

ARTICLE XXIII. STORMWATER DISCHARGES

Section 13-600. Statement of Purpose.

This ordinance sets forth uniform requirements for discharges to the Municipal Separate Storm Sewer System (MS4) and enables the City of Grand Prairie (City) to comply with all applicable federal and state laws, including, but not limited to, the Clean Water Act, the Storm Water Phase II Final Rule, Chapter 26 of the Texas Water Code, Title 30 of the Texas Administrative Code, and the City's Phase II MS4 Texas Pollution Discharge Elimination System General Permit. The objectives of this ordinance are:

- (a) To regulate the contribution of pollutants to the Municipal Separate Storm Sewer System by stormwater discharges by any user;
- (b) To prevent the introduction of pollutants into the Municipal Separate Storm Sewer System and to prohibit illicit connections and discharges to the Municipal Separate Storm Sewer System to the maximum extent practicable;
- (c) To enable the City to comply with its Texas Pollutant Discharge Elimination System permit conditions;
- (d) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance;
- (e) To provide for the equitable distribution of cost of monitoring and enforcement resulting from the program established herein;
- (f) To provide enforcement remedies for non-compliance with this article.

Section 13-601. Scope of Article.

This ordinance shall apply to all persons who will or who are reasonably expected to discharge to the Municipal Separate Storm Sewer System (MS4), including but not limited to all areas discharging to Grand Prairie, the extra territorial jurisdiction, and at any location within one thousand (1,000) feet of the City.

Section 13-602. Abbreviations.

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

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| BMP | - | Best Management Practices |
| CFR | - | Code of Federal Regulations |
| CSN | - | Construction Site Notice |

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| 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 13-603. Definitions.

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

Approved Erosion Control Plan: An erosion control plan prepared in compliance with City requirements, as specified in the Drainage Design Manual as currently amended and the current Erosion Control Plans for Developments and Erosion Control Plans for Single Residential Lot Developments lists, and approved by the City Engineer or designee.

Best management practices (BMP): Schedules of activities, prohibitions of practices, installation of erosion control devices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act: The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments and amendments thereof. The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters by preventing point and nonpoint pollution sources, providing assistance to publicly owned treatment works for the improvement of wastewater treatment, and maintaining the integrity of wetlands.

Commencement of construction: The disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

Commercial: Pertaining to any business, trade, industry, or other activity engaged in for profit.

Construction activity: A human-made activity, including without limitation, clearing, grading, excavation, construction, and paving, that results in an earth change or disturbance in the existing cover or topography of land, including any modification or alteration of a site or the “footprint” of a building that results in an earth change or disturbance in the existing cover or topography of land.

Director: The director of the department designated by the city manager to enforce and administer this article or the director’s designated representative.

Discharge: Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system and/or into any body of water by depositing, conducting, draining, emitting, throwing, running, allowing to seep, or otherwise releasing or disposing of, or allowing, permitting, or suffering any of these acts or omissions.

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: Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Final Stabilization: When all soil disturbing activities have been completed and a uniform (e.g. evenly distributed, without large, bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

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

Large Construction Projects: Construction projects including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction projects also include 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 (5) acres of land. Large construction projects do not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

Municipal separate storm sewer system (MS4): The system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES): The permit program of the United State's Environmental Protection Agency, and/or the permit program of the state agency delegated to act on USEPA's behalf with an approved storm water program.

NPDES General Permit for Storm Water Discharges Associated with Industrial Activity (or Industrial General Permit): The Industrial General Permit issued by USEPA and any subsequent modifications or amendments thereto.

NPDES General Permit for Storm Water Discharges from Construction Sites: The Construction General Permit issued by USEPA on August 27, 1992 and any subsequent modifications or amendments thereto.

NPDES permit: A permit issued by USEPA or by the State 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.

Nuisance: Any act or unlawful use of property which results in material annoyance, inconvenience, discomfort, or damage to another person or to the public.

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 at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

Operator: The person or persons who, either individually or taken together, meet the following two criteria:

- (1) they have operational control over the facility specifications (including the ability to make modifications in specifications); and
- (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: The person who owns a facility or part of a facility.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

Pollutant: Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

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.

Regulatory Authority: Any municipal officer or department of the city appointed by the City Manager to administer this article.

Release: Any intentional or unintentional spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States, or where, unless the oil, hazardous substances, waste, or other substances are controlled or removed, the substance may drain, seep, run, or otherwise enter into the MS4 or waters of the United States.

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.

Small Construction Projects: Construction projects including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction projects 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) acre and less than five (5) acres of land. Small construction projects do 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-ways, and similar maintenance activities).

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

Stormwater: Stormwater runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Pollution Prevention Plan (SWP3): A plan required by either the Construction General Permit or the Industrial General Permit or any other permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

Texas Pollutant Discharge Elimination System (TPDES): The permit program of the State of Texas.

User: Any owner, operator, contractor, renter, squatter or any other person who has control of property that has or may threaten to discharge liquids to the Municipal Separate Storm Sewer System.

Waste: Rejected, unutilized, or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural or industrial activities.

Wastewater: Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings and/or operations, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are required to discharge to the publicly owned treatment works.

Water: Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the State, 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 partially inside or bordering the State or inside the jurisdiction of the State.

Watercourse: Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water which are delineated by the City of Grand Prairie.

Water quality standard: The designation of a body or segment of surface water in the State for desirable uses and the narrative and numerical criteria deemed by the State to be necessary to protect those uses.

Waters of the United States: 1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; 2. All interstate waters including interstate wetlands; 3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters: (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (iii) Which are used or could be used for industrial purposes by industries in interstate commerce; 4. All impoundments of waters otherwise defined as waters of the United States under this definition; 5. Tributaries of waters identified in paragraphs (s)(1) through (4) of this Section; 6. The territorial sea; 7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (s)(1) through (6) of this Section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds) which also meet the criteria of this definition) are not waters of the United States.

Section 13-604. Allowable Discharges.

- (a) No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of stormwater, with the exception of those activities listed in 1 through 13 of Section 13-604 (a), 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 fire fighting 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 stormwater runoff;
 - (5) A discharge or flow from potable water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely impact aquatic life);
 - (6) Uncontaminated runoff or return flow from landscape 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) Stormwater 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 13-605, must file a written request to the Director five (5) days prior to the

date of discharge that details the source of the discharge and the volume of the discharge. Written authorization must be obtained from the Director prior to discharge.

Section 13-605. 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 City, 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:
 - (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - (2) Any regulated or industrial waste;
 - (3) Any hazardous waste, including household hazardous waste;
 - (4) Any domestic sewage or septic tank waste (from holding tanks such as vessels, chemical toilets, campers, or trailers), grease trap waste, or grit trap waste;
 - (5) Any wastewater from a commercial carwash facility;
 - (6) Any vehicle or equipment wash water from a commercial or industrial facility;
 - (7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (8) Any use of power washing at a commercial facility that generates wastewater containing any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other cleaning substance, or any oils, grime, grit, dirt or substances resulting from the cleaning;
 - (9) Wastewater from the wash-down or other cleaning of any pavement where release of regulated material has occurred;
 - (10) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow-down from a boiler;

- (11) Any runoff or wash-down water from any animal pen, kennel, or 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 30 TAC Section 307.7;
 - (12) Any discharge from water line disinfection by superchlorination;
 - (13) Any substance or material that will damage, block, or clog the MS4;
 - (14) 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;
 - (15) Any wastewater from commercial floor, rug, or carpet treatment;
 - (16) Any discharge of solids or waste from soil boring, core drilling, or any other site investigative technique;
 - (17) Any discharge from gas well drilling, derrick washing, fracturing, or other activities relating to gas pipelines, compression stations, or gas well padsites;
 - (18) Any paint or paint-related materials;
 - (19) Any polluted or unpolluted liquid not covered by Section 13-605.
- (d) No person shall connect to the MS4 a line conveying domestic, commercial, or industrial sanitary sewage or wastewater.
 - (e) 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.
 - (f) No person shall introduce or cause to be introduced to the MS4 any sediment, unused ready mix concrete, mortar, asphalt, or other unused construction materials or wash water associated with these materials.
 - (g) 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.
 - (h) 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.

- (i) No person shall cause or allow leaves, grass clippings, or other yard debris to enter into the MS4.
- (j) No person may discharge or cause to be discharged water containing fertilizers, pesticides or herbicides to the MS4.
- (k) 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.
- (l) No person shall introduce non-native solids or liquids to the MS4 or to the Waters of the United States with the exception of those activities listed in Section 13-604 of this article.

Section 13-606. Construction Activity Prohibitions and Requirements.

- (a) No person shall discharge stormwater associated with a construction activity without first having obtained a TPDES permit to do so, when applicable.
- (b) No person shall discharge stormwater 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 City, when applicable.
- (c) All persons must submit a copy of the Notice of Termination (NOT) to the City at the same time the person submits the 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 City 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. Any person or operator must maintain BMPs in effective working order in compliance with City 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 are not limited to, the measures listed in 1 through 7 of Section 13-606 (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 temporary or permanently ceased. 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 or waters of the United States.
 - (3) Minimization of the tracking of sediments off-site by vehicles, the generation of dust, 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 stormwater 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: stormwater detention structures (including wet ponds), stormwater 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 least 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 or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this article.
- (i) Any contractor or subcontractor on a site of construction activity, 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 in accordance with the City Drainage Design Manual as currently amended and submit that Plan to the City for approval. This shall apply regardless of whether a person or operator is required to obtain a permit from the City 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 stormwater discharges associated with construction activities, shall comply with the measures listed in 1 through 8 of Section 13-606 (1).
 - (1) Any person or operator who intends to obtain coverage for stormwater discharges for a large construction project under the TPDES general permit for stormwater discharges shall submit a signed copy of the NOI and CSN to the City 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 at all times

during the construction and updated as needed to address changing conditions. The SWP3 shall include the City approved erosion control plan as part thereof.

- (3) The City may require submission of the SWP3 as currently amended at any time during the course of the construction and the person or operator shall submit the SWP3 to the City within twenty-four (24) hours of the request. The City may notify the person or operator at any time the SWP3 does not meet the requirements of the Construction General Permit for stormwater 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 City that the changes have been made and implemented.
- (4) Operators of a small construction site must submit a copy of the CSN to the City prior to beginning earth disturbing activities.
- (5) The CSNs and NOI shall be posted and readily available for viewing by the general 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 City may withhold occupancy or use permit for any premises constructed on site until such time the City 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 City.

Section 13-607. 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 stormwater runoff control mechanisms, such as detention and retention basins, dry wells, and other measures as described in federal regulations.

Section 13-608. Regulated Activities Associated with Facilities.

- (a) A user of the MS4 conducting industrial activity that has stormwater discharges associated with industrial activity commits an offense if the user discharges, or causes to be discharged, stormwater 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 city a copy of either a NOI to obtain coverage under the TPDES general or individual permit for industrial stormwater, a NEC, or any other stormwater permit.
- (c) A copy of the NOI or the No Exposure Certification (NEC) application form shall be submitted to the city no later than 14 calendar days after filing the NOI or a NEC a 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 13-609. Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

Section 13-610. 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 13-611. Right of Entry.

The city's representative(s) shall have the right to enter the premises of any person to determine whether that person is compliance with all requirements of this article. Persons shall allow inspecting 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 city's representative will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The city's 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 13-612. 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 fine as provided in Section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.
- (b) Any person, firm, or corporation who obstructs, impedes, or interferes with a

representative of the City, with a representative of a City department, with surveillance equipment, or with a 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 fine as provided in Section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.

- (c) In addition to proceeding under authority of subsections (a) and (b) of this Section, the City is entitled to pursue all criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this article.
- (d) The City may disconnect the water service for violation of this article.
- (e) The City may issue a stop work order for violation of this article.

Section 13-613. Remedies Nonexclusive.

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 13-614. Right of Revision.

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

Section 13-615. 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 city 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 13-616. Responsibility for cleanup costs, 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 City for any costs/damages incurred by the City. These costs/damages may include, but are not limited to, manpower, equipment, supplies, analytical costs, disposal costs, consultants, private

contractors, street/utility repairs, and repairs to components of the MS4. The city manager is hereby authorized to direct the City attorney to file such claims, lawsuits, and/or liens as necessary to collect such costs/damages.

- (b) The city 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. Anytime the city or its agents abates a nuisance or violation of this article, the owner of such premise shall be responsible for any costs associated with said activities. Such person shall also be responsible for reimbursing the City for any costs/damages incurred by the City.
- (c) In the event that an owner shall have an emergency condition, the fire chief, the environmental services director, or their designees, may 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 reasonably could be an immediate threat to the health, safety or welfare of the citizens of the city or to the environment. A statement of the cost incurred by the City 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 the mailing of the statement of costs.

Section 13-617. Administrative Liability.

- (a) No officer, agent, or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of 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 City as a result of any act required or permitted in this discharge of such duties under this article shall be defended by the City Attorney until the final determination of the proceedings therein.

Section 13-618. Stormwater Charges and Fees.

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

- (a) Monitoring fees for sampling and analysis shall cover the cost to the city 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 City 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 City.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS THE 7TH OF JULY, 2009.