

ORDINANCE AMENDING AND RE-ENACTING SECTION  
7-6-5, DISCHARGE TO THE MS4  
OF THE CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of Harrisonburg, Virginia:**

**That Section 7-6-5 be amended as shown:**

**Sec. 7-6-5. Discharges to the MS4.**

- (a) It shall be unlawful and a violation of this chapter to:
  - (1) Cause or allow any illicit discharge to the MS4;
  - (2) Cause or allow any illicit connection to the MS4;
  - (3) Violate any condition or provision of this chapter, or any permit or approval granted to allow any stormwater discharges to the MS4.
- (b) Subject to the provisions of this chapter, the following activities shall not be unlawful illicit discharges:
  - (1) Discharges or flows ~~resulting~~ from emergency fire-fighting ~~and other public safety~~ activities;
  - (2) Discharges associated with the maintenance or repair of public water, sanitary, and storm sewer lines, and public drinking water reservoirs and drinking water treatment or distributions systems conducted in accordance with applicable federal and state regulations and standards;
  - (3) Discharges associated with any activity by the city, its employees and designees, in the maintenance of any component of a city-maintained stormwater management facility conducted in accordance with applicable federal and state regulations and standards;
  - (4) Discharges specified in writing by the program authority or their designee as being necessary to protect public health and safety;
  - (5) Water line flushing, managed in a manner to avoid an instream impact;
  - (6) Landscape irrigation;
  - (7) Diverted stream flows or rising groundwaters;
  - (8) Infiltration of uncontaminated groundwater (as defined by 40 CFR 35.2005(20));
  - (9) Pumping of uncontaminated groundwater;
  - (10) Discharges from potable water sources managed in a manner to avoid instream impact, foundation drains, irrigation water, springs, water from crawl spaces pumps, or footing drains;
  - (11) Air conditioning condensation;

- (12) Lawn watering;
- (13) House washing and individual car washing on residential lots;
- (14) Dechlorinated freshwater swimming pool discharges managed in a manner to avoid instream impact. Dechlorinated shall mean freshwater swimming pool discharges with pH between 6.0 to 8.0 standard units, at ambient water temperature, and with less than 0.10 milligrams per liter or parts per million;
- (15) ~~Water from street, sidewalk or parking lot washing to remove algae or oil buildup;~~ Street and pavement wash waters that do not contain cleaning additives or are otherwise managed in a manner to avoid instream impact;
- (16) Application of salts or other de-icing substances to streets, sidewalks and parking lots;
- (17) Discharges associated with dye testing, provided that the program authority is notified in writing before the test;
- (18) Flows from riparian habitats and wetlands;
- (19) Routine external building washdown provided no soaps, solvents, or detergents are used, external building surfaces do not contain hazardous substances, and the wash water is filtered, settled, or similarly treated prior to discharge;
- (20) Discharges or flows of water for fire prevention or firefighting training activities managed in a manner to avoid instream impact in accordance with § 9.1-2701 of the Code of Virginia; or
- (21) The immediate discharge of materials is necessary to protect life or property as determined by fire department personnel or emergency management officials or any discharge in accordance with 9VAC25-31-40.

(c) If any activity listed in paragraph (b) of this section is found by the city manager or designee be a source of pollutants to the MS4, the city manager or designee shall serve a written notice on the party responsible for the activity which orders that the activity be ceased or conducted in a manner that will avoid the discharge of pollutants to the MS4. The notice shall state the date by which the activity shall cease or be conducted without pollution. Failure to comply with such order within the time stated in the notice shall result in the revocation of the exemption listed in section 7-6-5(a) and shall constitute a violation of that section.

This ordinance shall be effective the \_\_\_\_\_ day of \_\_\_\_\_, 2024. Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

ATTESTE:

\_\_\_\_\_  
CITY CLERK