

## NOTICE OF MEETING


The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, May 14, 2012 at 7:00 p.m.**

### AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. None
4. Business Items
  - a. **COMPREHENSIVE PLAN AMENDMENT – I-94 CORRIDOR.** A draft land use plan amendment has been prepared for initial review by the Planning Commission, with most of the new provisions focusing on a new future land use map for the I-94 future sewered development area.
  - b. **ILLICIT DISCHARGE AND CONNECTION ORDINANCE REVIEW.** The Planning Commission is being asked to review a draft ordinance that would regulate non-storm water discharges into the City's storm drainage system.
5. Updates
  - a. City Council Updates.
    - i. May 15, 2012 – Consideration of Planning Commission recommendations concerning Christ Lutheran Church and the Oakdale Gun Club
  - b. Staff Updates
    - i. Hiring of City Planner
    - ii. MnDOT Community Roadside Landscaping Partnership Program Plantings - June 2, 2012 at 9:00 a.m.
    - iii. Upcoming Meetings:
      1. May 29, 2012 – City Council Workshop: Work Group Update
      2. May 30, 2012 – Planning Commission
  - c. Commission Concerns
6. Adjourn



Planning Commission  
Date: 5/14/12  
**Business Item**  
Item: 4b

ITEM: Illicit Discharge Ordinance  
SUBMITTED BY: Kyle Klatt, Planning Director   
REVIEWED BY: Nick Johnson, City Planner  
Ryan Stempski, Assistant Engineer

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to review and comment on a draft Illicit Discharge Ordinance that would regulate non-storm water discharges into the City's storm drainage system. The proposed ordinance is a requirement for the City to adopt as part of its NPDES (National Pollution Discharge Elimination System) permit and will ultimately be reviewed by the Pollution Control Agency to ensure the final ordinance complies with the NPEDES program requirements. The City Engineer has prepared the attached ordinance draft, and although the ordinance falls outside of the zoning regulations normally reviewed by the Planning Commission, Staff is sending it to the Commission to: 1) make sure the Planning Commission remains educated about the City's ongoing efforts to comply with the City's NPDES permitting requirements, and 2) give the Commission an opportunity to provide the City Council with feedback concerning the ordinance.

**ADDITIONAL INFORMATION:**

The below text from the website of the Environmental Protection Agency provides a brief overview of the NPDES program and requirements:

Water pollution degrades surface waters making them unsafe for drinking, fishing, swimming, and other activities. As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. In most cases, the NPDES permit program is administered by authorized states. Since its introduction in 1972, the NPDES permit program is responsible for significant improvements to our Nation's water quality.

The proposed ordinance is intended to establish methods for controlling the introduction of pollutants into the Lake Elmo's storm sewer system in order to comply with the requirements of the NPDES permit process. The objectives of the ordinance, as described in the draft ordinance, include the following:

1. To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;
2. To prohibit illicit connections and discharges to the MS4;

3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this section.

The attached documents include the text of the proposed ordinance in addition to a separate section with the proposed definitions to accompany the ordinance.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission review the proposed Illicit Discharge Ordinance and provide Staff with any comments regarding the ordinance.

**ATTACHMENTS:**

1. Draft Illicit Discharge Ordinance
2. Ordinance Definitions

**ORDER OF BUSINESS:**

- Introduction .....Kyle Klatt, Planning Director
- Report .....Kyle Klatt, Planning Director
- Questions from the Commission.....Chair & Commission Members
- Public Comments (if appropriate) ..... Chair
- Action by the Planning Commission .....Chair & Commission Members

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. XX-XXX**

**AN ORDINANCE ADOPTING REGULATIONS TO GOVERN ILLICIT DISCHARGE  
AND CONNECTION IN THE CITY OF LAKE ELMO**

**Section 1. The City Council of the City of Lake Elmo hereby ordains that Sections XXX.XXX thru XXX.XXX of the Lake Elmo City Code are to read as follows:**

Sections:

- xxx.xxx Purpose
- xxx.xxx Applicability
- xxx.xxx Definitions
- xxx.xxx Responsibility for Administration
- xxx.xxx Compatibility with Other Regulations
- xxx.xxx Ultimate Responsibility
- xxx.xxx Discharge Prohibitions
- xxx.xxx Watercourse Protection
- xxx.xxx Industrial or Construction Activity Discharges
- xxx.xxx Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices
- xxx.xxx Notification of Spills
- xxx.xxx Right of Entry
- xxx.xxx Enforcement
- xxx.xxx Severability
- xxx.xxx Authority

**ILLICIT DISCHARGE AND CONNECTION**

**xxx.xxx PURPOSE**

- (A) The general purpose of this ordinance is to provide for the health, safety, and general welfare of the public 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 MS4 permit issued to the City of Lake Elmo by the Minnesota Pollution control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES) permit process. The objections of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;
- (2) To prohibit illicit connections and discharges to the MS4;
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this section.

#### **xxx.xxx APPLICABILITY**

- (A) This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the City of Lake Elmo.

#### **xxx.xxx DEFINITIONS**

- (A) For the purposes of this ordinance, all terms, phrases, words, and their derivatives shall have the meanings as stated in Chapter 11 of the City Code.

**NOTE: PROVIDE DEFINITIONS IN BLAINE ORDINANCE FOR INCLUSION IN CHAPTER 11**

#### **xxx.xxx RESPONSIBILITY FOR ADMINISTRATION**

- (A) The City of Lake Elmo shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Lake Elmo may be delegated in writing by the City Administrator to persons or entities acting in the beneficial interest of or in the employ of the City.

#### **xxx.xxx COMPATIBILITY WITH OTHER REGULATIONS**

- (A) This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

### **xxx.xxx ULTIMATE RESPONSIBILITY**

- (A) The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensue that there will be no contamination, pollution, or unauthorized discharge of pollutants.

### **xxx.xxx DISCHARGE PROHIBITIONS**

(A) Prohibition of Illegal Discharges.

- (1) No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
- a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, street wash water, dechlorinated swimming pool water, and any other water source not containing a pollutant.
    - (i) For swimming pool discharges, water shall sit seven (7) days without the addition of chlorine to allow for chlorine to evaporate before discharge.
    - (ii) Discharge of swimming pools, crawl spaces, sump pumps, footing drains and other sources that may be determined to contain sediment or other forms or pollutants may NOT be discharged directly to a gutter or storm sewer. This discharge must be allowed to flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals and infiltration of water consistent with the storm water requirements of the City of Lake Elmo.
  - b) Discharges or flow from firefighting, and other discharges specified in writing by the City of Lake Elmo as being necessary to protect public health and safety.
  - c) Discharges associated with dye testing, however this activity requires a written notification to the City of Lake Elmo prior to the time of the test.
  - d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(B) Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain 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.
- (3) 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.
- (4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Lake Elmo.
- (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Lake Elmo requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Lake Elmo.

(C) Additional Discharge Prohibitions: Any owner or occupant of property within the City of Lake Elmo shall comply with the following requirements:

- (1) Subsurface sewage treatment systems shall be maintained to prevent failure.
- (2) Recreational vehicle sewage shall be disposed of to a proper sanitary waste facility.
- (3) Mobile washing companies (carpet cleaning, mobile vehicle washing, etc.) shall dispose of wastewater to the sanitary sewer.
- (4) All motor vehicle parking lots and private streets shall be swept, at a minimum, once a year in the spring to remove debris. Such debris shall be collected and properly disposed.
- (5) Fuel, chemical residue, household hazardous waste or other types of potentially harmful material shall be disposed of properly.
- (6) Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.
- (7) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills or discharges.



### **xxx.xxx WATERCOURSE PROTECTION**

- (A) 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, yard waste, 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.

### **xxx.xxx INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

- (A) Submission of Notice of Intent (NOI) to the City of Lake Elmo.
- (1) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Lake Elmo prior to the allowing of discharges to the MS4.
  - (2) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the NOI to the City of Lake Elmo at the same time the operator submits the original NOI to the EPA as applicable.
  - (3) The copy of the NOI may be delivered to the City of Lake Elmo either in person or by mailing it to:  
Notice of Intent to Discharge Storm Water  
City of Lake Elmo  
3800 Laverne Avenue S  
Lake Elmo, MN 55042
  - (4) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the NOI to do so to the City of Lake Elmo.

### **xxx.xxx REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

- (A) The City of Lake Elmo will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and

conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this ordinance. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

#### **xxx.xxx NOTIFICATION OF SPILLS**

- (A) 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 waters of the United States, 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 City of Lake Elmo in person or by phone no later than the next business day. 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. Failure to provide notification of a release as provided above is a violation of this ordinance.

#### **xxx.xxx RIGHT OF ENTRY**

- (A) The City of Lake Elmo shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance, including the right to set up, or require facilities owner to set up devices necessary to conduct monitoring and/or sampling of the facilities storm water discharge.

#### **xxx.xxx ENFORCEMENT**

- (A) Enforcement
- (1) The City of Lake Elmo shall be responsible for enforcing this ordinance.
- (B) Penalties
- (1) Any person, firm or corporation failing to comply with or violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this ordinance is committed, continued or permitted, shall constitute a separate offense. All land use and building permits shall be suspended until the applicant has corrected any and all violations.
- (C) Emergency Cease and Desist Orders

- (1) When the City of Lake Elmo finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City of Lake Elmo may issue an order to the violator directing it immediately to cease and desist all such violations.
- (D) Suspension Due to the Detection of Illicit Discharge
- (1) 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. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger.
- (E) Violations Deemed a Public Nuisance
- (1) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense; and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**xxx.xxx SEVERABILITY**

- (A) The provisions of this ordinance are severable. If any provision of this ordinance or the application of any provision of this ordinance to any circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance, which can be given effect without the invalid provision or application.

**xxx.xxx AUTHORITY**

- (A) This article shall become effective upon its passage and publication in accordance with the law.

**Section 2. Adoption Date**

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. XX-XXX was adopted on this X day of June 2012, by a vote of \_\_ Ayes and \_\_ Nays.

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Mayor Dean Johnston

ATTEST:

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Dean A. Zuleger  
City Administrator

This Ordinance No. XX-XXX was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**MODEL ILLICIT DISCHARGE AND CONNECTION ORDINANCE**

ORDINANCE NO. \_\_\_\_\_

**SECTION 1. PURPOSE/INTENT.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of [jurisdiction] 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 National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

**SECTION 2. DEFINITIONS.**

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

Authorized Enforcement Agency. Employees or designees of the director of the municipal agency 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 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 NPDES Construction Permits. These include 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.

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.

## Appendix B: Model Illicit Discharge and Connection Ordinance

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8 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 that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that 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 that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the [jurisdiction] and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) 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.

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, 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; 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 Drainage 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.

*Appendix B: Model Illicit Discharge and Connection Ordinance*

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 Management 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.

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

**SECTION 3. APPLICABILITY.**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the [authorized enforcement agency].

**SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.**

The [authorized enforcement agency] shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the [authorized enforcement agency] may be delegated in writing by the Director of the [authorized enforcement agency] to persons or entities acting in the beneficial interest of or in the employ of the agency.

**SECTION 5. COMPATIBILITY WITH OTHER REGULATIONS.**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**SECTION 6. SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

**SECTION 7. ULTIMATE RESPONSIBILITY.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

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