

TOWN OF COMBES WATER POLLUTION PREVENTION
ORDINANCE 2018-2

WHEREAS, the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) has mandated, pursuant to the National Pollutant Discharge Elimination System (NPDES) and the Texas Pollutant Discharge Elimination System (TPDES) Permit Application Regulations, respectively for Storm Water Discharges that municipalities with a population of 1,000 per square mile or more citizens adopt adequate legal authority to prohibit the discharge of pollutants into the Towns Municipal Separate Storm Sewer System (MS4) and to comply with the Towns TPDES MS4 permit; and

WHEREAS, the Town of Combes has decided that certain discharges from residential, commercial and industrial facilities must be prohibited to prevent the introduction of pollutants into the MS4 and to comply with the Towns TPDES MS4 permit; and

WHEREAS, the Town of Combes Board of Alderman has developed comprehensive requirements and a permitting process for non-storm water discharge, which are contained in the document entitled Water Pollution Prevention Ordinance; and

WHEREAS, the Town of Combes Codes and Ordinances has not addressed the prohibition of pollutants in the Towns municipal separate storm sewer system and now, it is necessary to create the Water Pollution Prevention Ordinance to include water pollution prevention requirements; and

WHEREAS, it is in the Towns best interest to enhance the Water Quality of the Towns waterways through the prohibition of illicit discharges into the Towns municipal separate storm sewer system; and

Whereas, the Board of Alderman finds that said Ordinance is necessary to promote the public health, safety, and general welfare of the citizens of the Town of Combes,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF COMBES, THAT:

Section 1 Creation and Amendment.

Ordinance 2018-2, Town of Combes "Water Pollution Prevention Ordinance is hereby created and may be amended periodically to include new rules and regulations as mandated by the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ).

Section 2 Intent and Purpose:

This Ordinance establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) of the Town of Combes to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) permit process. The objectives of this Ordinance are:

- (a). To regulate pollutants from Storm Water discharges into and from the MS4;
- (b). To prohibit illicit connections and discharges to the MS4;
- (c). To control the discharge of spills and prohibit dumping or disposal of materials other than storm water into the small MS4;
- (d). To enforce compliance with the permittee Ordinances, permits, contracts, or orders;
- (e). To require installation, implementation, and maintenance of control measures;
- (f). To receive and collect information, such as Storm Water plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;
- (g). To establish legal authority to implement inspection and enforcement procedures to ensure compliance with this Ordinance;
- (h). To respond to non-compliance with Best Management Practices (BMPs) required by the small MS4 consistent with its Ordinances or other regulatory mechanism(s).
- (i). To assess penalties, including monetary, civil, or criminal penalties; and
- (j). To enter into interagency or interlocal agreements or other maintenance agreements, as necessary.

Section 3 Abbreviations:

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

- BMP - Best Management Practices
- CFR - Code of Federal Regulations
- CSN - Construction Site Notice
- MS4 - Municipal Separate Storm Sewer System
- NEC - No Exposure Certification
- NOI - Notice of Intent
- NOT - Notice of Termination
- NPDES - National Pollutant Discharge Elimination System

| | | |
|--------|---|--|
| PST | - | Petroleum Storage Tank |
| RCRA | - | Resource Conservation and Recovery Act |
| SWP3 | - | Storm Water Pollution Prevention Plan |
| TPDES | - | Texas Pollution Discharge Elimination System |
| U.S.C. | - | United States Code |
| USEPA | - | U.S. Environmental Protection Agency |

Section 4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

Applicant- Property owner or agent of a property owner who filed an application for a Storm Water Authorization un a TPDES general permit or individual TPDES permit.

Authorized Enforcement Agency- Employees or designees of the director of the Town of Combes or the Texas Commission on Environmental Quality (TCEQ) have the authority to enforce this Ordinance and/or the TPDES regulations.

Best Management Practices (BMPs)- Schedule of activities, prohibitions of practices, maintenance procedures, structural controls, local Ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment practices., operation procedures, and practices to control runoff, spills, or leaks, waste disposal, or drainage from raw materials storage areas.

Building- Any structure, either temporary or permanent, with walls and a roof, designed to shelter a person, animal, or property, and occupying more than 100 square feet of area.

Clean Water Act- (CWA) formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972.

Commercial Dumpster Washing- means the washing of commercial garbage or rubbish dumpsters and the immediate area around them to remove putrescible animal and vegetable waste material or other debris from said areas and dumpsters.

Construction Activity- Includes soil disturbance, including clearing, grading, and excavating; and does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or Original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-way's, and similar maintenance activities).

Small Construction Activity- is construction activity that results in land disturbances equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.

Large Construction Activity- is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five acres of land.

Conveyance- Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport Storm Water runoff.

Discharge- means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into water of the United States.

Environmental Protection Agency (EPA)- means the United States Environmental Protection Agency, the regional office thereof, any Federal Department, Agency or Commission that may succeed the authority of the EPA, and any duly authorized official of the EPA or such successor agency.

Erosion Control Plan- A drawing which clearly and legibly defines existing property lines, features and utilities, defines limits of proposed work, shows proposed construction improvements and features, shows existing drainage patterns and facilities and specifies BMPs to be used including location, extent, type and construction details.

Facility- means any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Fueling/Vehicle Washing Areas- means any commercial location where any type of motor vehicle or piece of heavy equipment is washed, waxed, cleaned, or degreased in any manner or any location where any type of motor vehicle is fueled with petroleum products or any other type of fuel.

Hazardous Materials- Any item or agent (biological, chemical, physical) that has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

Illegal Dumping- means the act of illegally placing any material in any location including but not limited to the MS4, waters of the State, waters of the United States, or any location other than the appropriate place of disposal whether the location is public or private.

Illicit Connection- Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Connection- means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer or water of the United States.

Illicit Discharge- Any discharge to a municipal Separate Storm Sewer that is not entirely composed of storm water, except discharges pursuant to a TPDES Storm Water general permit or a separate authorization and discharges resulting from emergency firefighting activities.

Industrial Waste- Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.

Land Disturbance Activity- Any activity which changes the volume or discharge rate of storm water runoff from the land surface. This includes grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rack or involves the diversion or piping of any natural or man-made watercourse.

Maintenance Agreement- A formal contract between a local government and a property owner to guarantee long-term maintenance of Storm Water management practices.

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

NPDES Permit- means a permit issued by the EPA or by the State that authorizes the discharge of pollutants to water of the United States, whether the permit is applicable to 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.

Notify- means contacting the appropriate Town Official in writing to request permission to apply or reapply for a specified permit, or to make the official aware of an existing discharge or structure.

Oil- Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid when at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

Operator- means the person or persons who, either individually or in a group, meet the following two criteria:

- (1) They have operational control over the facility specifications (including the ability to make modifications in specifications).
- (2) They have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner- Means the person who owns a facility or part of a facility or his/her assignee.

Permittee- means any person or entity to which a permit is issued pursuant to this article and any authorized representative, agents or designee of such person or entity.

Person or entity- 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 or assigns. This definition includes all federal, state, and local governmental entities.

Point Source- means any discernible, confined, and discrete conveyance including but not limited to, any pipe, ditch channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant- Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, industrial waste, polychlorinated biphenyl (PCBs) petroleum waste, or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into any water in the state.

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

Qualified Personnel- A person who possesses the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and when applicable, required certification and licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally-accepted industry standards for such activity.

Regulated Materials- Any material, including waste, regulated by the state and/or Federal Regulatory Agencies including, but not limited to, oils, petroleum products, and vehicle fluids.

Release- means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, infecting, escaping, leaching, dumping, or disposing into the Municipal Separate Storm Sewer System (MS4) or the waters of the United States.

Sanitary Sewer (sewer)- means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial building, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which storm water, surface water, and ground water are not intentionally admitted).

Sediment- means solid particulate matter, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by water, air, ice, or gravity and has come to rest on the earth's surface either above or below sea level.

Site- The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

State Regulatory Authority- The state's agencies that have the authority to adopt and enforce any environmental rules necessary to carry out its powers and duties under the laws of Texas.

Storm Water and Storm Water Runoff- means rainfall runoff, snow-melt runoff, and surface runoff and drainage.

Storm Water Management- means the use of structural or non-structural control practice/BMPs designed to reduce storm water pollutant runoff, discharge volumes, peak flow discharge rates, and detrimental changes in stream temperature that affect water quality.

Storm Water Pollution Prevention Plan (SWP3)- means a document that describes the Best Management Practices and activities to be implemented by the permit holder to identify sources of pollution or contamination at a site and actions to eliminate or reduce pollutant discharges.

Storm Water Control Practices- means structural or nonstructural measures to minimize Storm Water runoff to surface water in the state.

Surface Water in the State- Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean highwater mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partial inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

TCEQ- means the Texas Commission on Environmental Quality.

Texas Pollutant Discharge Elimination System Storm Water (TPDES) Discharge Permit- means a permit issued by the TCEQ, under the authority of Texas Water Code Sections 26.027 or 26.040 that authorizes the discharge of pollutants into or adjacent water in the state. The TPDES program is administered under the authority delegated pursuant to 33 U.S.C. Section 1342 (b).

Unauthorized Discharge- means any direct or indirect non-storm water discharge to the storm drain system except as exempted in Section V Prohibition of Illicit Connections of the Ordinance.

Section 5 Applicability:

Unless exempted, this Ordinance applies to discharges entering the storm drain system within the jurisdictional limits of the Authorized Enforcement Agency.

Section 6 Responsibility for Administration:

The Town of Combes shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted, or duties imposed upon the Mayor or Town Administrator of the Town of Combes may be delegated in writing by the Mayor or Town Administrator of the Town of Combes to persons or entities acting in the beneficial interest of the Town of Combes.

Authorized individual(s) under this Section shall have the authority to enforce this Ordinance in its entirety and shall be designated as a TPDES Storm Water Manager and/or Inspector. Any person subject to an industrial or construction TPDES Storm Water discharge permit or authorization shall comply with all provisions of the permit and may be required by the Town of Combes to have authorization to discharge Storm Water into the MS4.

Section 7 Prohibition of Illicit Connections and Discharges:

The Town of Combes has the authority to prohibit illicit discharges and illicit connections in accordance with TPDES Phase 2 MS4 Permit TXR040000 Part 3 Section A.3 (a) (2) a. This Ordinance prohibits unauthorized discharges into the storm drain system. No person shall release discharges into the municipal storm drain containing any pollutants that cause or contribute to a violation of water quality standards, other than Storm Water or authorized non-Storm Water discharges.

Discharges from illicit connections are unauthorized, even if the connection was allowable under previous rules and regulations. However, the following is a list of allowable non-storm water discharges that are not required to be addressed in the Town of Combes MS4's Illicit Discharge and Detection or other minimum control measures; until such time that the Town of Combes or TCEQ will consider the discharges to be a major source of pollutants.

Section 8 Specific Prohibitions and Requirements:

- (a) No user of the MS4 shall introduce or cause to be introduced into the MS4, any discharge that would result in or contribute to a violation of a water quality standard, the TPDES Permit issued to the Town, or any state-issued discharge permit for discharges from its MS4.
- (b) No person shall discharge any substance to the MS4 that is prohibited by the Clean Water Act, the Texas Water Code, or the Texas Administrative Code.
- (c) No person shall release any materials or otherwise introduce, cause, allow, or permit to be introduced any of the following substances into or that may reach the MS4.
- (d) Any used motor oil, antifreeze, or any other motor vehicle fluid;
- (e) Any regulated or industrial waste;
- (f) Any hazardous waste, including household hazardous waste;
- (g) Any domestic sewage or septic tank waste (from holding tanks, vessels, chemical toilets, campers, or trailers), grease trap waste, or grit trap waste;
- (h) wastewater from a commercial carwash facility;
- (i) Any vehicle or equipment wash water from a commercial or industrial facility.
- (j) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft.

- (k) Any use of power washing at a commercial facility that generates wastewater containing any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any oils, grime, grit, dirt or substances resulting from the cleaning.
- (l) Wastewater from the wash-down or other cleaning of any pavement where release of regulated material has occurred;
- (m) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow-down from a boiler;
- (n) Any runoff or wash-down water from any animal pen, kennel, fowl, or livestock containment area that exceeds the water quality standard or causes the MS4 to exceed 200 cfu/100 ml fecal coliform, the water quality standard defined in TAC Section 307.7.
- (o) Any discharge from water line disinfection by super-chlorination;
- (p) Any substance or material that will damage, block, or clog the MS4;
- (q) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release.
- (r) Any wastewater from commercial floor, rug, or carpet treatment;
- (s) Any discharge of solids or waste from soil boring, core drilling, or any other site investigative technique;
- (t) Any discharge from gas well drilling, derrick washing, fracturing, or other activities relating to gas pipelines, compression stations, or gas well pad sites;
- (u) Any paint or paint-related materials;
- (v) Any polluted or unpolluted liquid not covered by Section 8.
- (w) No person shall connect a line to the MS4, conveying domestic, commercial, or industrial sanitary sewage or wastewater.
- (x) No person shall introduce or cause to be introduced into the MS4, any sediment silt, earth, soil, or other material associated with clearing, grading, excavation, filling, hauling, soil boring, core drilling, or other construction activities.

- (y) No person shall introduce or cause to be introduced to the MS4 any sediment, unused construction materials or wash water associated with these materials.
- (z) No person shall introduce or cause to be introduced to the MS4, any sediment, dust, or other solid material from any activity not intended for outside disposal or accumulation.
- (aa) No person shall use or store any solid waste, regulated waste, or hazardous waste or regulated waste in a manner that the material could enter the MS4.
- (bb) No person shall cause or allow leaves, grass clippings, or other yard debris to enter the MS4.
- (cc) No person may discharge or cause to be discharged water containing fertilizers, pesticides or herbicides to the MS4.
- (dd) No person shall introduce or allow to be introduced into or upon any public or private property that drains or may drain to the MS4 any solid or semi-solid material, such as floatables, or discarded or abandoned objects, articles, and accumulations, on property whether or not it was generated, placed, stored, or located by the user of such materials in such a manner that causes the material to be transported by the wind, rain, or other atmospheric conditions into the MS4
- (ee) No person shall introduce non-native solids or liquids into the MS4 or to the waters of the United States except those activities listed in Section 9 of this Ordinance

Section 9 Construction Activity Prohibitions and Requirements:

- (a) No person, when applicable, shall discharge storm water associated with a Construction activity without first having obtained a TPDES permit to do so.
- (b) No person shall discharge storm water associated with a construction activity without first having submitted a copy of the Notice of Intent (NOI) and/or a construction site notice (CSN) to the town when applicable.
- (c) All persons must submit a copy of the Notice of Termination (NOT) to the State Regulatory Agency (TCEQ).
- (d) Any person or operator of construction sites shall use best management practices (BMPs), to control and reduce discharge to the Town, of sediment, silt, earth, soil, and other material associated with clearing,

grading, excavation, filling, hauling, and other construction activities to the maximum extent practicable. Any person or operator shall install BMPs in compliance with the SWP3 and the approved erosion control plan. All persons or operators must maintain BMPs in effective working order in compliance with the Town of Combes construction detail standards and BMP standards supported by the Regional Council of Governments.

(e) Any BMPs capable of installation and/or implementation shall be installed and/or implemented prior to the commencement of construction at the site or in compliance with a schedule for installation and/or implementation in an applicable Storm water pollution prevention plan (SWP3) and approved erosion control plan. Such BMPs must include but not limited to the measures listed in 1 through 7 of Section 9 (e).

1. Ensure that existing vegetation is preserved where feasible and disturbed areas of the site are stabilized as soon as practicable where construction activities have ceased, either temporarily or permanently. Stabilization measures may include, temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, and other appropriate measures.
2. Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 waters of the United States.
3. Minimization of the tracking of sediments off-site by vehicles, dust generation, and the escape of other windblown waste from the site.
4. Providing housekeeping measures to prevent and contain releases of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with Construction activities, and to assure proper cleanup and disposal of any such releases in compliance with State, Federal, and Local requirements.
5. Implementation of proper waste disposal and waste management techniques, minimizing ground contact with hazardous chemicals and trash.
6. Proper placement and maintenance of vegetation, erosion and sediment control measures and other best management practices to ensure good and effective working condition.

7. Installation of structural BMPs must be completed prior to completion of the construction process to control pollutants in storm water discharges that will occur after construction operations have been finalized. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but are not limited to, the following: Storm water detention structures (including wet ponds), storm water retention structures, flow attenuation by use of open vegetative swales and natural depressions, other velocity dissipation devices, infiltration of runoff on site, and sequential systems which combine several practices.

- (f) Qualified personnel (provided by the operator of the construction site), shall inspect all disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials and staging of construction that are exposed to precipitation, discharge locations, locations where vehicles enter or exit the construction site, and structural controls for evidence of, or potential for, pollutants entering the MS4. All erosion and sediment control measures and other identified BMPs shall be inspected regularly for proper installation according to the SWP3 and erosion control plan.
- (g) Inspections must be conducted by qualified personnel at every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, or once every 7 days regardless of storm events. These inspections are to be conducted as outlined in the SWP3. Inspection reports must be kept with the SWP3.
- (h) Any owner of a site of construction activity, whether he/she is an operator or not, is jointly and severally responsible for compliance with the requirements in this article.
- (i) Any contractor or subcontractor on an active construction site, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing BMP control measures, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure.
- (j) All persons must comply with the requirements of the TPDES permit or approved erosion control plan issued to such person.

(k) Any person or operator engaging in any land disturbing activity or any construction activities shall prepare an Erosion Control Plan and submit the plan to the Town of Combes for approval. This shall apply regardless of whether a person or operator is required to obtain a permit from the Town or State Regulatory Agency in order to conduct such land disturbing or construction activity. The person or operator shall also be held liable for violations of this article committed by third parties engaging in activities related to the site.

(l) Any person or operator of sites of construction activity, including clearing, grading, excavation, filling and hauling activities, that result in the disturbance of one (1) or more acres of total land area, or that are a part of a larger common plan of development or sale, where one (1) or more acres of total land area are disturbed, or those who are required to obtain a TPDES permit for storm water discharges associated with construction activities, shall comply with the measures listed in 1 through 8 of Section 9(1)

1. Any person or operator who intends to obtain coverage for storm water discharges for a large construction project under the TPDES general permit for storm water discharges shall submit a signed copy of the NOI and CSN to the Town at least two (2) days prior to the commencement of construction activities.
2. A site-specific SWP3, prepared by the person or operator with appropriate notices issued as required by the state TPDES general permit, shall be kept on the construction site during the construction and updated as needed to address changing conditions. The SWP3 shall include the Town approved erosion control plan as part thereof.
3. The Town may require submission of the SWP3 as currently amended at any time during the ongoing construction and the person or the operator shall submit the SWP3 to the Town within twenty-four (24) hours of the request. The Town may notify the person or operator at any time the SWP3 does not meet the requirements of the Construction General Permit for storm water discharge from the construction site, or any additional requirements imposed by or under this article, which are not being met by the SWP3. The person or operator shall make the required changes to the SWP3 within seven (7) calendar days of notification and submit to the town that the changes have been made and implemented.

4. Operators of a small construction site must submit a copy of the CSN to the Town prior to beginning earth disturbing activities.
5. The CSNs and NOI shall be posted and readily available for viewing by the Public, Local, State, and Federal authorities.
6. Stabilization measures must be initiated as soon as practicable in portions of the construction site where land disturbing activities have temporarily ceased. Stabilization measures that provide protective cover must be initiated as soon as practicable where land disturbing activities have permanently ceased. These measures must be initiated no more than fourteen (14) days after construction activities have temporarily or permanently ceased (as described in the TPDES Permit).
7. Final stabilization must be achieved and all temporary BMPs removed prior to filing the NOT with the State Regulatory Agency. The Town may withhold occupancy or use permit for any premises constructed on-site until such time the Town has determined the site has met the final stabilization criteria described in this Article.
8. Upon final stabilization of a large construction project, the person or operator (or duly authorized representative thereof) shall submit a NOT to the State Regulatory Agency and submit a copy of the NOT to the Town.

Section 10 Allowable Discharges:

- (a) No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of storm water except those activities listed in 1 through 13 of Section 9, unless said activities are determined to be a nuisance.
 - (1) Discharge authorized by, and in full compliance with an NPDES/TPDES construction or multi-sector industrial permits;
 - (2) Discharge or flow resulting from firefighting activities by the Fire Department;
 - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances;
 - (4) Unpolluted agricultural storm water runoff;

- (5) A discharge or flow from potable water line flushing (excluding discharges of hyper-chlorinated water unless, the water has first been dechlorinated and discharges are not expected to adversely impact aquatic life):
 - (6) Uncontaminated run-off or return flow from landscape irrigation, lawn irrigation, and other irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources that does not create a nuisance;
 - (7) Discharges from unpolluted pumped groundwater or rising groundwater.
 - (8) Unpolluted groundwater infiltration;
 - (9) Unpolluted discharge or flow from a foundation drain, crawl space pump, footing drain, or sump pump.
 - (10) Discharges from air conditioning condensation free of oils;
 - (11) Discharges from individual residential vehicle washing;
 - (12) Discharges from a riparian habitat or wetland; and/or
 - (13) Storm water runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant.
- (b) Persons wishing to discharge water other than that listed under subsection (a) of this Section and not listed as a specific prohibition under Section 8, must file a written request to the Administrator Five (5) days prior to the date of discharge that detail the source of the discharge and the volume of the discharge. Written authorization must be obtained from the Administrator prior to discharge.

Section 11 Post-Construction Requirements:

- (a) The person or operator must ensure all temporary control measures for erosion control or other BMPs are removed once final stabilization has been achieved.
- (b) The person or operator must ensure all long-term operation and maintenance of post-construction storm water runoff control mechanisms, such as detention and retention basins, dry wells, and other measures as described in Federal Regulations.

Section 12 Regulated Activities Associated with Facilities:

- (a) A user of the MS4 conducting industrial activity that has storm water discharges associated with industrial activity commits an offense if the user discharges, or causes to be discharged storm water associated with industrial activity without having first obtained an NPDES or TPDES permit to do so.
- (b) A person shall obtain coverage and submit to the Town, a copy of either a NOI to obtain coverage under the TPDES general or individual permit for industrial storm water, a NEC, or any other storm water permit.
- (c) A copy of the NOI or the No Exposure Certification (NEC) application form shall be submitted to the Town no later than 14 calendar days after filing the NOI or a NEC form with the State for such coverage.
- (d) A copy of the individual TPDES permit shall be submitted to the city no later than 14 calendar days after the State signs the permit.
- (e) A person commits an offense if the user is out of compliance with the facilities NOI, NEC, or SWPPP.
- (f) A person commits an offense if the user is out of compliance with the requirements of the NPDES or TPDES issued to such person.

Section 13 Water Course Protection:

Every person owning property through which a water course passes, or such person's lessee, shall keep and maintain that part of the water course 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 water course. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a water course, so that such structures will not become a hazard to use, function or physical integrity of the water course.

Section 14 Releases:

- (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 anywhere outside the building and/or into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup/remediation of such release immediately or within 15 minutes of the release.
- (b) In the event of such a release of regulated materials, said person shall immediately or within 15 minutes of the release notify the Local, State, and Federal regulatory authority of the occurrence via emergency dispatch services. Said person will make notification in conjunction with any State, or Federal Environmental permit requirements.
- (c) If the discharge of prohibited materials emanates from a commercial or industrial establishment, the facility 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.

Section 15 Right of Entry:

The Town's representative (s) shall have the right to enter the premises of any person to determine whether that person is in compliance with all the requirements of this article. Persons shall allow inspection or monitoring personnel ready access to all parts of the premises for the purposes of inspection, monitoring, records examination and copying, and the performance of any additional duties. Any information concerning a requirement under this Article, including, but not limited to water testing data, construction records, state registrations, environmental and closure records, shall be made readily available upon request.

- (a) Where security measures are in force which requires proper identification and clearance before entry into the premises, that person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Towns representative (s) will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The Towns representatives shall have the right to set up on any person's property such devices as are necessary to conduct monitoring of any person's operations.
- (c) Unreasonable delays in allowing inspecting or monitoring personnel access to any person's premises shall be a violation of this article.

Section 16 Punishment for Violations; Other Remedies:

(a) Any person, firm, or corporation who violates any provision of this Article or any permit issued under this Article is guilty of a misdemeanor and upon conviction, is punishable by a minimum fine of Five Hundred (\$500.00) dollars per violation and a maximum amount of not more than two thousand (\$2,000.00) dollars per violation. Each day of violation and each violation of a particular Section of the Ordinance shall constitute a separable offense, for the purposes of the Town's Enforcement under this Ordinance.

(b) Any person, firm, or corporation who obstructs, impedes, or interferes with a representative of the Town, with a representative of a Town Department, with surveillance equipment, or with person who has been ordered to abate a situation pursuant to this Article and who is lawfully Engaged in such abatement is guilty of a misdemeanor and upon conviction is punishable by a minimum fine of Five Hundred (\$500.00) dollars per violation, and a maximum amount of Two Thousand (\$2,000.00) dollars; each day of the violation shall constitute a separable offense, for the purposes of the Town's enforcement under this Ordinance.

(c) In addition to proceeding under authority of subsections (a) and (b) or this Section, the Town shall be entitled to pursue all criminal and civil remedies to which it is entitled under authority of Statues or other Ordinances against a person, firm or corporation that remains in violation of this Article.

(d) The Town may disconnect the water service for violation of this article.

(e) The Town may issue a Stop Work Order for violation of this Article.

Section 17 Nonexclusive Remedies:

The remedies provided for in this Ordinance are not exclusive. The Regulatory Authority may take any, all, or any combination of the actions described in this article against a noncompliant user.

Section 18 Right of Revision:

The Regulator Authority reserves the right to establish, by Ordinance more stringent standards or requirements on discharges to the MS4 and by RCRA.

Section 19 Search Warrants:

If the Regulatory Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Regulatory Authority may seek issuance of a search warrant from the appropriate court.

Section 20 Responsibility for Cleanup Costs and Damages:

(a) Any person responsible for the depositing or discarding of any material prohibited by this Article upon any sidewalk, alley, street, bridge, public passageway, drain, gutter, waterbody, MS4, or other public or private property shall be responsible for any costs associated with the cleaning up or removal and disposal of such materials. Such person shall also be responsible for reimbursing the Town for any costs or damages incurred by the Town. These costs and damages may include, but are not limited to, manpower, equipment, supplies, analytical costs, disposal costs, consultant costs, private contractor costs, street and utility repairs, and repairs to components of the MS4. The Mayor or Town Administrator is hereby authorized to direct the Town Attorney to file such claims, lawsuits, and/or liens as necessary to collect such costs or damages.

(b) The Town or its agents shall have the right to enter any property and take immediate action to abate any threats to human health or the environment. Any time the Town or its agents abates a nuisance or violation of this Article, the owner of such premise shall be responsible for reimbursing the Town for any costs or damages incurred by the Town.

(c) In the event, that an owner shall have an emergency condition, the Town Administrator or his designee may direct Town Departments and employees to enter upon such premises and may do such work as necessary, or cause the same to be done, to abate the condition in order that the premises may comply with the requirements of this Article. For the purposes of this section, "Emergency Condition" shall be defined as any condition or conditions which are or reasonable could be an immediate threat to the health, safety or welfare of the citizens of the Town of Combes or to the environment. A statement of the cost incurred by the Town to abate such condition shall be mailed to the owner of the premises and such statement shall be paid within thirty (30) days of the date of mailing of the statement of costs.

Section 21 Administrative Liability:

(a) No officer, agent, or employee of the Town shall be personally liable for any damage that may occur to persons or property, resulting from any act required or permitted in the discharge of such person's duties under this Article.

(b) Any suit brought against any officer, agent, or employee of the town, resulting from any act required or permitted in this discharge of such duties under this Article shall be defended by the Towns attorney until the final determination of the proceedings therein.

Section 22 Storm Water Charges and Fees:

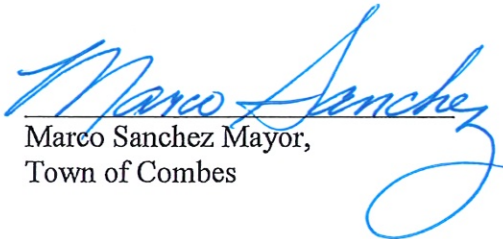
The Town may adopt reasonable fees for reimbursement of costs of setting up and operating the Towns Storm Water Program, which may include:

(a) Monitoring fees for sampling and analysis shall cover the cost to the Town and shall include, but not be limited to the cost of labor, equipment, supplies, laboratory charges, and administrative fees.

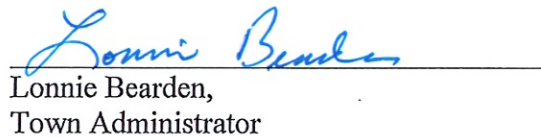
(b) Fees incurred from an upset, bypass, or unauthorized discharge.

(c) Other fees as the Town deems necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the Town.

PASSED AND APPROVED BY THE BOARD OF ALDERMAN OF THE
TOWN OF COMBES ON THIS _____ DAY OF FEBRUARY, 2018.



Marco Sanchez Mayor,
Town of Combes



Lonnie Bearden,
Town Administrator

Table of Contents

| | |
|------------|---|
| Section 1 | Creation and Amendment |
| Section 2 | Intent and Purpose |
| Section 3 | Abbreviations |
| Section 4 | Definitions |
| Section 5 | Applicability |
| Section 6 | Responsibility for Administration |
| Section 7 | Prohibition of Illicit Connections and Discharges |
| Section 8 | Specific Prohibitions and Requirements |
| Section 9 | Construction Activity Prohibitions and Requirements |
| Section 10 | Allowable Discharges |
| Section 11 | Post-Construction Requirements |
| Section 12 | Regulated Activities Associated with Facilities |
| Section 13 | Water Course Protection |
| Section 14 | Releases |
| Section 15 | Right of Entry |
| Section 16 | Punishment for Violations; Other Remedies |
| Section 17 | Nonexclusive Remedies |
| Section 18 | Right of Revision |
| Section 19 | Search Warrants |
| Section 20 | Responsibility for Cleanup Costs and Damages |
| Section 21 | Administrative Liability |
| Section 22 | Storm Water Charges and Fees |