

ORDINANCE NO. 3396  
COUNCIL BILL NO. 10-1021

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ADOPTING A NEW CHAPTER 13.32, ENTITLED ILLICIT DISCHARGE AND STORMWATER SEWER CONNECTION, TO PROVIDE FOR REGULATION OF ALL WATER DIRECTLY OR INDIRECTLY ENTERING THE CITY STORMWATER SYSTEM, INCLUDING DEFINITIONS, DISCHARGE REGULATION, MONITORING AND REPORTING REQUIREMENTS, PROHIBITING ILLICIT CONNECTIONS AND PROVIDING THAT ANY VIOLATION OF THE CHAPTER IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR BY IMPRISONMENT NOT TO EXCEED 180 DAYS OR BOTH; AMENDING SECTION 13.30.080 TO AUTHORIZE THE ADOPTION OF STORMWATER BEST MANAGEMENT PRACTICES BY RESOLUTION OF THE CITY COUNCIL; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the Public Works Committee, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

**SECTION 1.** *That a new Chapter 13.32, entitled Illicit Discharge and Stormwater Sewer Connection, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**Chapter 13.32**  
**ILLICIT DISCHARGE AND STORMWATER SEWER CONNECTION**

**SECTION 2.** *That Coeur d'Alene Municipal Code Section 13.32.010, is hereby added to read as follows:*

**13.32.010: TITLE:**

This chapter is known as the ILLICIT DISCHARGE AND STORMWATER SEWER CONNECTION.

**SECTION 3.** *That Coeur d'Alene Municipal Code Section 13.32.020, is hereby added to read as follows:*

### **13.32.020: PURPOSE:**

The purpose of this chapter is to comply with the requirements of the city's National Pollutant Discharge Elimination System (NPDES) permit, the federal clean water act, and to provide for the health, safety, and general welfare of the citizens of Coeur d Alene through the regulation of non-stormwater discharges to the storm drainage system as required by federal and state law. This chapter establishes methods to control the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to meet the following objectives:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user.
- B. To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance of this chapter.
- D. To establish penalties associated with violations of this chapter.

**SECTION 4.** *That Coeur d'Alene Municipal Code Section 13.32.030, is hereby added to read as follows:*

### **13.32.030: DEFINITIONS:**

Unless a provision states otherwise, the following terms and phrases used in this chapter, have the provided meanings. In the event of a dispute or discrepancy regarding the definition of a term used in this chapter, the definition contained in the federal water pollution control act (33 USC section 1251 et seq.), also known as the Clean Water Act, and any subsequent amendments thereto, are the controlling authority.

AS BUILT DRAWINGS: See section 13.30.020.

**BEST MANAGEMENT PRACTICES (BMPs):** 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.

**CITY:** The City of Coeur d Alene, Idaho

**CITY ENGINEER:** The person hired or appointed by the Mayor and City Council of the City to serve as City Engineer or his or her designee.

**CLEAN WATER ACT:** The federal water pollution control act (33 USC section 1251 et seq.) and any subsequent amendments thereto.

**CONVEYANCE:** A mechanism for transporting water from one point to another, including pipes, ditches, and channels.

**CONVEYANCE SYSTEM:** The drainage facilities, both natural and manmade, which collect, contain, and provide for the flow of stormwater.

**DISCHARGE:** Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal storm sewer system (MS4), waters of the state, or into waters of the United States.

**DISCHARGER:** Any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator or owner 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 DISCHARGE:** Any discharge to a storm drain that is not composed entirely of stormwater except discharges made in compliance with a NPDES permit.

**ILLICIT CONNECTIONS (DISCHARGE):** An illicit connection is defined as 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, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or
- B. 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 the city.

**INDUSTRIAL ACTIVITY:** Activities subject to NPDES industrial permits as defined in 40 CFR section 122.26(b)(14).

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** All parts of the city of Coeur d Alene stormwater conveyance system, including roads, alleyways, streets, gutters, catch basins, pipe, culverts, ditches, and other conveyances which normally convey stormwater.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT:** A permit issued by the EPA (pursuant to 33 USC section 1342(b)) which authorizes the discharge of stormwater from any point source to waters of the United States.

**NON-STORMWATER DISCHARGE:** Any discharge to the storm drain system that is not composed entirely of stormwater.

**NOTICE OF INTENT (NOI):** Electronic or written notice completed under provisions of the federal construction general permit and filed with the EPA in accordance with current requirements.

**PERSON:** Any individual, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

**POLLUTANT:** Objects and materials that, when discharged to water or air, cause or contribute to water or air pollution, or as defined by the federal water pollution control act (also known as the Clean Water Act.)

**POLLUTANTS OF CONCERN:** Objects and materials identified in the clean water act 303(d) are: sediment, oil and grease, coliform bacteria (E. coli), nitrogen, phosphorus, metals and temperatures.

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

**STORM WATER POLLUTION PREVENTION PLAN (SWPPP):** A document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

**STORMWATER:** Surface runoff generated by rainstorm events and snowmelt.

**STORMWATER MANAGEMENT:** The process of collection, conveyance, storage, treatment, and disposal of stormwater to ensure control of the magnitude and frequency of runoff and to minimize the hazards associated with flooding. Also includes implementing controls to reduce the discharge of pollutants including management practices, control techniques and systems, design and engineering methods.

WASTEWATER: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

WATERCOURSE: Any natural or artificially managed channel through which water flows on a regular or routine basis.

WATERS OF THE UNITED STATES: Those waters described in the context of wetlands and interstate commerce described at 33 CFR part 328.

**SECTION 5.** *That Coeur d'Alene Municipal Code Section 13.32.040, is hereby added to read as follows:*

**13.32.040: APPLICABILITY:**

This chapter applies to all water directly or indirectly entering the stormwater system (municipal separate storm sewer system [MS4]) which is generated on any developed or undeveloped lands unless explicitly exempted by the city or an authorized enforcement agency.

**SECTION 6.** *That Coeur d'Alene Municipal Code Section 13.32.050, is hereby added to read as follows:*

**13.32.050: ADMINISTRATION:**

The City Engineer will administer, implement, and enforce the provisions of this chapter.

**SECTION 7.** *That Coeur d'Alene Municipal Code Section 13.32.060, is hereby added to read as follows:*

**13.32.060: DISCLAIMER:**

The standards established by this chapter are minimum standards, as such compliance by any person with this chapter does not guarantee that there will be no contamination, pollution, or unauthorized discharge of pollutants. This chapter does not create liability on the part of the city, any agent or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**SECTION 8.** *That Coeur d'Alene Municipal Code Section 13.32.070, is hereby added to read as follows:*

**13.32.070: DISCHARGE REGULATIONS:**

Non-Stormwater Discharges. No person shall directly or indirectly discharge non-stormwater to the MS4, except where such discharges satisfy one of the following three conditions:

- A. The non-stormwater discharges are in compliance with a separate NPDES permit, 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 by the city for any discharge to the storm drain system.
- B. The non-stormwater discharges result from a spill and are the result of an unusual and severe weather event where reasonable and prudent measures have been taken to minimize the impact of such discharge; or consist of emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges.
- C. The non-stormwater discharges satisfy all of the following conditions:
  - 1. The discharges consist of uncontaminated water line flushing; potable water sources; landscape irrigation (provided all pesticides, herbicides and fertilizer have been applied in accordance with the manufacturer's instructions); flows from riparian habitats and wetlands; diverted stream flows; springs; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers; uncontaminated pumped ground water or spring water; foundation and footing drains (where flows are not contaminated with process materials such as solvents); uncontaminated air conditioning or compressor condensate; water from crawlspace pumps; individual residential car washing; dechlorinated swimming pool discharges; routine external building wash down which does not use detergents; street and pavement wash waters, where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed); fire hydrant flushing; dye testing; or flows from emergency firefighting activities; and
  - 2. The discharges are not sources of pollution to waters of the United States. As described in IDAPA 58.01.02.200. For purposes of this provision, a discharge is considered a source of pollution to waters of the United States if it:
    - (a) Contains hazardous materials in concentrations found to be of public health significance or to impair beneficial uses in receiving waters. (Hazardous materials are those that are harmful to humans and animals from exposure, but not necessarily ingestion);
    - (b) Contains toxic substances in concentrations that impair designated beneficial uses in receiving waters. (Toxic substances are those that can cause disease, malignancy, genetic mutation, death, or similar consequences);
    - (c) Contains deleterious materials in concentrations that impair designated beneficial uses in receiving waters. (Deleterious materials are generally

- substances that taint edible species of fish, cause taste in drinking waters, or cause harm to fish or other aquatic life);
- (d) Contains radioactive materials or radioactivity at levels exceeding the values listed in 10CFR Part 20 in receiving waters;
  - (e) Contains floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or in concentrations that may impair designated beneficial uses in receiving waters;
  - (f) Contains excessive nutrients that can cause visible slime growths or other nuisance aquatic growths that impair designated beneficial uses in receiving waters;
  - (g) Contains oxygen-demanding materials in concentrations that would result in anaerobic water conditions in receiving waters; or
  - (h) Contains sediment above quantities specified in IDAPA 58.01.02.250.02(e) or in the absence of specific sediment criteria, above quantities that impair beneficial uses in receiving waters, or
  - (i) Contains material in concentrations that exceed applicable natural background conditions in receiving waters (IDAPA 58.01.02.200.09), Temperature levels may be increased above natural background conditions when allowed under IDAPA 58.01.02.401.

**SECTION 9.** *That Coeur d'Alene Municipal Code Section 13.32.080, is hereby added to read as follows:*

**13.32.080: PROHIBITION OF ILLICIT CONNECTIONS:**

- A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made prior to the enactment of this chapter, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person is considered to be in violation of this chapter if the person connects a line conveying sewage or other non-stormwater discharges to the municipal separate storm sewer system, or allows such a connection to continue, without written approval from the city engineer.

**SECTION 10.** *That Coeur d'Alene Municipal Code Section 13.32.090, is hereby added to read as follows:*

**13.32.090: SUSPENSION OF MUNICIPAL SEPARATE STORM SEWER SYSTEM ACCESS:**

- A. **Suspension Due To Illicit Discharges In Emergency Situations:** The City Engineer may, without prior notice, suspend municipal separate storm sewer system discharge access to a person or entity 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 municipal separate storm sewer system or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city engineer may take such steps as deemed necessary to prevent or minimize damage to the municipal separate storm sewer system or waters of the United States, or to minimize danger to persons.
- B. **Termination Due To The Detection Of Illicit Discharge:** Any person discharging to the municipal separate storm sewer system in violation of this chapter may have their municipal separate storm sewer system access terminated if such termination would abate or reduce an illicit discharge. The city will notify the violator of the proposed termination of its municipal separate storm sewer system access. Notification will be made in writing by certified mail to the owner of the property from which the illicit discharge is being made at the last known mailing address of said property owner on record with the Kootenai County assessor. The notice will include a description of the violation and set forth the time allowed for compliance.
- C. **Written Approval Required For Reinstatement:** Any person who reinstates municipal separate storm sewer system access to premises terminated pursuant to this section, without the prior written approval of the City Engineer or authorized enforcement agent is guilty of a misdemeanor.

**SECTION 11.** *That Coeur d'Alene Municipal Code Section 13.32.100, is hereby added to read as follows:*

**13.32.100: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES:**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit must comply with all provisions of such permit. Proof of compliance with the permit may be required by the city prior to allowing of discharges to the municipal separate storm sewer system.

**SECTION 12.** *That Coeur d'Alene Municipal Code Section 13.32.110, is hereby added to read as follows:*

**13.32.110: MONITORING OF DISCHARGES:**

- A. **Applicability:** This section applies to all facilities that have stormwater discharges associated with commercial, industrial activity and/or construction activity.
- B. **Access To Facilities:**

1. The City Engineer or his authorized representative must be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger must make the necessary arrangements to allow access to the City Engineer or his authorized representative.
2. Facility operators must allow the City Engineer or his authorized representative ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law related to said discharges.
3. The City Engineer has the right to set up on any permitted facility such devices as are necessary in the opinion of the City Engineer or authorized representative to conduct monitoring and/or sampling of the facility's stormwater discharge.
4. The City Engineer has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment must be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality must be calibrated as required by the manufacturer's operation manual to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled must be promptly removed by the operator at the written or oral request of the City Engineer and may not be replaced. The costs of clearing such access will be borne by the operator.
6. Unreasonable delays in allowing the City Engineer access to a permitted facility is a violation of a stormwater discharge permit and of this chapter.
7. If the City Engineer or authorized agent has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, he or she may seek issuance of a search warrant from any court of competent jurisdiction.

**SECTION 13.** *That Coeur d'Alene Municipal Code Section 13.32.120, is hereby added to read as follows:*

**13.32.120: 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 stormwater, the storm drain system, the municipal separate storm sewer system, or waters of the U.S., that person must take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials that person must immediately notify emergency response agencies and the Idaho department of environmental quality of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, the person must 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 city engineer within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of the establishment must also retain an on site written record of the discharge and the actions taken to prevent its recurrence. Such records must be retained for at least three (3) years from the date of the discharge.

*SECTION 14. That Coeur d'Alene Municipal Code Section 13.32.130, is hereby added to read as follows:*

**13.32.130: VIOLATIONS CONSTITUTE MISDEMEANORS:**

The knowing violation of any provision or failure to comply with any requirement of this chapter shall constitute a misdemeanor punishable as provided in Municipal Code section 1.28.010.

*SECTION 15. That Coeur d'Alene Municipal Code Section 13.32.140, is hereby added to read as follows:*

**13.32.140: ACTS RESULTING IN VIOLATION OF FEDERAL LAWS AND REGULATIONS:**

Any person who violates any provision of this chapter, or discharges any pollutant or causes pollution, may also be in violation of federal laws or regulations, and may be subject to the sanctions of those laws or regulations, including civil or criminal penalties, notwithstanding any legal action taken by the city.

*SECTION 16. That Coeur d'Alene Municipal Code Section 13.30.080, is hereby amended to read as follows:*

**13.30.080: ADOPTION OF SUPPLEMENTAL MATERIALS AND BEST MANAGEMENT PRACTICES:**

The City of Coeur d'Alene may, by resolution, adopt additional design standards, definitions of terminology, administrative procedures, stormwater best management practices, etc., intended to implement the general requirements and performance standards set forth in this chapter. Changes in

the design standards, best management practices or other adopted materials may be accomplished by subsequently adopted resolution. Adopted ~~Such~~ design standards may be complied with in alternative ways that will contribute to rational achievement of the general requirements and performance standards set forth in this chapter.

**SECTION 17.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

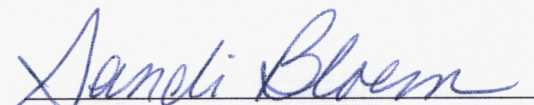
**SECTION 18.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 19.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

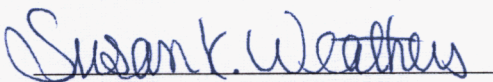
**SECTION 20.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an ordinance of the City of Coeur d'Alene at a regular session of the City Council on October 5, 2010.

APPROVED, ADOPTED and SIGNED this 5<sup>th</sup> day of October, 2010.

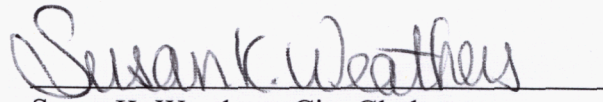
  
Sandi Bloem, Mayor

ATTEST:

  
Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. 3396  
Adopting a new Municipal Code Chapter 13.32 entitled  
ILLCIT DISCHARGE AND STORMWATER SEWER CONNECTION

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ADOPTING A NEW CHAPTER 13.32, ENTITLED ILLICIT DISCHARGE AND STORMWATER SEWER CONNECTION, TO PROVIDE FOR REGULATION OF ALL WATER DIRECTLY OR INDIRECTLY ENTERING THE CITY STORMWATER SYSTEM, INCLUDING DEFINITIONS, DISCHARGE REGULATION, MONITORING AND REPORTING REQUIREMENTS, PROHIBITING ILLICIT CONNECTIONS AND PROVIDING THAT ANY VIOLATION OF THE CHAPTER IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR BY IMPRISONMENT NOT TO EXCEED 180 DAYS OR BOTH; AMENDING SECTION 13.30.080 TO AUTHORIZE THE ADOPTION OF STORMWATER BEST MANAGEMENT PRACTICES BY RESOLUTION OF THE CITY COUNCIL; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 3396 IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

  
Susan K. Weathers, City Clerk

**STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. 3396, Adopting a new Municipal Code Chapter 13.32 entitled ILLICIT DISCHARGE AND STORMWATER SEWER CONNECTION, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 5<sup>th</sup> day of October, 2010.



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Warren J. Wilson, Chief Deputy City Attorney