

**CITY OF EAST PROVIDENCE
RHODE ISLAND
DOCKET OF REGULAR COUNCIL MEETING
FEBRUARY 20, 2007
7:30 P.M.**

- I. CALL TO ORDER
- II. INVOCATION
- III. SALUTE TO THE FLAG

TO APPROVE THE CONSENT CALENDAR

All items under “*CONSENT CALENDAR*” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “*CONSENT CALENDAR*” and will be considered in its normal sequence on the docket.

Motion_____By____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

- IV. CONSENT CALENDAR
 - A. APPROVAL OF COUNCIL JOURNALS

- January 18, 2007 – Joint Council/School Committee Meeting
 - January 18, 2007 – Joint Council/School Committee Closed Meeting
 - January 24, 2007 – Joint Council/School Committee Meeting
 - January 24, 2007 – Joint Council/School Committee Closed Meeting
 - February 6, 2007 - Regular Meeting
 - February 8, 2007 – Legislative Annual Breakfast Meeting
 - February 9, 2007 – Congressional Meeting

- B. LETTER OF RESIGNATION
 - Capt. E. Howard McVay, Jr. – East Providence Harbor Management Commission

- V. PROCLAMATIONS, PRESENTATIONS, & INTRODUCTIONS

- A. Citation to be presented to Michael Sevigny.

- VI. APPOINTMENTS

Board of Assessment Review (by Mayor Ramos)
Luci Stoddard (to replace Trish Harrington for a term expiring 2/20/13)
5 Carolina Avenue (02915)

Motion_____By____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

East Providence Public Library Trustees (*by Councilwoman Perry*)
Kathy Dias (*to be reappointed for a term expiring 2/7/10*)
174 Narragansett Avenue (02915)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

Harbor Management Commission (*by Councilwoman Perry*)
Frederick C. Bieberbach, Jr. (*to be reappointed for a term expiring 2/20/09*)
40 Union Street (02915)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

Historic Properties Designation and Study Commission (*by Councilwoman Perry*)
Dean Martineau (Chairman) (*to be reappointed for a term expiring 2/20/10*)
195 Brightridge Avenue (02914)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

Planning Board
Bryan P. Silva – Liaison
(*City Council Representative*)

Police and Fire Pension Board
Robert E. Cusack
(*City Council Representative*)

VII. LICENSES REQUIRING PUBLIC HEARING

VIII. LICENSES NOT REQUIRING PUBLIC HEARING

LICENSING COMMISSIONERS RESUME SITTING AS CITY COUNCIL

IX. PUBLIC HEARINGS
ORDINANCES – FINAL PASSAGE

X. CONTINUED BUSINESS

XI. NEW BUSINESS
A. CITY MANAGER’S REPORT

1. EPPMTEA Proposed Contract (*by James F. McDonald – Finance Director*)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

2. Department Head Contract (*by James F. McDonald – Finance Director*)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

3. Update on Council Requested Sewer Item (by Richard M. Brown – City Manager)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

A. REPORTS OF OTHER CITY OFFICIALS

CLAIMS COMMITTEE (by William J. Conley, Jr. – City Solicitor)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

B. COUNCIL BUSINESS

1. Lack of Decorum at City Council Meetings (by Councilwoman Perry)

2. Substance Abuse Task Force Programs (by Councilwoman Perry)

3. Ice Skating on Willett Pond (by Mayor Ramos and Councilwoman Perry)

XII. INTRODUCTION OF ORDINANCES (If given First Passage, can be referred to the next regular Council Meeting to be held for a public hearing and consideration of final passage).

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “UTILITIES.”

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Chapter 17 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Utilities,” is amended by adding thereto the following:

ARTICLE IV. STORM DRAINAGE SYSTEM

DIVISION 1. ILLICIT DISCHARGE, DETECTION, AND ELIMINATION

Sec. 17-195. Purpose.

The purpose of this ordinance is to provide environmental protection of the local, and State water bodies and groundwater, through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to

comply with requirements of the Rhode Island Pollutant Discharge Elimination System (RIPDES) permit process. The objectives of this ordinance are:

- (1) To prevent (or reduce to the maximum extent possible) pollutants from entering the City's municipal separate storm sewer system (MS4).
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- (3) To require the removal of all such illicit connections and discharges.
- (4) To comply with State law and federal statutes and regulations relating to storm water discharges.
- (3) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

Sec. 17-196. Authority.

This ordinance is enacted pursuant to the Rhode Island Department of Environmental Management's (RIDEM) *General Permit Rhode Island Pollutant Discharge Elimination System Storm Water Discharge from Small Municipal Storm Sewer Systems and from Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s* and in accordance with the Administrative Procedures Act, R.I.G.L. 42-35-1, et seq.

Sec. 17-197. Definitions.

For the purposes of this ordinance, the following shall mean:

Allowable Non-Storm Water Discharges. Discharges not comprised of storm water are allowed under the MS4 General Permit but are limited to the following, provided these are no significant contributors of pollutants to the MS4: discharges which result from the washdown of vehicles at retail dealers selling new and used automobiles where no detergents are used and individual residential car washing; external building washdown where no detergents are used; the use of water to control dust; fire fighting activities; fire hydrant flushings; natural springs; uncontaminated groundwater; dechlorinated pool discharges; air conditioning condensate; lawn watering; potable water sources including waterline flushings; irrigation drainage; pavement washwaters 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.

Authorized Enforcement Agency. Employees or designees of the Director of Public Works designated to enforce this ordinance.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control erosion and site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to RIPDES Construction Permits. These include construction projects resulting in land disturbance of (1) one acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Discharger. Any person or business entity that causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site or industrial facility.

Hazardous Material. 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 Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Allowable Non-Storm Water Discharges as defined within this ordinance, and discharges permitted pursuant to a RIPDES permit.

Illicit Connection. 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 storm drain 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 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) designed or used for collecting or conveying storm water, and is not a combined sewer.

Rhode Island Pollutant Discharge Elimination System (RIPDES) Storm Water Discharge Permit. A permit issued by the RIDEM 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.

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

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

Owner. The party or parties that either individually or taken together has legal title to any premise.

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.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations of the same that 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; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

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

Storm Water Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Unauthorized Discharge. A discharge of storm water not authorized by a RIPDES permit, or an allowable storm water discharge found to be a significant contributor of pollutants to the MS4.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

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.

Sec. 17-198. Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any pollutants or non-storm water discharge unless:

- A. The non-storm water discharge is permitted with a Rhode Island Pollution Discharge Elimination System (RIPDES) permit; or
- B. The discharges are included in one of the following categories of discharges:
 1. Discharges which result from the washdown of vehicles at retail dealers selling new and used automobiles where no detergents are used and individual residential car washing;
 2. External building washdown where no detergents are used;
 3. The use of water to control dust;
 4. Fire fighting activities;
 5. Fire hydrant flushings;
 6. Natural springs;
 7. Uncontaminated groundwater;
 8. Dechlorinated pool discharges;
 9. Air conditioning condensate;
 10. Lawn watering;
 11. Potable water sources including waterline flushings;
 12. Irrigation drainage;
 13. Pavement washwaters 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;
 14. 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;
 15. Uncontaminated utility vault dewatering;
 16. Dechlorinated water line testing water;
 17. Hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals

Sec. 17-199. Prohibition of Illicit Connections.

The construction, use, maintenance or continued existence of illicit connections to the storm drain 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. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Sec. 17-200. Suspension due to Illicit Discharges in Emergency Situations.

The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or 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 agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.

Sec. 17-201. Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and 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 agency.

Sec. 17-202. Entry to Perform Duties under this Ordinance.

To the extent permitted by State law, or if authorized by the owners or other party in control of the property, the authorized enforcement agency, its agents, officers, and employees 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 authorized enforcement agency deems reasonably necessary.

Sec. 17-203. 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 illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the State, 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 hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile 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 within three business 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 years. Nothing in this section shall preclude any owner/lessee from compliance with relevant provisions of the Rhode Island Clean Water Act, RIGL 46-12-1, et seq. or other applicable laws or regulations.

Sec. 17-204. Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other

obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner or lessee shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property. Nothing in this section shall preclude any owner/lessee from compliance with relevant provisions of the Rhode Island Freshwater Wetlands Act, RIGL 2-1-18, et seq. or other applicable laws or regulations.

Sec. 17-205. Enforcement.

Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (A) The performance of monitoring, analyses, and reporting;
- (B) The elimination of illicit connections or discharges;
- (C) That violating discharges, practices, or operations shall cease and desist;
- (D) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (E) Payment of a fine to cover administrative and remediation costs; and
- (F) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Given first passage _____ and referred to _____ at 7:30 P.M. for a hearing
and consideration of final passage; and adopted

Attest:

City Clerk of the City of East Providence, Rhode Island

Requested by: Director of Public Works

XIII. COMMUNICATIONS

Joseph Larisa, 44 Don Avenue (02916) requesting to address the Council regarding “Townie Travesty: Council leadership’s \$1.5 million EP taxpayer giveaway”

Wesley D. Plante, 53 Seventh Street (02914) requesting to address the Council regarding “Wampanoag Ponds” a 56 acre parcel of land bordering on the Wampanoag Trail and Hospital Road.

Charles Mello, Jr., 596 Willett Avenue (02915) requesting to address the Council regarding a re-visit and discussion of the East Providence Control Task Force as enacted amended by Council in March 2006.

XIV. ADJOURNMENT