a href="mailto:thompshh@jmu.edu">thompshh@jmu.edu</a>
Work Control Center	(540) 568-6101	<a href="mailto:fm_wcc@jmu.edu">fm_wcc@jmu.edu</a>
Campus Police	(540) 568-6912	<a href="mailto:pd_dispatch@jmu.edu">pd_dispatch@jmu.edu</a>

An initial investigation shall be performed within one business day of receiving notification by the Stormwater Coordinator, Stormwater Compliance Inspector and/or the Safety & Training Coordinator, and

appropriate measures taken as soon as possible in order to prevent further discharge and begin remediation of pollution.

#### C. Tracking

Field observations shall be tracked in a database. Data fields to be included shall be:

- i. Date discharge observed/reported
- ii. Location of discharge
- iii. Summary
  1. Results of investigation
  2. Any follow-up to investigation
  3. Resolution of investigation
- iv. Date investigation closed

#### D. Enforcement

When a violation of this policy has been detected, the Stormwater Coordinator, Stormwater Compliance Inspector and/or Safety & Training Coordinator may order compliance, by either verbal notice or written notice, to the responsible party. Such notice may require without limitation:

- i. The performance of monitoring, analyses, and reporting;
- ii. The elimination of prohibited discharges or connections;
- iii. Cessation of any violating discharges, practices, or operations;
- iv. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- v. Payment of any fee, penalty, or fine assessed against JMU to cover remediation cost;
- vi. The implementation of new stormwater management practices.

Disciplinary action up to and including dismissal, expulsion, or issuance of a no trespass order, where appropriate, may be recommended for the responsible party.

The listed requirements will be at the expense of the responsible party.

In the event that adequate measures are not initiated, JMU may issue work orders to correct the violation and bill the responsible party for expenses incurred.

If additional measures are required for enforcement, the appropriate vice president will be notified.

#### E. Training/Education

A training program for Stormwater Pollution Prevention/Good Housekeeping and Illicit Discharge Detection & Elimination (IDDE) will be presented for Facilities Management employees on a biennial basis, and during new employee orientation for Facilities Management staff.

Educational materials for Stormwater Pollution Prevention and Illicit Discharge Detection & Elimination will be distributed through various forms of media to the members of the JMU community.

## 7. RESPONSIBILITIES

Stormwater Coordinator: Responsible for administration, implementation, and enforcement of this policy.

All students, faculty, staff, contractors, affiliates, and visitors of James Madison University are responsible for abiding by this policy and reporting illicit discharges to the proper authority.

All departments, offices, and employees that generate, receive, or maintain public records under the terms of this policy are also responsible for compliance with [Policy 1109](#) - Records Management.

## **8. SANCTIONS**

Regarding employees of JMU and affiliates, sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

Regarding students, sanctions will be commensurate with the severity and/or frequency of the offense and may include suspension or expulsion.

Regarding visitors, sanctions will be commensurate with the severity and/or frequency of the offense and may include issuance of a no trespass order.

Regarding contractors, sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of the contract for breach and forfeiture of eligibility to contract in the future with the university.

Regarding affiliates, sanctions will be commensurate with the severity and/or frequency of the offense and may include revocation of all privileges and status, and issuance of a no trespass order.

## **9. EXCLUSIONS**

The following discharges to the municipal storm sewer system are allowed as they are considered to be not significant contributors of pollutants to the MS4:

- a. Discharges that are covered under a separate individual or general Virginia Pollutant Discharge Elimination System (VPDES) or Virginia Stormwater Management Program (VSMP) permit for non-stormwater discharges.
- b. Discharges or flows which are not significant contributors of pollutants to the municipal separate storm sewer system
  - Water line flushing
  - Landscape irrigation
  - Diverted stream flows
  - Rising ground waters
  - Potable water sources
  - Foundation drains
  - Air conditioning condensation
  - Irrigation water
  - Springs
  - Water from crawl space pumps
  - Footing drains
  - Flows from riparian habitats and wetlands
  - Dechlorinated swimming pool discharges
  - Street wash water

## **10. INTERPRETATION**

Authority to interpret this policy rests with the president and is generally delegated to the associate vice president for business services.

Previous version: April 2017

Approved by the President: August 2014