



December 27, 2016

Alabama Department of Environmental Management
Water Division
Storm Water Management Branch
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

Attention: Ms. Marla Smith

Reference: **Gadsden, Alabama Urbanized Area**
Gadsden-Etowah MS4 Entities
Phase II Small MS4 NPDES General Permit
Storm Water Management Program Plan (SWMPP)
S&ME Project No. 4482-15-028

Dear Ms. Smith:

S&ME, Inc., on behalf of the Phase II Small MS4 Entities that comprise the *Gadsden, Alabama Urbanized Area*, is pleased to submit the attached Storm Water Management Program Plan (SWMPP) for the following permitted entities:

City of Attalla – ALR040052
City of Gadsden – ALR040053
City of Glencoe – ALR040054
City of Hokes Bluff – ALR040055
City of Rainbow City – ALR040056
City of Southside – ALR040057
Etowah County – ALR040009

As requested, electronic copies of the documents are being provided on CD in lieu of a hardcopy submittal. For your convenience, the report appendices are included on the CD as individual files.

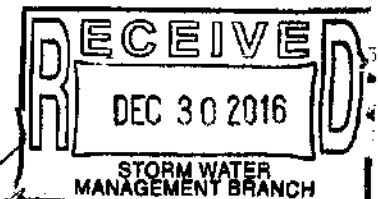
If additional information is required or requested, please contact the undersigned.

Sincerely,

S&ME, Inc.

Christa C. Lyons
Project Manager

Charles R. Olgee, P.E.
Senior Engineer





STORM WATER MANAGEMENT PROGRAM

JANUARY 1, 2017

Gadsden, Alabama Urbanized Area
Phase II Small MS4 NPDES General Permit

Gadsden-Etowah MS4 Entities

City of Attalla - ALR040052
City of Gadsden - ALR040053
City of Glencoe - ALR040054
City of Hokes Bluff - ALR040055
City of Rainbow City - ALR040056
City of Southside - ALR040057
Etowah County - ALR040009

Prepared By:



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S&ME Project No. 4482-15-028

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1.0 Introduction

S&ME, Inc. has prepared this Storm Water Management Program Plan (SWMPP) for the Gadsden – Etowah MS4 Entities that comprise the *Gadsden, Alabama Urbanized Area* Phase II Small Municipal Separate Storm Sewer System in accordance with S&ME Proposal No. 44-15-217, dated June 30, 2015 and Proposal No. 44-1600450, dated October 7, 2016. The urbanized area consists of the following entities (jurisdictions): The City of Gadsden, City of Rainbow City, City of Southside, City of Glencoe, City of Hokes Bluff, City of Attalla, and portions of unincorporated Etowah County.

Authorization date and responsible official for each entity are provided in Table 1.1.

Table 1-1: Responsible Officials and Authorization Dates

Entity	Name	Date
City of Attalla	Larry Means, Mayor	August 5, 2015
City of Gadsden	Sherman Guyton, Mayor	July 29, 2015
City of Glencoe	Charles C. Gilchrist, Mayor	July 14, 2015
City of Hokes Bluff	Jeff Cheatwood, Mayor	August 14, 2015
City of Rainbow City	Terry John Calhoun, Mayor	October 27, 2016
City of Southside	Wally Burns, Mayor	July 9, 2015
Etowah County	Larry Payne, President	July 21, 2015

The SWMPP is required by Part III of the Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) General Permit ALR040000 for discharges from regulated small municipal separate storm sewer systems (MS4) with an effective date of October 1, 2016. Permit numbers for each entity are provided in Table 1.2.

Table 1-2: Permit Numbers for MS4 Entities

Entity	ADEM Permit Number
City of Attalla	ALR0400052
City of Gadsden	ALR0400053
City of Glencoe	ALR0400054
City of Hokes Bluff	ALR0400055
City of Rainbow City	ALR0400056
City of Southside	ALR0400057
Etowah County	ALR0400009



1.1 Permit History

The Storm Water Phase II Final Rule issued by the United States Environmental Protection Agency (USEPA) in 1999 requires nationwide coverage of all operators of small MS4s located within the boundaries of an “urbanized area” as defined by the latest decennial Census. Based on the results of the 2010 census, the Bureau of the Census designated the *Gadsden, Alabama Urbanized Area* to include the City of Attalla, the City of Gadsden, the City of Glencoe, the City of Hokes Bluff, City of Rainbow City, the City of Southside, and portions of unincorporated Etowah County. A map outlining the approximate boundary of the *Gadsden, Alabama Urbanized Area* is included in **Appendix A, Figure 1**.

The *Gadsden, Alabama Urbanized Area* initially applied for and received a NPDES MS4 Phase II General Permit from the ADEM in 2003. The five-year permit expired on March 9, 2008. A Notice of Intent for renewal of the permit was submitted 180 days prior to expiration and permit coverage was extended through re-issuance of the MS4 Phase II General Permit ALR04-0009 with an effective date of February 1, 2011. This permit expired on February 1, 2016 and was administratively continued. A Notice of Intent for renewal of the permit was submitted by each entity 180 days prior to expiration; therefore the permit coverage was extended until the Alabama Department of Environmental Management (ADEM) issued a separate permit for each entity with an effective date of October 1, 2016. Maps outlining the approximate urbanized area and city limits for each entity are included in their corresponding appendix.

A copy of the NPDES General Permit is included in **Appendix B**.

1.2 Storm Sewer System

A Municipal Separate Storm Sewer System (MS4) is defined by 40 CFR Part 122.26(b)(8) to be a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is:

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying storm water;
- (iii) Not a combined sewer; and,
- (iv) Not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

1.3 Area and Population Description

The *Gadsden, Alabama Urbanized Area* is located in northeast Alabama and encompasses approximately 38,223 acres. Populations of each entity covered by the referenced NPDES General Permits are shown in the following table.



Table 1-3: Populations from 2000 and 2010 Census

Entity	2000 Census Population	2010 Census Population
City of Attalla	6,592	6,048
City of Gadsden	38,978	36,856
City of Glencoe	5,152	5,160
City of Hokes Bluff	4,149	4,286
City of Rainbow City	8,428	9,602
City of Southside	7,036	8,412

* Total for the county, including municipalities

1.4 Hydrologic Units in the Urbanized Area

Neely Henry Lake (Coosa River) is the primary receiving water for the Gadsden-Etowah MS4. Hydrologic Hierarchy, Watersheds, and Subwatersheds are provided in the tables below.

Table 1-4: Hydrologic Hierarchy

REGION	03	South Atlantic-Gulf
SUBREGION	0315	Alabama River Basin
BASIN	031501	Coosa-Tallapoosa: Above the confluence of and including the Coosa and Tallapoosa River Basins
SUBBASIN	03150106	Middle Coosa

Table 1-5: Watersheds in the Urbanized Area

Watershed	HUC
Coosa River-Black Creek	03150106-01
Big Wills Creek	03150106-02
Coosa River-Big Canoe Creek	03150106-03

Table 1-6: Subwatersheds in the Urbanized Area

SUBWATERSHED	HUC	TOTAL AREA (ACRES)
Little Wills Creek	03150106-01-06	18,121
Black Creek	03150106-01-07	40,879
Horton Creek	03150106-01-08	16,902
Dry Creek	03150106-02-02	9,778
Big Cove Creek	03150106-02-03	18,028



Turkey Town Creek	03150106-02-04	57,474
Little Canoe Creek - Lake Sumatanga	03150106-03-04	20,260
Lower Big Canoe Creek	03150106-03-06	33,299
Coosa River - H. Neely Henry Lake	03150106-03-09	46,439
Lower Ohatchee Creek	03150106-04-05	19,980

1.5 Water Quality Concerns

Section 303(d) of the Clean Water Act (CWA), as amended by the Water Quality Act of 1987, and EPA’s Water Quality Planning and Management Regulations (40CFR130) require states to identify waterbodies not in compliance with the water quality standards applicable to their designated use classifications. The identified waters are prioritized based on severity of the pollution. Section 303(d) then requires that total maximum daily loads (TMDLs) be determined for all pollutants causing violation of applicable water quality standards in each identified segment. The TMDL process establishes the allowable loading of pollutants, or other quantifiable parameters for a waterbody, based on the relationship between pollution sources and in-stream water quality conditions.

As mentioned in Section 1.3, Neely Henry Lake is the primary receiving water for the Gadsden-Etowah MS4. In 1996, the ADEM identified five of the six reservoirs on the Coosa River within the State of Alabama’s borders as being impaired, including Neely Henry Lake. The following table summarizes the impaired segments of Neely Henry Lake.

Table 1-7: Impaired Waterbody Segments in the Urbanized Area

ASSESSMENT UNIT ID	WATERBODY NAME	USES	CAUSES	SOURCES
AL03150106-0309-101	Coosa River (Neely Henry Lake)	Swimming Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD)	Industrial Municipal Flow regulation/modification Upstream sources
AL03150106-0309-102	Coosa River (Neely Henry Lake)	Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD)	Industrial Municipal Flow regulation/modification Upstream sources
AL03150106-0104-101	Coosa River (Neely Henry Lake)	Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD) Priority Organics (PCBs)	Industrial Municipal Flow regulation/modification Upstream sources Contaminated sediments
AL03150106-0104-102	Coosa River (Neely Henry Lake)	Public Water Supply Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD)	Industrial Municipal Flow regulation/modification



Table 1-7: Impaired Waterbody Segments in the Urbanized Area

ASSESSMENT UNIT ID	WATERBODY NAME	USES	CAUSES	SOURCES
			Priority Organics (PCBs)	Upstream sources Contaminated sediments

Sources of nutrient and organic enrichment from non-point sources within the Coosa River watershed include:

- Runoff from pastures
- Runoff from animal operations
- Direct discharge to streams due to cattle
- Improper land application of animal waste
- Failing septic systems
- Urban runoff

Point source contributors of storm water pollution within the Coosa River watershed include:

- Discharge from wastewater treatment plants
- Discharge from industrial operations

In 2008 the EPA approved TMDLs for Neely Henry Lake related to Nutrients (Total Phosphorous), pH, and Dissolved Oxygen. The Gadsden-Etowah MS4 is required to achieve a **30% reduction in Total Phosphorus discharge loading**.

Part IV.D of the NPDES General Permit requires that the SWMPP include BMPs and control measures specifically targeted to achieve the waste load allocations prescribed in the TMDL. The SWMPP must also include monitoring provisions to document that the waste load allocations prescribed in the TMDL are being achieved.

1.6 Coordination Between Entities

Each of the eight entities will provide at least one member to the Gadsden-Etowah Storm Water Steering Committee. Each entity will be responsible for providing the required annual updates and monitoring data to the Steering Committee.

Coordination between departments and individuals internal to each of the eight entities is established in each section of the Plan specific to the individual entities.

In March 2014, the Gadsden-Etowah Storm Water Steering Committee developed an Illicit Discharge Detection and Elimination (IDDE) Program for the entities to collectively use as a guidance. The IDDE Program is included in **Appendix C**.



1.7 Responsible Party

Each entity is responsible for the coordination and implementation of their entity's Storm Water Management Plan. Each entity provides a representative to participate on the Storm Water Steering Committee for the urbanized area. The Storm Water Steering Committee is responsible for the implementation of the monitoring plan. Current membership of the Storm Water Steering Committee is as follows:

Table 1-8: MS4 Storm Water Steering Committee

ENTITY	CONTACT	PHONE NO.	EMAIL
City of Gadsden	Jeremy Ward	256-549-4527	jward@cityofgadsden.com
City of Gadsden	Heath Williamson	256-549-4520	hwilliamson@cityofgadsden.com
City of Attalla	Jason Nicholson	256-441-9200	j.nicholson@attallacity.com
City of Rainbow City	Kevin Ashley	256-413-1240	kashley@rbcalabama.com
City of Southside	Jimmy Whittemore	256-442-9775 Ext. 103	jwhittemore@cityofsouthside.com
City of Glencoe	Brian Bramblett	256-492-1424	brianbramblett@cityofglencoe.net
City of Hokes Bluff	Lisa Johnson	256-492-2414	hbcity@cityofhokesbluff.net
Etowah County	Tim Graves	256-549-5358	tgraves@etowahcounty.org
Etowah County	Robert Nail	256-549-5358	Rnail@etowahcounty.org

1.8 Annual Review

The Storm Water Management Plan will be reviewed annually by the each entity in preparation for the annual report required by Part V of the NPDES General Permit. The Storm Water Steering Committee will review the monitoring plan annually.

An annual report will be prepared by each entity for submittal to ADEM.

1.9 Updates to the SWMPP

The SWMPP may be updated following the procedures laid out in Part IV.B.2 of the NPDES General Permit. Changes to the SWMPP adding components, controls, or requirements may be made at any time, provided the ADEM is notified in writing. The changes must also be documented in the annual report.

Permission to make changes to the SWMPP to remove or replace components, controls, or requirements must be requested from the ADEM a minimum of 60 days prior to making the change. If the request is denied, the ADEM will provide a written response giving the reason for the decision.

1.10 SWMPP Components

Part III.B of the NPDES General Permit requires that the Permittee develop and implement a storm water management program that includes the following five minimum control measures:



1. Public Education and Public Involvement on Storm Water Impacts
2. Illicit Discharge Detection and Elimination (IDDE)
3. Construction Site Storm Water Runoff Control
4. Post-Construction Storm Water Management in New Development and Redevelopment
5. Pollution Prevention/Good Housekeeping for Municipal Operations

Program details pertaining to each entity within the urbanized area are outlined in the following

2.0 Storm Water Monitoring

2.1 Rationale Statement

As discussed in Section 1.4, the Gadsden-Etowah MS4 currently discharges to an impaired waterbody. Part IV.D.1(c) of the NPDES General Permit requires that the SWMP include a monitoring plan to assess the effectiveness of the BMPs in achieving the waste load reductions/allocations outlined in the TMDL.

The intent of the proposed monitoring program is to evaluate the effectiveness of the City's BMPs in achieving the required reduction as established in the TMDL and to generally evaluate overall water quality. Where deviations are documented and/or expected, the collected monitoring data will be used to determine the extent and cause of the pollutant of concern.

2.2 Monitoring Parameters

The Gadsden-Etowah MS4 is required to achieve a **30% reduction in Total Phosphorus discharge loading**. To demonstrate the MS4's compliance with the established waste load reduction, the MS4 will conduct monitoring along the Coosa River throughout the *Gadsden, Alabama Urbanized Area* using grab sampling and manual field and laboratory analyses.

Both point and non-point sources of particulate and dissolved phosphorous are linked to runoff.

Particulate phosphorous moves primarily by soil erosion. Dissolved phosphorous may result from leaking septic systems, animal wastes, or the over-application of fertilizer. The greatest opportunity for excess phosphorous loading into the Coosa River from the Gadsden-Etowah MS4 is likely to occur during runoff events; therefore, **monitoring will be conducted within 72 hours of a qualifying rain event of 0.75 inch**.

Monitoring parameters were selected to indicate the effectiveness of the BMPs outlined in the *Gadsden, Alabama Urbanized Area* Storm Water Management Program. In addition to total phosphorous, parameters related to soil erosion (sedimentation) and eutrophication (nutrient enrichment) were also selected for monitoring.

Monitoring will be conducted **quarterly** at the designated outfalls to Neely Henry Lake for the following parameters:

- Total Suspended Solids (TSS)
- Total Phosphorous
- Orthophosphate
- Nitrate-Nitrite
- Total Kjeldahl Nitrogen (TKN)

The following parameters will also be measured in the field at the time of sample collection:

- Turbidity
- pH

- Dissolved Oxygen (DO)
- Temperature

2.3 Field Documentation

The following observations were documented in the field at each monitoring location:

- Monitoring point ID
- Date and time
- Person conducting the sampling
- Equipment used
- Depth of sample collection
- Weather conditions
- Waterbody conditions
- Field parameters (turbidity, pH, DO, temperature)

2.4 Sampling Procedures

Samples collected on land will be obtained from approximately the mid-channel of each stream using a stainless steel 1-quart bucket attached to either a 30-foot telescoping fiberglass pole or nylon rope. S&ME personnel will extend the sampling bucket to mid-channel at each location and collect a sample at mid-depth or two (2) feet below the water surface, whichever was shallower. The sample will then be poured into a 6-quart stainless steel bucket. Four to five quarts will be collected and mixed in the 6-quart bucket prior to analysis. The stainless steel buckets will be decontaminated prior to use and between samples.

Samples collected from the boat will be obtained using a horizontal Van Dorn sampler. S&ME personnel will insert the sampler into the water upstream of the boat, lower it to a depth of five (5) feet below the water surface then trigger the seals. The collected sample will be discharged from a valve in the sampler. A total of two, 2-liter samples will be collected from each location then mixed in a 6-quart stainless steel bucket. The Van Dorn sampler will be decontaminated prior to use and in between samples.

2.5 Monitoring Locations

A series of primary monitoring locations have been identified along the river and in contributing tributaries at points determined to be representative of the typical land uses in the sub-watersheds.

The primary monitoring locations selected for determining compliance of the Gadsden-Etowah MS4 with the 2008 phosphorous TMDL are identified on the map in **Appendix A, Figure 2**. Coordinates for each point are listed in the table below. Secondary monitoring locations will be selected in the event monitoring of the primary points indicates a need for further assessment of a tributary to the Coosa River.

Table 2-1: Monitoring Point Coordinates

OUTFALL ID	LATITUDE	LONGITUDE	ACCESS	WATERBODY EVALUATED
AT 5	34.006446°	-86.069061°	LAND	Big Wills Creek / Little Wills Creek
GD 8	33.999535°	-86.024463°	LAND	Black Creek



OUTFALL ID	LATITUDE	LONGITUDE	ACCESS	WATERBODY EVALUATED
RC 2	33.967683°	-86.039476°	LAND	Horton Creek
SS 13	33.891352°	-86.049229°	LAND	Neely Henry Lake
SS 14	33.885921°	-86.030683°	LAND	U.T. to Neely Henry Lake
GD 12	33.952567°	-86.003495°	LAND	U.T. to Neely Henry Lake
CO 14	33.940904°	-85.967704°	LAND	U.T. to Neely Henry Lake
SME 2	34.002461°	-86.001571°	LAND	U.T. to Coosa River
GD 6	34.015350°	-85.995617°	LAND	Town Creek
CO 15	33.972280°	-85.965354°	LAND	U.T. to Neely Henry Lake
RC 14	33.905786°	-86.111656°	BOAT	Rook Creek / Dry Creek
SS 5	33.941329°	-86.021569°	BOAT	U.T. to Coosa River
SME 1	33.990184°	-86.004048°	BOAT	Big Wills Creek / Black Creek
GD 9	33.989718°	-85.998472°	BOAT	U.T. to Coosa River (East Gadsden)
GD 7	34.008361°	-85.999777°	BOAT	Storm sewer outfall to Coosa River
GD 5	34.014324°	-85.924013°	BOAT	Big Cove Creek / Little Cove Creek
GD 3	34.012380°	-85.953651°	BOAT	U.T. to Neely Henry Lake
SME 3	34.009698°	-85.956230°	BOAT	Coal Creek
HB 3	34.002129°	-85.882808°	BOAT	U.T. to Neely Henry Lake

2.6 Quality Assurance / Quality Control

Quality Assurance (QA) and Quality Control (QC) activities are designed to achieve the specific data quality goals associated with the sampling program and will follow EPA and ADEM guidance.

2.6.1 Sample Containers and Preservation

All samples will be collected in new laboratory-provided containers containing analyte-appropriate preservatives as listed below:

Table 2-2 Sample Containers and Preservation

PARAMETER	CONTAINER	PRESERVATIVE	HOLD TIME
Total Suspended Solids (TSS)	HDPE - 1 L	NONE	7 days
Total Phosphorous	HDPE - 250 mL	H ₂ SO ₄	48 hours
Orthophosphate	HDPE - 250 mL	NONE	48 hours
Nitrate-Nitrite	HDPE - 250 mL	H ₂ SO ₄	28 days
Total Kjeldahl Nitrogen (TKN)	HDPE - 250 mL	H ₂ SO ₄	28 days

2.6.2 Quality Assurance

A minimum of one duplicate for every 10 samples will be submitted to the laboratory.

2.6.3 *Equipment Decontamination*

All reusable sampling equipment will be decontaminated prior to use and in-between samples using the following procedure:

- Rinse with tap water.
- Wash with non-phosphatic detergent solution.
- Rinse with deionized water.
- Allow equipment to air dry.
- Containerize all rinsate for disposal.

2.6.4 *Sample Identification*

Sample containers will be labeled with the following information in waterproof ink:

- Project number
- Sample location
- Collection date and time
- Preservative
- Analysis to be performed

2.6.5 *Chain of Custody*

Chain of custody documents will originate in the field and will accompany the samples to the laboratory. Copies of the chain of custody documents will be included with the laboratory reports in the annual report.

2.6.6 *Sample Shipment*

The samples will be shipped overnight to the laboratory in sealed coolers containing ice.

2.7 **Analytical Results**

Field observations and analytical results will be recorded at the time of sampling. The resulting field notes and laboratory analytical reports will be retained by each entity for a minimum of 3 years.

A report consolidating the results from each quarterly monitoring event will be submitted by the entity/company performing the monitoring to the representatives of the City of Attalla, the City of Gadsden, the City of Glencoe, the City of Hokes Bluff, the City of Southside, City of Rainbow City, and Etowah County. Each quarterly monitoring report will be incorporated into the Annual Update of the SWMPP. Monitoring reports will be retained by each entity for a minimum of 3 years.

2.8 **Evaluation of Results**

Results from each sampling event will be evaluated annually.



3.0 Reporting and Record-Keeping

Part V.A of NPDES General Permit ALR040000 issued to each entity of the Gadsden-Etowah MS4 that comprises the *Gadsden, Alabama Urbanized Area* outlines the monitoring, recordkeeping, and reporting requirements.

3.1 Annual Reports

Annual reports are due to the ADEM by May 31 of each year. The annual report will cover the period from April 1 through March 31 of the year prior to the submittal date and will include:

1. List of contacts/responsible parties for the preparation of the Annual Report
2. Evaluation of SWMPP and discussion of the following:
 - a. Major accomplishments
 - b. Overall program strengths/weaknesses
 - c. Future direction of the program
 - d. Evaluation of the effectiveness of the SWMPP in achieving water quality/watershed improvements
 - e. Measureable goals that were not performed and reasons why
 - f. Evaluation of monitoring data
3. Measurable goals for each of the five minimum control measures
4. Proposed changes to the SWMPP, including changes to BMPs or measurable goals
5. An assessment of whether or not the existing BMPs are appropriate
6. Summary of storm water activities planned for the upcoming year
7. Progress toward reducing the discharge of pollutants to the maximum extent practicable

3.2 Recordkeeping

The following records must be maintained by each entity and will be made available for examination. Records will be retained for a minimum period of at least three (3) years from the data of the sample, measurement, report, or application for the term of the NPDES General Permit, whichever is longer.

The following is a list of records to be retained:

- Copies of all reports required by the permit
- Copies of monitoring reports
- Copy of the NPDES General Permit
- Copy of the Notice of Intent

4.0 City of Attalla

The City of Attalla encompasses approximately 7.5% of the Urbanized Area and accounts for approximately 9% of the population. A map depicting the City of Attalla's urbanized area and city limits is located in **Appendix D-1, Figure 1**.

The following sections detail the rationale statement, targeted audiences, planned activities, evaluation criteria, and the responsible party regarding the referenced control measure.

4.1 Public Education and Public Involvement on Storm Water Impacts

4.1.1 Rationale Statement

The City's goal is to have a comprehensive and effective public education and public involvement program, the intent of which is to:

1. Generate awareness of storm water pollution prevention by educating people about the storm water system and its relationship to the health of local waterways;
2. Modify behavior patterns through education and encouragement of active participation in water pollution prevention;
3. Educate the public of steps they can take to reduce pollutants in storm water runoff; and
4. Involve the general public by providing activities and opportunities for public participation in the storm water management program.

4.1.2 Target Audiences

The primary target audiences within the City are as follows:

- **General Public** (homeowners and citizens)
 - Potential contributors of storm water pollution through litter, yard waste, vehicle washing, illicit discharges on and off impervious surfaces, and the application of pesticides, herbicides, and fertilizers.
- **Local Businesses**
 - Potential contributors of storm water pollution through illicit discharges, litter, waste handling procedures.
- **Landscape Companies**
 - Potential contributors of storm water pollution through the application of pesticides, herbicides, and fertilizers and illicit discharges on impervious surfaces.
- **Engineers, Developers, and Contractors**
 - Potential contributors of storm water pollution through off-site sedimentation from development and construction.



4.1.3 *Planned Activities*

The City plans to implement the following activities as part of their Public Education and Public Involvement Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Public Education and Public Involvement activity planned for each reporting period is provided in **Appendix D-2**. This table may aid in completion of the annual report.

Activity 1. Distribute Storm Water Educational Material

The City will use available resources obtained through networking or online resources, such as those provided by EPA, to prepare storm water education material to increase awareness of the public on storm water topics. The City will distribute these materials to citizens and business owners by placing materials at the City Hall and the Public Library.

Topics might include the following:

- Introduce the MS4 to the general public and discuss the storm water cycle and how common contaminants enter the storm water system.
- Educate households and businesses about proper and improper use, storage, and disposal of common household chemicals such as herbicides, pesticides, and fertilizers.
- Make the public aware of how the improper use of these chemicals can impact storm water quality.
- Discuss storm water impacts specifically related to litter, floatables, and debris
- Discuss how the cumulative effect of these contaminants impact the Coosa River and what individual households and businesses can do to reduce storm water pollutants.
- Provide information on how to identify and report illicit discharges.
- Provide information on additional resources pertaining to storm water, storm water pollution, and Neely Henry Lake TMDLs.
- Provide information on storm water contacts within the City of Attalla and information on reporting potential storm water violations.

Evaluation Criteria: The City will report the number of materials placed at the City Hall and the Public Library and how often the materials were replaced during the reporting period. This information will indicate the number of people who received educational materials.

Activity 2. Maintain the Storm Water Webpage

The City provides information on the City's MS4 Program and permit on the Engineering Department webpage and Storm Water Management webpage within the City of Attalla's

website. The City will maintain this webpage and provide additional educational materials each reporting period. Participation will be tracked through the number of “hits” on the webpage. The webpage will continue to be updated periodically to:

- Include general information on the MS4 permit and SWMPP;
- Discuss the storm water cycle and how common contaminants enter the storm water system;
- Provide educational materials about proper and improper use, storage, and disposal of common household chemicals;
- Provide educational materials on storm water impacts specifically related to litter, floatables, and debris
- Provide links to related storm water resources;
- Provide information on how to identify and report illicit discharges; and,
- Provide a calendar of upcoming community events related to storm water outreach.

The webpage is located at the link below:

<http://www.attallacity.com/city-services/departments/engineering-department>.

Evaluation Criteria: The City will report what information was added to the webpage and the number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated educational materials.

Activity 3. Annual Report and SWMPP Availability

The City will provide the SWMPP and the current Annual Report available for public viewing on the City’s website.

The webpage is located at

<http://www.attallacity.com/city-services/departments/engineering-department>.

Evaluation Criteria: The City will report number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated SWMPP and Annual Report.

Activity 4. Partnerships in Educational and Public Involvement Events

The City will partner with Keep Etowah Beautiful, Clean Water Partnership of Alabama, and/or Alabama Power to distribute storm water educational material on storm water impacts specifically related to litter, floatables, and debris. The City will assist in promoting events such as *Renew Our Rivers*, *Message in a Bottle*, and/or community cleanup days. The events will be advertised and promoted by the City. Event details may be posted at the City Hall, the Public Library, and other businesses. Promotion methods

may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the events.

Evaluation Criteria: The City will report number of participants who received educational materials during the events and the ways in which the City promoted and/or advertised the events. The City will report the number of City employees/representatives that participated in the event. This information will indicate the number of people who received educational materials and will help measure the public awareness of the events and degree of public participation.

Activity 5. Promote and Participate in the Etowah County Water Festival

The *Etowah County Water Festival* is an annual event for fourth grade students from public schools in Etowah County, Alabama. The festival provides hands-on activities that teach students the importance of surface and groundwater, its role in the environment and its effect on human, animal and plant life. The City will promote and participate in the annual *Etowah County Water Festival* through City resources. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the festival.

Evaluation Criteria: The City will report number of City volunteers at the event and the ways in which the City promoted and/or advertised the event. This information will indicate the City's participation and will help measure the public awareness of the event and degree of public and City participation.

Activity 6. Gadsden-Etowah MS4 Steering Committee Meetings

The City will coordinate and/or participate in meetings of the Storm Water Steering Committee for entity updates, networking, and coordination of activities and BMP strategies.

Evaluation Criteria: The City will provide meeting agendas and attendance records during the reporting period. The City will report who attended each meeting. This information will indicate the participation of the steering committee and their interest in networking and coordination of activities.

Activity 7. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to provide input on the development, revision, and implementation of the SWMPP. Additionally the public can report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Engineering Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.



Records of public reports, comment, or complaints will include:

- Date, time, and description of the report
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received reports and the City's responses to the received reports. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of inquiries received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

4.1.4 *Responsible Party*

The City of Attalla Mayor's office is responsible for overseeing, developing, and coordinating the Public Education and Public Involvement efforts.

4.2 **Illicit Discharge Detection and Elimination**

4.2.1 *Rationale Statement*

The City of Attalla Illicit Discharge Detection and Elimination (IDDE) program is designed to locate, identify, and correct illicit discharges to the MS4. Program emphasis will be placed on identifying and correcting pollutant discharges which could influence compliance with the Neely Henry Lake TMDLs and the Gadsden-Etowah monitoring program.

4.2.2 *Target Audiences*

The primary target audiences within the City for the IDDE program are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
- **General Public** (homeowners and citizens)
 - Potential contributors of illicit discharges from activities such as dumping paint, motor oil, or other chemicals into a storm drain.
- **Local Businesses**
 - Potential contributors of illicit discharges through inadequate management practices and/or unpermitted facilities



4.2.3 Outreach Strategies

The City developed an IDDE Program in March 2014, a copy of which is provided in **Appendix C**. The City will continue to review and modify the program as necessary.

The City plans to implement the activities described in their IDDE Program during each reporting period. The IDDE Program has been simplified for the purposes of this section of the SWMP to describe required activities. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPS owned, operated or maintained by the City is located in **Appendix D-1, Figure 2**. A table that provides latitude/longitude is included on **Figure 2** in **Appendix D-1**.

A table identifying each Illicit Discharge Detection and Elimination activity planned for each reporting period is provided in **Appendix D-2**. This table may aid in completion of the annual report.

Identifying Priority Areas

The City has delineated forty-four drainage basins within the urbanized area (see **Appendix I, Figure 3**).

Activity 1. Identify Priority Areas

The City will identify which drainage basins are considered Priority Areas for each reporting period using the illicit discharge potential (IDP) calculation procedures detailed in Section 3 of the IDDE Program. The City will maintain records of the IDP calculations for each drainage basin.

Evaluation Criteria: The City will report the total IDP score for each drainage basin and will provide an updated map showing the identified Priority Areas. The City will report drainage basins that are newly listed or de-listed from the previous reporting year's calculations.

Field Assessment Activities

Based on Section 4 of the IDDE Program, the City will walk approximately 20% of their total stream length within the regulated MS4 each reporting period. Based on the stream lengths obtained from the national hydrography dataset, the City has 11.26 miles of total stream length (inventory) to walk. The City has walked 3.16 miles of total inventory to date. The stream-walking programs will target Priority Areas first. The anticipated date of completion for the initial mapping is **March 31, 2019**.

The City has identified 9 outfalls within the MS4 Boundary.

Activity 2. Outfall Identification

The City has implemented a stream-walking program designed to identify previously unknown outfalls to the MS4 as well as verify and re-evaluate known outfalls. The City



plans to complete an average of three to four miles of stream inventory each reporting period. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls identified and the stream length walked during the reporting period. The City will provide updated tables and maps that include the outfalls identified by the stream-walking program.

Activity 3. Probable Outfall Verification

Probable outfalls may be identified during field and/or mapping activities, during review of proposed development plans, or through illicit discharge reports. When a probable outfall is identified, it will be added to the Storm Sewer System Map and labeled as unverified.

The City will verify probable outfalls through field observation within 18 months of their addition to the Storm Sewer System Map. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will report the number of probable outfalls that were identified and the number of outfalls that were verified during the reporting period. The City will provide updated tables and maps that include the verified outfalls, as well as probable outfalls that are planned to be verified in the following reporting period. The City will maintain records of field observations.

Activity 4. Outfall Reconnaissance Inventory (ORI) Dry Weather

As required by the permit, 15% of all known outfalls will be inspected during each reporting period and all outfalls will be inspected in the 5 year permit cycle. Additionally, the City or subcontracted crews will conduct dry weather monitoring of major outfalls in Priority Areas at a frequency of 15% each reporting period. The implementation process is detailed in Section 7 of the IDDE Program. Dry weather monitoring activities may be combined with outfall verification as described in Activity 3.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls inspected during the reporting period. The City will also provide a summary of the results of outfall reconnaissance inventory activities conducted during the reporting period that will include a list of outfalls observed during each reporting period.

Activity 5. Suspect Discharge Sampling

If a dry weather flow has a severity index of 3 on one or more indicators in Section 4 of the Outfall Reconnaissance Inventory Field Sheet, or if field screening indicates a suspect discharge, field crews will collect samples for further analysis. The implementation process is detailed in Section 7 of the IDDE Program.



Evaluation Criteria: The City will report the number of identified dry weather flows, suspect discharges, and samples collected during the reporting period. The City will report the analysis results for the collected samples. The City will report if the suspect discharge was confirmed to be an illicit discharge and, if known, the type of illicit discharge.

IDDE Investigation

Activity 6. Outfall Ranking

Data from each Outfall Reconnaissance Inventory Field Sheet will be analyzed to characterize the observed outfall as having obvious, suspect, possible, or unlikely discharge potential. Obvious and suspect illicit discharges will be investigated within 10 and 30 days, respectively. Potential illicit discharges will be investigated within 60 days. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the ranking of each outfall inspected during the reporting period. The City will report the number of outfalls that required further investigation.

Activity 7. Discharge Investigation

Illicit discharge investigations will be performed to determine the source of a discharge problem. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of illicit discharge investigations performed during the reporting period. The City will also report the number of confirmed illicit discharges, if a source was determined, and if the discharge was eliminated.

Corrective Action Record Keeping

Activity 8. Corrective Action Record Keeping

When a suspect illicit discharge or illicit connection is identified, a case log detailing pertinent information will be created. Throughout the corrective action process, all information related to the resolution of the illicit discharge will be documented in the case log.

Evaluation Criteria: The City will maintain records of the correction actions. The City will report the number of confirmed illicit discharges and the number of illicit discharges corrected or eliminated during the reporting period. The City will also report the number of confirmed illicit discharges where corrective action is pending.



Storm Water System Mapping

As stated in Section 4.2, the City has created a Storm Water System map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPs owned, operated or maintained by the City. A copy of the map is located in **Appendix D-1, Figure 2**. A table that provides latitude/longitude is included on **Figure 2** in **Appendix D-1**.

Activity 9. Update Storm Water System Map – Existing Features

The City will update the Map as new outfalls are located and new structural BMPs are identified or added to the MS4. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 10. Update Storm Water System Map – Future Additions

Proposed additions within the City, including new storm sewer and drainage conveyances, will be mapped based on the civil plans provided to the City by developers. Outfalls from proposed development will be verified after construction is complete, as part of Activity 3. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will report the number of civil plans provided to the City and the number of verified new features or outfalls during the reporting period. The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Illicit Discharge Ordinance

Activity 11. Evaluate IDDE Ordinance

Ordinance 802 (08) Section 108-8 and 108-9 defines illicit discharges and responsibility of the public as well as procedures for escalating enforcement and removal actions. This is also further discussed in Section 6 of the IDDE Program. The City will evaluate the effectiveness of the ordinance each reporting period. If updates are required, the City will amend the existing ordinance or prepare a new ordinance. The ordinance is included in **Appendix D-3** and can be downloaded from the City Webpage at the link provided below:

<http://www.attallacity.com/city-services/departments/engineering-department>

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing identified illicit discharges and preventing repeat offenders. The City will report the number of complaints received, number of illicit discharges identified during the



reporting period, the number of resolved violations, the number of repeat offenders, and the number of enforcement actions taken.

IDDE Public Education

Activity 12. Distribute Storm Water Educational Material

The City will provide educational materials highlighting identification and reporting of potential illicit discharges on the City's storm water webpage and/or place educational materials at City owned locations such as the City Hall, the Public Library, and/or Engineering Department.

Evaluation Criteria: The City will report the number of hits to the webpage and/or the number of materials placed at the City owned locations and how often the materials were replaced during the reporting period. This information will indicate the number of people who received educational materials.

Activity 13. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Engineering Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject of the subject complaint
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will track the total number of reports received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 14. Municipal Training



Municipal workers will be trained in the identification of illicit discharges as well as the prevention of storm water pollution at municipal facilities or related to municipal activities. Specific municipal operations such as fueling, vehicle maintenance, vehicle washing, paint and paint waste storage and disposal, and used oil disposal may be addressed. The training session will be conducted annually during each reporting period.

Municipal workers will be notified of the procedures for reporting suspected illicit discharges to the City Engineer and/or the City IDDE Program Manager, including the preferred method of contact (email) and the information to be included in the report (e.g., location, date, time, observations).

Evaluation Criteria: The City will provide details on the training topics presented to the municipal workers. The City will maintain attendance records and report the number of municipal workers trained during the reporting period. This information will help evaluate the municipal workers awareness of illicit discharges and storm water issues.

Storm Water Monitoring

Activity 15. Storm Water Monitoring Locations

Storm water monitoring locations were identified in Table 2.1, Section 2.5 and those within the City's MS4 boundaries are depicted on the City's Storm Water System Map. If additional monitoring locations are recommended as a result of the analysis of the monitoring data, the City will update the map with the revised or additional locations.

Evaluation Criteria: If additional locations are added, the City will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 16. Evaluation of Monitoring Data

In conjunction with the monitoring provisions of Section 2.2 of the SWMPP, the City will evaluate the collected monitoring data for indicators of potential illicit discharges within the City and to assess the effectiveness of the BMPs in achieving the reductions outlined in the 2008 TMDL.

Evaluation Criteria: The City will report which monitoring points appear to have relatively higher pollutant levels. The City will make recommendations to the Gadsden-Etowah MS4 Storm Water Steering Committee to add and/or modify monitoring points to better characterize discharges from the MS4.

NPDES Industrial Permitting

Activity 17. NPDES Industrial Permitting

As authorized by the Clean Water Act, the NPDES Permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United

States. Title 40, Part 122 of the Code of Federal Regulations (40CFR122) specifies that discharges associated with certain industrial activities must obtain an NPDES permit. The ADEM currently provides for individual and general NPDES permitting.

Information pertaining to permitted facilities will be obtained from available public sources such as MYWATERS Mapping, EPA ECHO Database, and ADEM E-file and incorporated into the Storm Water System Map. This information will be used in conjunction with the storm water system mapping and monitoring data to evaluate potential sources of storm water pollution and to identify unpermitted facilities.

Unpermitted facilities that require an NPDES permit will be reported to the Industrial Section of the ADEM. The City of Attalla continues to rely on the ADEM for industrial NPDES permitting and enforcement.

Evaluation Criteria: The City will provide the number of unpermitted facilities reported to ADEM during the reporting period, if any. This information will help measure the effectiveness of reporting and identification of unpermitted facilities.

4.2.4 Responsible Party

The City of Attalla Mayor's office is responsible for overseeing, developing, and coordinating the IDDE program in the City of Attalla regulated MS4 area.

4.3 Construction Site Storm Water Runoff

4.3.1 Rationale Statement

The City's construction site storm water runoff control program is primarily designed to address storm water pollution due to off-site sedimentation from qualifying construction sites to the maximum extent practicable.

4.3.2 Target Audiences

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Potential contributors of storm water pollution through development and construction activities.
- **Engineers**
 - Responsible for designing effective best management practices to minimize off-site sedimentation from construction activities.

4.3.3 Outreach Strategies

The City plans to implement the following activities as part of their Construction Site Storm Water Runoff Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Construction Site Storm Water Runoff strategy planned for each reporting period is provided in **Appendix D-2**. This table may aid in completion of the annual report.

Activity 1. Erosion and Sediment Control Ordinance

The City's Ordinance 802 (08) dated February 19, 2008 regulates storm water management within the City. Section 108-3 of the ordinance requires that construction sites obtain a land disturbance permit from the City if the total disturbed area is greater than one acre. The ordinance also requires the submittal of a Sediment and Erosion Control Plan and a Storm Water Management Plan to the City with the permit application. Approval of each land disturbance permit application and associated plans is provided by the City in writing. Section 108-9 of the ordinance provides for enforcement of the City storm water regulations.

Section 108-5 states the *Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas* as the City's standard for BMP design.

The ordinance is included in **Appendix D-3** and can be downloaded from the City Webpage at

<http://www.attallacity.com/city-services/departments/engineering-department>

The City will evaluate the effectiveness of the Ordinance 802 (08) during each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing erosion and sediment control. The City will report the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or businesses responsible for identified non-compliant construction sites are repeat offenders.

Activity 2. Construction Site Inspection Program

Designated City personnel will inspect all qualifying construction sites within 60 days of initial disturbance, at periodic intervals during construction, and following stabilization. At a minimum an inspection will be conducted once a month for each priority construction site.



The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed, the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or business responsible for identified non-compliant construction sites are repeat offenders. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 3. Sediment and Erosion Control Plan Review

Ordinance No. 802 (08) requires the submittal of a Sediment and Erosion Control Plan and a Storm Water Management Plan to the City with the permit application. Prior to approval or denial of a land disturbance permit application, the City will review the provided plans. Ordinance No. 802 (08) provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and number of plans that meet the requirements the Alabama Construction General Permit.

Activity 4. BMP Training Program

City personnel tasked with plan review and/or conducting BMP inspections will undergo annual training on proper design, installation, inspection, and maintenance of on-site control measures and on new technology and practices. All inspectors will complete initial storm water awareness training and attend annual refreshers. Currently the City has one



trained employee, should additional plan reviewers or inspectors be needed, they will be trained accordingly.

Jason Nicholson, City Engineer, was certified as a Qualified Credentialed Inspector (QCI) in 2014 (QCI #T2436). QCI certification will be maintained through the approved annual refresher courses.

Evaluation Criteria: The City will provide a copy of the QCI certificates and records of awareness training received during the reporting period.

Activity 5. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Engineering Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of complaints received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and level of concern of storm water issues.

Activity 6. Notify ADEM of Non-Compliant Sites

The City will notify the ADEM of any construction sites where a possible violation of the Clean Water Act has occurred. Possible violations may include, but are not limited to, releases of sediment to a water of the State or failure to initiate corrective actions following an inspection by the City.



The City of Attalla will rely on the ADEM for construction NPDES enforcement. The City will maintain records of non-compliant sites referred to ADEM. Records will include:

- Name of the owner/operator
- Location of construction project
- Description of violation
- Required schedule for returning to compliance
- Description of enforcement response used, including escalated responses if repeat violations occur
- Accompanying documentation of enforcement responses (notices of non-compliance, notices of violations, etc.)

Evaluation Criteria: The City will report the total number of non-compliant construction sites reported to ADEM during the reporting period.

4.3.4 *Responsible Party*

The City of Attalla Mayor's office is responsible for implementing and tracking the construction site storm water provisions of the ordinance as well as other Construction Site Storm Water Runoff strategies.

4.4 **Post-Construction Storm Water Management in New Development and Redevelopment**

4.4.1 *Rationale Statement*

Post-construction runoff can significantly impact a water body by increasing the type and quantity of pollutants in storm water runoff and by increasing the volume of water delivered to the water body during storms. As runoff flows over areas altered by development, it collects sediment and chemicals such as oil, grease, pesticides, heavy metals, and nutrients. Instead of infiltrating, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff are delivered to the nearest receiving water. Both impacts can be mitigated by proper post-construction planning.

4.4.2 *Target Audiences*

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Responsible for development and construction activities that can impact post-construction storm water management.
- **Engineers**
 - Responsible for designing post-construction storm water management plans

4.4.3 *Outreach Strategies*

The City plans to implement the following activities as part of their Post-Construction Storm Water Management Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.



A table identifying each Post-Construction Storm Water Management strategy planned for each reporting period is provided in **Appendix D-2**. This table may aid in completion of the annual report.

Activity 1. Reducing Post-Construction Runoff Volume

Ordinance 802 (08) provides for post-construction storm water management measures to reduce runoff volume. Section 108-6 of the ordinance states Designs should control the peak flow rates of storm water discharge associated with storms and reduce the generation of post construction storm water runoff to preconstruction levels. Specifically, all sites are required to have at least 10% vegetated area, and re-vegetated areas are required to have a minimum 75% survival of the cover crop for one year. Design should be intended to maintain or restore quality and quantity of storm water runoff to pre-development levels.

The ordinance is included in **Appendix D-3** and can be downloaded from the City Webpage at

<http://www.attallacity.com/city-services/departments/engineering-department>

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The City will report the number of submitted plans that include measures to reduce runoff volume. The evaluation may also examine which control measures are typically utilized and if additional examples should be added to the ordinance.

Activity 2. Reducing Pollutants from Development

Ordinance 802 (08) requires that storm water runoff be controlled to prevent pollution of local waters and provides a list of possible control measures. Section 108-5 states that designs should seek to treat storm water and infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The evaluation may also examine which control measures are typically utilized and if examples of appropriate control measures should be added to the ordinance. The City will report the number of developments where treatment of storm water runoff is required and the criteria for requiring treatment of storm water runoff.



Activity 3. Long-Term Maintenance of Storm Water Controls

Ordinance 802 (08) requires long-term maintenance of storm water control structures. Section 108-5 of the ordinance states that the design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. The plans should identify the parts or components that need to be maintained and the necessary equipment. This Section also requires the owner of the property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing long-term maintenance of storm water controls. The City will report the number of submitted plans that include detailed maintenance procedures, the number of maintenance agreements reviewed, the number of maintenance provisions approved or denied, and the number of enforcement actions taken.

Activity 4. Evaluate Obstacles to Low Impact/Green Development

The City will review and evaluate policies and ordinances related to building codes, or other local regulations, with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.

Evaluation Criteria: The City will report if obstacles are identified and provide a brief summary on how the conflicts will be resolved.

Activity 5. Plan Review

The City will review Sediment and Erosion Control Plans and Storm Water Management Plans for all new construction, prior to the approval or denial of a land disturbance permit application. If changes to post-construction controls are required, the City requires the plans to be resubmitted and pre-approved. The plans must demonstrate and document that post-construction storm water measures have been installed per design specifications. Ordinance No. 802 (08) provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and the number of post-construction designs approved or rejected.



Activity 6. Construction Site Inspection Program

Designated City personnel will perform post-construction inspections for all post-construction controls within written notice that stabilization is complete to confirm BMPs have been installed according to the plan. At a minimum an inspection will be conducted annually for each site to confirm post-construction BMPs are functioning as designed.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed and the number of projects that were completed as per the submitted plans, the number of projects that were not constructed in accordance to the plans, and the resolution of those projects that were not. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 7. Post-construction Structural Controls Inventory

The City will compile an inventory of post-construction structural controls including those owned by the City. The list will be updated annually.

Evaluation Criteria: The City will a table of the post-construction structural controls with the owner/operator. The City will identify the newly added controls during the reporting period.

4.4.4 Responsible Party

The City of Attalla Mayor's office is responsible for implementing the provisions of the ordinance pertaining to post construction storm water management as well as other Post - Construction Site Storm Water Runoff strategies.



4.5 Pollution Prevention and Good Housekeeping for Municipal Operations

4.5.1 *Rationale Statement*

The City of Attalla will develop and utilize BMPs designed to minimize pollution related to municipal operations and maintenance. These BMPs are intended to address storm water pollution from nutrients, sediments, petroleum products, and other common pollutants.

4.5.2 *Target Audiences*

The primary target audiences within the City are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
 - Potential contributors to storm water impacts through municipal operations

4.5.3 *Outreach Strategies*

The City will implement the following activities as part of their Pollution Prevention and Good Housekeeping for Municipal Operations Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Pollution Prevention and Good Housekeeping for Municipal Operations strategy planned for each reporting period is provided in **Appendix D-2**. This table may aid in completion of the annual report.

Activity 1. Municipal Facilities

The City will maintain a list of municipal facilities that have the potential to discharge pollutants through storm water runoff. Standard Operating Procedures (SOP) will be established detailing good housekeeping practices to be employed at each facility, where appropriate. These SOPs will be developed by **March 31, 2017**.

The City will inspect each facility for good housekeeping practices. A checklist will be used during inspections and to track noted deficiencies.

Evaluation Criteria: The City will provide a list of municipal facilities, the number of inspections performed at each facility, and the number of noted deficiencies. This information will help measure the municipal workers awareness of storm water issues.

Activity 2. Employee Training

The City will develop and implement a training program for municipal employees that focus on pollution prevention, good housekeeping measures, identification of potential illicit discharges, and other potential threats to storm water quality. Training materials will focus on vehicle maintenance and identification and reporting of potential illicit



discharges.

A training session will be conducted each reporting period.

Evaluation Criteria: The City will provide details on the training topics presented to municipal workers during the reporting period. The City will keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 3. Vehicle Maintenance Program

The City of Attalla owns and operates a variety of vehicles and equipment used in municipal operations and maintenance. These vehicles include passenger cars, trucks, vans, and equipment. The City will continue to conduct routine maintenance of owned vehicles and will inspect vehicles for the presence of fluid leaks during routine maintenance using the vehicle inspection log. The City will promptly repair vehicles determined to have leaks.

Evaluation Criteria: The City will provide a completed inspection log for at least one vehicle used during the reporting period. The City will report the frequency of inspections and the number of vehicle or equipment leaks identified during the reporting period as a result of the inspection program. This information will help measure the effectiveness of the vehicle inspection and maintenance program.

Activity 4. Vehicle Wash Area

Vehicle washing will be performed only in designated areas. Each location will be reviewed, inspected, and modified as needed throughout the year. During the annual BMP training, the City will notify all employees of the locations of the designated wash areas.

The City will prohibit the use of phosphate-containing soaps for vehicle washing (unless washing takes place at an NPDES-permitted facility).

Evaluation Criteria: The City will report the number of designated municipal vehicle washing areas. The City will also keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 5. Litter Ordinance

Ordinance No. 652 (92) Section four states, *"It shall be unlawful for any person to throw or deposit litter in any gutter, street or public place within the city except in public receptacles, in authorized private receptacles or in any official landfill"*. Section six states, *"No person shall throw or deposit litter in any fountain, pond, lake, stream, creek, branch, river, bay, or any other body of water in a park or elsewhere within the City."*

The ordinance is included in **Appendix D-3**.

Evaluation Criteria: The City will report the number of enforcements during the reporting period. This information will help measure the effectiveness of the ordinance.

Activity 6. Litter, Floatables, and Debris – Brush Pickup

The City performs brush and leaf pickup three days a week (Monday, Tuesday, and Wednesday). The City will continue to implement a brush and leaf pickup program.

Evaluation Criteria: The City will describe how roads are prioritized. The City will also report the number of scheduled pickups and pounds of debris collected from pickups during the reporting period. This information will help measure the effectiveness of the brush and leaf pickup program.

Activity 7. Litter, Floatables, and Debris – Gutter Clean-out

The City performs curb and gutter clean-out throughout the year on an as needed basis. The City will continue to implement a gutter clean-out program.

Evaluation Criteria: The City will also report the number of scheduled clean-outs and pounds of debris collected from pickups during the reporting period. This information will help measure the effectiveness of the gutter clean-out program.


4.5.4 Responsible Party

The City of Attalla Mayor's office is responsible for implementing and tracking Pollution Prevention and Good Housekeeping strategies within municipal operations.



4.6 Agency Certification

I certify under penalty of law that this document and all attachments pertaining to the City of Attalla were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.



Larry Means, Mayor
City of Attalla, Alabama

12-21-16
Date

5.0 City of Gadsden

The City of Gadsden encompasses approximately 41.7% of the Urbanized Area and accounts for 56.2% of the population. A map depicting the City of Gadsden's urbanized area and city limits is located in **Appendix E-1, Figure 1**.

The following sections detail the rationale statement, targeted audiences, planned activities, evaluation criteria, and the responsible party regarding the referenced control measure.

5.1 Public Education and Public Involvement on Storm Water Impacts

5.1.1 *Rationale Statement*

The City's goal is to have a comprehensive and effective public education and public involvement program, the intent of which is to:

1. Generate awareness of storm water pollution prevention by educating people about the storm water system and its relationship to the health of local waterways;
2. Modify behavior patterns through education and encouragement of active participation in water pollution prevention;
3. Educate the public of steps they can take to reduce pollutants in storm water runoff; and
4. Involve the general public by providing activities and opportunities for public participation in the storm water management program.

5.1.2 *Target Audiences*

The primary target audiences within the City are as follows:

- **General Public** (homeowners and citizens)
 - Potential contributors of storm water pollution through litter, yard waste, vehicle washing, illicit discharges on and off impervious surfaces, and the application of pesticides, herbicides, and fertilizers.
- **Local Businesses**
 - Potential contributors of storm water pollution through illicit discharges, litter, and waste handling procedures.
- **Landscape Companies**
 - Potential contributors of storm water pollution through the application of pesticides, herbicides, and fertilizers and illicit discharges on impervious surfaces.
- **Engineers, Developers, and Contractors**
 - Potential contributors of storm water pollution through off-site sedimentation from development and construction.

5.1.3 *Planned Activities*

The City plans to implement the following activities as part of their Public Education and Public Involvement Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Public Education and Public Involvement activity planned for each reporting period is provided in **Appendix E-2**. This table may aid in completion of the annual report.

Activity 1. Distribute Storm Water Educational Material

The City will use available resources obtained through networking or online resources, such as those provided by EPA, to prepare storm water education material to increase awareness of the public on storm water topics. The City will distribute these materials to approximately 13,000 households and businesses through direct mail.

Topics might include the following:

- Introduce the MS4 to the general public and discuss the storm water cycle and how common contaminants enter the storm water system.
- Educate households and businesses about proper and improper use, storage, and disposal of common household chemicals such as herbicides, pesticides, and fertilizers.
- Make the public aware of how the improper use of these chemicals can impact storm water quality.
- Discuss storm water impacts specifically related to litter, floatables, and debris
- Discuss how the cumulative effect of these contaminants impact the Coosa River and what individual households and businesses can do to reduce storm water pollutants.
- Provide information on how to identify and report illicit discharges.
- Provide information on additional resources pertaining to storm water, storm water pollution, and Neely Henry Lake TMDLs.
- Provide information on storm water contacts within the City of Gadsden and information on reporting potential storm water violations.

Evaluation Criteria: The City will report the number of households who receive the mail-out during the reporting period. This information will indicate the number of people who received educational materials.

Activity 2. Maintain the Storm Water Webpage

The City provides information on the City's MS4 Program and permit on the Engineering Department webpage and Storm Water Management webpage within the City of Gadsden's website. The City will maintain this webpage and provide additional educational materials each reporting period. Participation will be tracked through the

number of “hits” on the webpage. The webpage will be updated periodically to:

- Include general information on the MS4 permit and SWMPP;
- Discuss the storm water cycle and how common contaminants enter the storm water system;
- Provide educational materials about proper and improper use, storage, and disposal of common household chemicals;
- Provide educational materials on storm water impacts specifically related to litter, floatables, and debris
- Provide links to related storm water resources;
- Provide information on how to identify and report illicit discharges; and,
- Provide a calendar of upcoming community events related to storm water outreach.

The webpage can be viewed at the link provided below:

<http://www.Gadsdencity.com/city-services/departments/engineering-department>.

Evaluation Criteria: The City will report what information was added to the webpage and the number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated educational materials.

Activity 3. Annual Report and SWMPP Availability

The City will provide the SWMPP and the current Annual Report available for public viewing on the City’s website.

The webpage can be viewed at the link provided below:

<http://www.Gadsdencity.com/city-services/departments/engineering-department>

Evaluation Criteria: The City will report number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated SWMPP and Annual Report.

Activity 4. Public Service Announcement

The City will complete development of a series of public service announcements and air them on the Gadsden Informational Television Network (GITN). Initially, these announcements will be relatively short (five to ten minutes), based on available programming time. The announcements will be used primarily to provide contact information for reporting illicit discharges and provide a calendar of upcoming community events related to storm water outreach. As the program matures, more extensive programming may be developed to include educational public service announcements.



The City will continue to air council meetings, which include discussion of upcoming events and storm water related topics.

Evaluation Criteria: The City will report the topics and dates announcements were aired during the reporting period. As the program develops, the City will consider providing a survey among the employees and/or residents to determine if the announcement are being heard and are help gage their effectiveness.

Activity 5. Partnerships in Educational and Public Involvement Events

The City will partner with Keep Etowah Beautiful, Clean Water Partnership of Alabama, and/or Alabama Power to distribute storm water educational material on storm water impacts specifically related to litter, floatables, and debris. The City will assist in promoting events such as *Renew Our Rivers*, *Message in a Bottle*, and/or community cleanup days. The events will be advertised and promoted by the City. Event details may be posted at the City Hall, the Public Library, and other businesses. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the events.

Evaluation Criteria: The City will report number of participants who received educational materials during the events and the ways in which the City promoted and/or advertised the events. The City will report the number of City employees/representatives that participated in each event. This information will indicate the number of people who received educational materials and will help measure the public awareness of the events and degree of public participation.

Activity 6. Promote Water Quality Awareness Week

The City will promote an annual *Water Quality Awareness Week* through City resources including co-sponsoring radio, television, and print advertisement with co-permittees and other stakeholders.

Evaluation Criteria: The City will report activities associated with this event and the ways in which the City promoted *Water Quality Awareness Week*. This information will help measure the public awareness of the event and degree of public and City participation.

Activity 7. Promote and Participate in the Etowah County Water Festival

The *Etowah County Water Festival* is an annual event for fourth grade students from public schools in Etowah County, Alabama. The festival provides hands-on activities that teach students the importance of surface and groundwater, its role in the environment and its effect on human, animal and plant life. The City will promote and participate in the annual *Etowah County Water Festival* through City resources. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the festival.



Evaluation Criteria: The City will report number of City volunteers at the event and the ways in which the City promoted and/or advertised the event. This information will indicate the City's participation and will help measure the public awareness of the event and degree of public and City participation.

Activity 8. Gadsden-Etowah MS4 Steering Committee Meetings

The City will coordinate and/or participate in meetings of the Storm Water Steering Committee for entity updates, networking, and coordination of activities and BMP strategies.

Evaluation Criteria: The City will provide meeting agendas and attendance records during the reporting period. The City will report who attended each meeting. This information will indicate the participation of the steering committee and their interest in networking and coordination of activities.

Activity 9. Provide Information on Construction Site Storm Water Impacts

In September 2013, the City created an all-inclusive educational pamphlet for small residential construction to large commercial developments on how construction site runoff can impact storm water quality. The City will provide the pamphlet (or other educational material discussing construction storm water impacts) to individuals requesting plan review and building/development permits.

Evaluation Criteria: The City will report the number of permits issued during the reporting period. This information will indicate the number of people who received educational materials.

Activity 10. Provide Information on Low Impact / Green Development

The City will provide pre-printed educational information on green development to individuals requesting plan review and building/development permits. Information may include references to additional resources such as the Green Building Alliance, Low Impact Development Center, and U.S. Department of Housing and Urban Development.

The City will encourage developers and engineers to consider green infrastructure alternatives during the plan review process.

Evaluation Criteria: The City will report the number of permits issued and number of projects that incorporate these techniques during the reporting period. This information will indicate the number of people who received educational materials.

Activity 11. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to provide input on the development, revision, and implementation of the

SWMPP. Additionally the public can report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Engineering Department to make reports or use the electronic Storm Water Complaint Form on the website. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public reports, comments, or complaints will include:

- Date, time, and description of the report
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received reports and the City's responses to the received reports. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of inquiries received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 12. Map the Locations of Complaints

The City created a layer on the City's GIS database to record locations of all storm water complaints received from the public during the 2013-2014 reporting period. The City will continue to record locations of all storm water complaints, including reports of illicit discharges, received from the public.

Evaluation Criteria: The City will report the number of complaints received and added to the GIS layer. The City will provide an updated storm water map with the Annual Report showing the locations of the complaints received during the reporting period. This information will be used during the Priority Area Evaluation, and to help measure the effectiveness of the reporting and tracking system.

Activity 13. Recycling Center

The City manages a drop-off facility at 306 Henry Street. This program is advertised on the City website. The materials accepted as part of this program are provided on the website as well.

The City has also placed recycling trailers at City facilities and at surrounding county facilities. Trailers collect newsprint, cardboard, and plastics. The City picks up each trailer, replaces it with an empty trailer, and then takes it to the City's recycling center.

The City also provides recycling containers for aluminum cans in several of the municipal buildings. These containers are collected on a monthly basis.

Evaluation Criteria: The City will report the amount of materials (in total tons) collected during the curbside pickup and the drop-off locations. This information will help measure the public awareness of the events and degree of public participation.

Activity 14. No Dumping/No Littering Signs

The City has placed "No Dumping" or "No Littering" signs in problem areas throughout the City. The City will maintain these signs and place additional signs if necessary.

Evaluation Criteria: The City will report the amount of materials (in total tons) collected in these areas. This information will help measure the effectiveness of the signs in reducing the amount of materials dumped in problem areas.

5.1.4 Responsible Party

The City of Gadsden Mayor's office and Engineering Department are responsible for overseeing, developing, and coordinating the Public Education and Public Involvement efforts.

5.2 Illicit Discharge Detection and Elimination

5.2.1 Rationale Statement

The City of Gadsden Illicit Discharge Detection and Elimination (IDDE) program is designed to locate, identify, and correct illicit discharges to the MS4. Program emphasis will be placed on identifying and correcting pollutant discharges which could influence compliance with the Neely Henry Lake TMDLs and the Gadsden-Etowah monitoring program.

5.2.2 Target Audiences

The primary target audiences within the City for the IDDE program are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
- **General Public** (homeowners and citizens)
 - Potential contributors of illicit discharges from activities such as dumping paint, motor oil, or other chemicals into a storm drain.



- **Local Businesses**

- Potential contributors of illicit discharges through inadequate management practices and/or unpermitted facilities

5.2.3 Outreach Strategies

The City developed an IDDE Program in March 2014, a copy of which is provided in **Appendix C**. The City will continue to review and modify the program as necessary.

The City plans to implement the activities described in their IDDE Program during each reporting period. The IDDE Program has been simplified for the purposes of this section of the SWMP to describe required activities. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPS owned, operated or maintained by the City is located in **Appendix E-1, Figure 2**. A table that provides latitude/longitude is included on **Figure 2** in **Appendix E-1**.

A table identifying each Illicit Discharge Detection and Elimination activity planned for each reporting period is provided in **Appendix E-2**. This table may aid in completion of the annual report.

Identifying Priority Areas

The City has delineated seventy-eight drainage basins within the urbanized area (see **Appendix E-1, Figure 3**).

Activity 1. Identify Priority Areas

The City will identify which drainage basins are considered Priority Areas for each reporting period using the illicit discharge potential (IDP) calculation procedures detailed in Section 3 of the IDDE Program. The City will maintain records of the IDP calculations for each drainage basin.

Evaluation Criteria: The City will report the total IDP score for each drainage basin and will provide an updated map showing the identified Priority Areas. The City will report drainage basins that are newly listed or de-listed from the previous reporting year's calculations.

Field Assessment Activities

Based on Section 4 of the IDDE Program, the City will walk approximately 20% of their total stream length within the regulated MS4 each reporting period. Based on the stream lengths obtained from the national hydrography dataset, the City has 53.21 miles of total stream length (inventory) to walk. The City has walked 43.6 miles of the total inventory to date. The stream-walking programs will target Priority Areas first. The anticipated date of completion for the initial mapping is **March 31, 2019**.



The City has identified 942 outfalls within the MS4 Boundary.

Activity 2. Outfall Identification

The City has implemented a stream-walking program designed to identify previously unknown outfalls to the MS4 as well as verify and re-evaluate known outfalls. The City plans to complete an average of four to five miles of stream inventory each reporting period. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls identified and the stream length walked during the reporting period. The City will provide updated tables and maps that include the outfalls identified by the stream-walking program.

Activity 3. Probable Outfall Verification

Probable outfalls may be identified during field and/or mapping activities, during review of proposed development plans, or through illicit discharge reports. When a probable outfall is identified, it will be added to the Storm Sewer System Map and labeled as unverified.

The City will verify probable outfalls through field observation within 18 months of their addition to the Storm Sewer System Map. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will report the number of probable outfalls that were identified and the number of outfalls that were verified during the reporting period. The City will provide updated tables and maps that include the verified outfalls, as well as probable outfalls that are planned to be verified in the following reporting period. The City will maintain records of field observations.

Activity 4. Outfall Reconnaissance Inventory (ORI) Dry Weather

As required by the permit, 15% of all known outfalls will be inspected during each reporting period and all outfalls will be inspected in the 5 year permit cycle. Additionally, the City or subcontracted crews will conduct dry weather monitoring of major outfalls in Priority Areas at a frequency of 15% each reporting period. The implementation process is detailed in Section 7 of the IDDE Program. Dry weather monitoring activities may be combined with outfall verification as described in Activity 3.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls inspected during the reporting period. The City will also provide a summary of the results of outfall reconnaissance inventory activities conducted during the reporting period that will include a list of outfalls observed during each reporting period.



Activity 5. Suspect Discharge Sampling

If a dry weather flow has a severity index of 3 on one or more indicators in Section 4 of the Outfall Reconnaissance Inventory Field Sheet, or if field screening indicates a suspect discharge, field crews will collect samples for further analysis. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of identified dry weather flows, suspect discharges, and samples collected during the reporting period. The City will report the analysis results for the collected samples. The City will report if the suspect discharge was confirmed to be an illicit discharge and, if known, the type of illicit discharge.

IDDE Investigation

Activity 6. Outfall Ranking

Data from each Outfall Reconnaissance Inventory Field Sheet will be analyzed to characterize the observed outfall as having obvious, suspect, possible, or unlikely discharge potential. Obvious and suspect illicit discharges will be investigated within 10 and 30 days, respectively. Potential illicit discharges will be investigated within 60 days. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the ranking of each outfall inspected during the reporting period. The City will report the number of outfalls that required further investigation.

Activity 7. Discharge Investigation

Illicit discharge investigations will be performed to determine the source of a discharge problem. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of illicit discharge investigations performed during the reporting period. The City will also report the number of confirmed illicit discharges, if a source was determined, and if the discharge was eliminated.

Corrective Action Record Keeping

Activity 8. Corrective Action Record Keeping

When a suspect illicit discharge or illicit connection is identified, a case log detailing pertinent information will be created. Throughout the corrective action process, all information related to the resolution of the illicit discharge will be documented in the case log.

Evaluation Criteria: The City will maintain records of the correction actions. The City will report the number of confirmed illicit discharges and the number of illicit discharges



corrected or eliminated during the reporting period. The City will also report the number of confirmed illicit discharges where corrective action is pending.

Storm Water System Mapping

As stated in Section 4.2, the City has created a Storm Water System map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPs owned, operated or maintained by the City. A copy of the map is located in **Appendix E-1, Figure 2**. A table that provides latitude/longitude is included on **Figure 2** in **Appendix E-1**.

Activity 9. Update Storm Water System Map – Existing Features

The City will update the Map as new outfalls are located and new structural BMPs are identified or added to the MS4. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 10. Update Storm Water System Map – Future Additions

Proposed additions within the City, including new storm sewer and drainage conveyances, will be mapped based on the civil plans provided to the City by developers. Outfalls from proposed development will be verified after construction is complete, as part of Activity 3. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will report the number of civil plans provided to the City and the number of verified new features or outfalls during the reporting period. The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Illicit Discharge Ordinance

Activity 11. Evaluate IDDE Ordinance

Ordinance O-77-05 dated May 17, 2005 defines illicit discharges and responsibility of the public as well as procedures for escalating enforcement and removal actions. This is also further discussed in Section 6 of the IDDE Program. The City will evaluate the effectiveness of the ordinance each reporting period. If updates are required, the City will amend the existing ordinance or prepare a new ordinance. The ordinance is included in **Appendix E-3** and can be downloaded from the City Webpage at the link provided below:

<http://www.Gadsdencity.com/city-services/departments/engineering-department>

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing identified illicit discharges and preventing repeat offenders. The City will report the number of complaints received, number of illicit discharges identified during the reporting period, the number of resolved violations, the number of repeat offenders, and the number of enforcement actions taken.

IDDE Public Education

Activity 12. Distribute Storm Water Educational Material

The City will provide educational materials highlighting identification and reporting of potential illicit discharges on the City's storm water webpage and/or place educational materials at City owned locations such as the City Hall, the Public Library, and/or Engineering Department.

Evaluation Criteria: The City will report the number of hits to the webpage and/or the number of materials placed at the City-owned locations and how often the materials were replaced during the reporting period. This information will indicate the number of people who received educational materials.

Activity 13. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Engineering Department to make reports or use the electronic Storm Water Complaint Form on the website. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject of the subject complaint
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will track the total number of reports received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help

evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 14. Map the Locations of Complaints

The City created a layer in the City's GIS database to record locations of all storm water complaints received from the public. The City will continue to record locations of all storm water complaints, including reports of illicit discharges, received from the public.

Evaluation Criteria: The City will report the number of complaints received and added to the GIS layer. The City will provide an updated storm water map with the Annual Report showing the locations of the complaints received during the reporting period. This information will be used during the Priority Area Evaluation, and to help measure the effectiveness of the reporting and tracking system.

Activity 15. Municipal Training

Municipal workers will be trained in the identification of illicit discharges as well as the prevention of storm water pollution at municipal facilities or related to municipal activities. Specific municipal operations such as fueling, vehicle maintenance, vehicle washing, paint and paint waste storage and disposal, and used oil disposal may be addressed. The training session will be conducted annually during each reporting period.

Municipal workers will be notified of the procedures for reporting suspected illicit discharges to the City Engineer and/or the City IDDE Program Manager, including the preferred method of contact (email) and the information to be included in the report (e.g., location, date, time, observations).

Evaluation Criteria: The City will provide details on the training topics presented to the municipal workers. The City will maintain attendance records and report the number of municipal workers trained during the reporting period. This information will help evaluate the municipal workers awareness of illicit discharges and storm water issues.

Storm Water Monitoring**Activity 16. Storm Water Monitoring Locations**

Storm water monitoring locations were identified in Table 2.1, Section 2.5 and those within the City's MS4 boundaries are depicted on the City's Storm Water System Map. If additional monitoring locations are recommended as a result of the analysis of the monitoring data, the City will update the map with the revised or additional locations.

Evaluation Criteria: If additional locations are added, the City will provide an updated Storm Water System Map showing the features added during the reporting period.



Activity 17. Evaluation of Monitoring Data

In conjunction with the monitoring provisions of Section 2.2 of the SWMPP, the City will evaluate the collected monitoring data for indicators of potential illicit discharges within the City and to assess the effectiveness of the BMPs in achieving the reductions outlined in the 2008 TMDL.

Evaluation Criteria: The City will report which monitoring points appear to have relatively higher pollutant levels. The City will make recommendations to the Gadsden-Etowah MS4 Storm Water Steering Committee to add and/or modify monitoring points to better characterize discharges from the MS4.

NPDES Industrial Permitting

Activity 18. NPDES Industrial Permitting

As authorized by the Clean Water Act, the NPDES Permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Title 40, Part 122 of the Code of Federal Regulations (40CFR122) specifies that discharges associated with certain industrial activities must obtain an NPDES permit. The ADEM currently provides for individual and general NPDES permitting.

Information pertaining to permitted facilities will be obtained from available public sources such as MYWATERS Mapping, EPA ECHO Database, and ADEM E-file and incorporated into the Storm Water System Map. This information will be used in conjunction with the storm water system mapping and monitoring data to evaluate potential sources of storm water pollution and to identify unpermitted facilities.

Unpermitted facilities that require an NPDES permit will be reported to the Industrial Section of the ADEM. The City of Gadsden continues to rely on the ADEM for industrial NPDES permitting and enforcement.

Evaluation Criteria: The City will provide the number of unpermitted facilities reported to ADEM during the reporting period, if any. This information will help measure the effectiveness of the reporting and identification of unpermitted facilities.

5.2.4 Responsible Party

The City of Gadsden Mayor's office and Engineering Department are responsible for overseeing, developing, and coordinating the IDDE program in the City of Gadsden regulated MS4 area.



5.3 Construction Site Storm Water Runoff

5.3.1 *Rationale Statement*

The City's construction site storm water runoff control program is primarily designed to address storm water pollution due to off-site sedimentation from qualifying construction sites to the maximum extent practicable.

5.3.2 *Target Audiences*

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Potential contributors of storm water pollution through development and construction activities.
- **Engineers**
 - Responsible for designing effective best management practices to minimize off-site sedimentation from construction activities.

5.3.3 *Outreach Strategies*

The City plans to implement the following activities as part of their Construction Site Storm Water Runoff Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Construction Site Storm Water Runoff strategy planned for each reporting period is provided in **Appendix E-2**. This table may aid in completion of the annual report.

Activity 1. Erosion and Sediment Control Ordinance

The City's Ordinance O-77-05 dated May 17, 2008 regulates storm water management within the City. Section 108-3 of the ordinance requires that construction sites obtain a land disturbance permit from the City if the total disturbed area is greater than one acre or if the site is located within the Riverfront Development District or within a defined floodway. The ordinance also requires the submittal of a Sediment and Erosion Control Plan and a Storm Water Management Plan to the City with the permit application. Approval of each land disturbance permit application and associated plans is provided by the City in writing. Section 108-9 of the ordinance provides for enforcement of the City storm water regulations. Section 108-9 provides for penalties between \$50.00 and \$500.00 per day per violation.

The Land Disturbance Permit Application form must be completed and submitted to the Engineering Department to request a land disturbance permit. This form is provided in **Appendix E-4**.

Section 108-5 states the *Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas* as the City's standard for BMP design.

The ordinance is included in **Appendix E-3** and can be downloaded from the City Webpage at the link provided below:

<http://www.Gadsdencity.com/city-services/departments/engineering-department>

The City will evaluate the effectiveness of the Ordinance O-77-05 during each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing erosion and sediment control. The City will report the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or businesses responsible for identified non-compliant construction sites are repeat offenders.

Activity 2. Construction Site Inspection Program

Designated City personnel will inspect all qualifying construction sites within 60 days of initial disturbance, at periodic intervals during construction, and following stabilization. At a minimum an inspection will be conducted once a month for each priority construction site as defined by the ADEM based on the most recent 303(d) list. The Building Department Inspectors and Engineering Department personnel work together to perform the necessary inspections and implement work orders for subsequent inspections and potential enforcement when sites are non-compliant.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed, the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or business responsible for identified non-compliant construction sites are repeat offenders. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 3. Sediment and Erosion Control Plan Review

Ordinance No. O-77-05 requires the submittal of a Sediment and Erosion Control Plan and a Storm Water Management Plan to the City with the permit application. Prior to approval or denial of a land disturbance permit application, the City will review the provided plans. Ordinance No. O-77-05 provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and number of plans that meet the requirements the Alabama Construction General Permit.

Activity 4. BMP Training Program

City personnel tasked with plan review and/or conducting BMP inspections will undergo annual training on proper design, installation, inspection, and maintenance of on-site control measures and on new technology and practices. All inspectors will complete initial storm water awareness training and attend annual refreshers. Currently the City has two trained employees, should additional plan reviewers or inspectors be needed, they will be trained accordingly.

Jeremy Ward was certified as a Qualified Credentialed Inspector (QCI #T1329), Certified Professional in Erosion & Sediment Control (CPESC#8200), and Certified Professional in Municipal Stormwater Management (CPMSM#323). Thomas Ward was certified as a QCI in 2015 (QCI #T4381). QCI certification will be maintained through the approved annual refresher courses.

Evaluation Criteria: The City will provide a copy of the QCI certificates and records of awareness training received during the reporting period.

Activity 5. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to report non-compliant construction sites, illicit discharges (including spills or

illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Engineering Department to make reports or use the electronic Storm Water Complaint Form on the website. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of complaints received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and level of concern of storm water issues.

Activity 6. Notify ADEM of Non-Compliant Sites

The City will notify the ADEM of any construction sites where a possible violation of the Clean Water Act has occurred. Possible violations may include, but are not limited to, releases of sediment to a water of the State or failure to initiate corrective actions following an inspection by the City.

The City of Gadsden will rely on the ADEM for construction NPDES enforcement. The City will maintain records of non-compliant sites referred to ADEM. Records will include:

- Name of the owner/operator
- Location of construction project
- Description of violation
- Required schedule for returning to compliance
- Description of enforcement response used, including escalated responses if repeat violations occur
- Accompanying documentation of enforcement responses (notices of non-compliance, notices of violations, etc.)

Evaluation Criteria: The City will report the total number of non-compliant construction sites reported to ADEM during the reporting period.

5.3.4 *Responsible Party*

The City of Gadsden Mayor's office and Engineering Department are responsible for implementing and tracking the construction site storm water provisions of the ordinance as well as other Construction Site Storm Water Runoff strategies.

5.4 **Post-Construction Storm Water Management in New Development and Redevelopment**

5.4.1 *Rationale Statement*

Post-construction runoff can significantly impact a water body by increasing the type and quantity of pollutants in storm water runoff and by increasing the volume of water delivered to the water body during storms. As runoff flows over areas altered by development, it collects sediment and chemicals such as oil, grease, pesticides, heavy metals, and nutrients. Instead of infiltrating, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff are delivered to the nearest receiving water. Both impacts can be mitigated by proper post-construction planning.

5.4.2 *Target Audiences*

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Responsible for development and construction activities that can impact post-construction storm water management.
- **Engineers**
 - Responsible for designing post-construction storm water management plans

5.4.3 *Outreach Strategies*

The City plans to implement the following activities as part of their Post-Construction Storm Water Management Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Post-Construction Storm Water Management strategy planned for each reporting period is provided in **Appendix E-2**. This table may aid in completion of the annual report.

Activity 1. Reducing Post-Construction Runoff Volume

Ordinance No. O-77-05, Section 108-6 provides for post-construction storm water management measures to reduce runoff volume. Designs should control the peak flow rates of storm water discharge associated with storms and reduce the generation of post construction storm water runoff to preconstruction levels. Specifically, all sites are required to have at least 10% vegetated area, and re-vegetated areas are required to have a minimum 75% survival of the cover crop for one year. Design should be intended to maintain or restore quality and volume of storm water runoff to pre-development levels.



The ordinance is included in **Appendix E-3** and can be downloaded from the City Webpage at the link provided below:

<http://www.Gadsdencity.com/city-services/departments/engineering-department>

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The City will report the number of submitted plans that include measures to reduce runoff volume. The City will report how many submitted plans meet or exceed the 10% green area rule, the number of enforcement actions taken, and an assessment of whether 75% survival of cover crops is achieved at construction sites across the City during the reporting period. The evaluation may also examine which control measures are typically utilized and if additional examples should be added to the ordinance.

Activity 2. Reducing Pollutants from Development

Ordinance No. O-77-05, Section 108-7 requires that storm water runoff be controlled to prevent pollution of local waters and provides a list of possible control measures. Section 108-5 states that designs should *"seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity"*.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The evaluation may also examine which control measures are typically utilized and if examples of appropriate control measures should be added to the ordinance. The City will report the number of developments where treatment of storm water runoff is required and the criteria for requiring treatment of storm water runoff.

Activity 3. Long-Term Maintenance of Storm Water Controls

Ordinance No. O-77-05, Section 108-6 requires long-term maintenance of storm water control structures and provides for the City to require inspection, funding, and planning for permanent storm water management structures. Section 108-5 requires that the design and planning of all storm water management facilities include detailed maintenance and repair procedures. The plans should identify the parts or components that need to be maintained and the necessary equipment. This Section also requires the

owner of the property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The Post Construction Storm Water Management Plan Maintenance Agreement and Easement form is attached in **Appendix E-4**.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing long-term maintenance of storm water controls. The City will report the number of submitted plans that include detailed maintenance procedures, the number of maintenance agreements reviewed, the number of maintenance provisions approved or denied, and the number of enforcement actions taken.

Activity 4. Evaluate Obstacles to Low Impact/Green Development

The City will review and evaluate policies and ordinances related to building codes, or other local regulations, with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.

Evaluation Criteria: The City will report if obstacles are identified and provide a brief summary on how the conflicts will be resolved.

Activity 5. Plan Review

The City will review Sediment and Erosion Control Plans and Storm Water Management Plans for all new construction, prior to the approval or denial of a land disturbance permit application. If changes to post-construction controls are required, the City requires the plans to be resubmitted and the changes approved. The plans must provide a means of documenting that post-construction storm water measures meet the criteria of Ordinance No. O-77-05. Ordinance No. O-77-05 provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and the number of post-construction designs approved or rejected.

Activity 6. Construction Site Inspection Program

Designated City personnel will perform post-construction inspections for all post-construction controls within written notice that stabilization is complete to confirm post-construction storm water measures/structures have been installed according to the

submitted plan. At a minimum an inspection will be conducted annually for each site to confirm post-construction BMPs are functioning as designed.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed and the number of projects that were completed as per the submitted plans, the number of projects that were not constructed in accordance to the plans, and the resolution of those projects that were not. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 7. Post-construction Structural Controls Inventory

The City will compile an inventory of post-construction structural controls including those owned by the City. The list will be updated annually.

Evaluation Criteria: The City will a table of the post-construction structural controls with the owner/operator. The City will identify the newly added controls during the reporting period.

5.4.4 Responsible Party

The City of Gadsden Mayor's office and Engineering Department are responsible for implementing the provisions of the ordinance pertaining to post construction storm water management as well as other Post - Construction Site Storm Water Runoff strategies.

5.5 Pollution Prevention and Good Housekeeping for Municipal Operations

5.5.1 Rationale Statement

The City of Gadsden will develop and utilize BMPs designed to minimize pollution related to municipal operations and maintenance. These BMPs are intended to address storm water pollution from nutrients, sediments, petroleum products, and other common pollutants.



5.5.2 Target Audiences

The primary target audiences within the City are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
 - Potential contributors to storm water impacts through municipal operations

5.5.3 Outreach Strategies

The City will implement the following activities as part of their Pollution Prevention and Good Housekeeping for Municipal Operations Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Pollution Prevention and Good Housekeeping for Municipal Operations strategy planned for each reporting period is provided in **Appendix E-2**. This table may aid in completion of the annual report.

Activity 1. Municipal Facilities

The City will maintain a list of municipal facilities that have the potential to discharge pollutants through storm water runoff. Standard Operating Procedures (SOP) will be established detailing good housekeeping practices to be employed at each facility, where appropriate. These SOPs will be developed by **March 31, 2017**.

The City will inspect each facility for good housekeeping practices. A checklist will be used during inspections and to track noted deficiencies.

Evaluation Criteria: The City will provide a list of municipal facilities, the number of inspections performed at each facility, and the number of noted deficiencies. This information will help measure the municipal workers awareness of storm water issues.

Activity 2. Employee Training

The City will develop and implement a training program for municipal employees that focus on pollution prevention, good housekeeping measures, identification of potential illicit discharges, and other potential threats to storm water quality. Training materials will focus on vehicle maintenance and identification and reporting of potential illicit discharges.

A training session will be conducted each reporting period.

Evaluation Criteria: The City will provide details on the training topics presented to municipal workers during the reporting period. The City will keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.



Activity 3. Vehicle Maintenance Program

The City of Gadsden owns and operates a variety of vehicles and equipment used in municipal operations and maintenance. These vehicles include passenger cars, trucks, vans, and equipment. The City will continue to conduct routine maintenance of owned vehicles and will inspect vehicles for the presence of fluid leaks during routine maintenance using the vehicle inspection log. The City will promptly repair vehicles determined to have leaks. The City will log all repairs with an inspection checklist.

Evaluation Criteria: The City will provide a completed inspection log for at least one vehicle used during the reporting period. The City will report the frequency of inspections and the number of vehicle or equipment leaks identified during the reporting period as a result of the inspection program. This information will help measure the effectiveness of the vehicle inspection and maintenance program.

Activity 4. Vehicle Wash Area

Vehicle washing will be performed only in designated areas. Each location will be reviewed, inspected, and modified as needed throughout the year. During the annual BMP training, the City will notify all employees of the locations of the designated wash areas.

The City operates a vehicle wash pad with an oil/water separator at the municipal fleet maintenance facility. The C&D Landfill has a permitted wash area for vehicles and equipment. The municipal golf course has established a wash area with an oil/water separator for carts. These locations are inspected as a requirement of their NPDES permit. During the annual BMP training, the City will notify all employees of the locations of the designated wash areas.

The City will prohibit the use of phosphate-containing soaps for vehicle washing (unless washing takes place at an NPDES-permitted facility).

Evaluation Criteria: The City will report the number of designated municipal vehicle washing areas. The City will also keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 5. Pesticide Application

Pesticide application in City Right of Ways is performed by an outside contractor. Prior to entering into or renewing any additional contracts the City will require the contractor to provide all necessary certifications and licensing during the bid process.

The City has a Mosquito Control Program and has obtained an NPDES permit (ALG870020) from ADEM for application practices. The City will follow ADEM regulations regarding mosquito pesticide application.

To reduce potential impact to waterways, the Public Works Department will review all areas where pesticides are to be used. Areas where pesticides are determined to pose a threat to water quality should be noted on the storm water map and identified in the annual report.

The City will comply with pesticide application and disposal regulations.

Evaluation Criteria: The City will maintain a copy of the current certification. The City will report the number of areas where it was determined pesticides impacted waterways during the reporting period, if any, and how the impact was resolved. A Storm Water System Map showing the location of these areas will be provided in the Annual Report. This information will help measure the effectiveness of the City's review.

Activity 6. Litter Ordinance

Ordinance No. O-28-06 dated March 28, 2006 states, *"It is unlawful for any person to throw or deposit litter from a vehicle onto public or private property or for the driver and/or owner (if present in the vehicle) to allow litter from the vehicle to be thrown or deposited onto public or private property"*.

The ordinance is included in **Appendix E-3** and can be downloaded from the City Website at the link provided below:

<http://www.cityofgadsden.com/ArchiveCenter/ViewFile/Item/399>

Evaluation Criteria: The City will report the number of enforcements during the reporting period. This information will help measure the effectiveness of the ordinance.

Activity 7. Litter, Floatables, and Debris – Brush Pickup

The City performs brush pickup throughout the year on an as needed basis. The City also provides leaf pickup daily from October until the end of February. All debris is disposed of at the C&D Landfill owned by the City. The City will continue to implement a brush and leaf pickup program.

Evaluation Criteria: The City will describe how roads are prioritized. The City will also report the number of scheduled pickups and pounds of debris collected from pickups during the reporting period. This information will help measure the effectiveness of the brush and leaf pickup program.



Activity 8. Litter, Floatables, and Debris - Street Sweeping

The City performs street sweeping of primary and secondary streets five days a week. One sweeper works during the day and the other at night. The City will continue to implement a street sweeping program.

Evaluation Criteria: The City will describe how roads are prioritized. The City will also report the number of scheduled road cleanings, the number of roads that are swept each month, and pounds of debris collected from street sweeping during the reporting period. This information will help measure the effectiveness of the street sweeping program.

Activity 9. Litter, Floatables, and Debris – Recycling Center

The City manages a drop-off facility at 306 Henry Street. This program is advertised on the City website. The materials accepted as part of this program is provided on the website as well.

The City has also placed recycling trailers at City facilities and at surrounding county facilities. Trailers collect newsprint, cardboard, and plastics. The City picks up each trailer, replaces it with an empty trailer, and then takes it to the City's recycling center.

The City also provides recycling containers for paper and newspapers at City Hall. These containers are collected on a monthly basis.

Evaluation Criteria: The City will report the amount of materials (in total tons) collected during the curbside pickup and the drop-off locations. This information will help measure the public awareness of the events and degree of public participation.

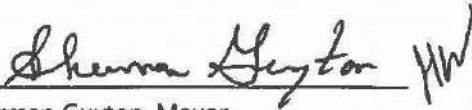
5.5.4 Responsible Party


The City of Gadsden Mayor's office and Engineering Department are responsible for implementing and tracking Pollution Prevention and Good Housekeeping strategies within municipal operations.



5.6 Agency Certification

I certify under penalty of law that this document and all attachments pertaining to the City of Gadsden were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.


Sherman Guyton, Mayor
City of Gadsden, Alabama


Date



Storm Water Management Program Plan (SWMPP)

Gadsden-Etowah MS4 Entities

Gadsden, Etowah County, Alabama

S&ME Project No. 4482-14-028



6.0 City of Glencoe

The City of Glencoe encompasses approximately 5% of the Urbanized Area and accounts for 4.4% of the population. A map depicting the City of Glencoe's urbanized area and city limits is located in **Appendix F-1, Figure 1**.

The following sections detail the rationale statement, targeted audiences, planned activities, evaluation criteria, and the responsible party regarding the referenced control measure.

6.1 Public Education and Public Involvement on Storm Water Impacts

6.1.1 Rationale Statement

The City's goal is to have a comprehensive and effective public education and public involvement program, the intent of which is to:

1. Generate awareness of storm water pollution prevention by educating people about the storm water system and its relationship to the health of local waterways;
2. Modify behavior patterns through education and encouragement of active participation in water pollution prevention;
3. Educate the public of steps they can take to reduce pollutants in storm water runoff; and
4. Involve the general public by providing activities and opportunities for public participation in the storm water management program.

6.1.2 Target Audiences

The primary target audiences within the City are as follows:

- **General Public** (homeowners and citizens)
 - Potential contributors of storm water pollution through litter, yard waste, vehicle washing, illicit discharges on and off impervious surfaces, and the application of pesticides, herbicides, and fertilizers.
- **Local Businesses**
 - Potential contributors of storm water pollution through illicit discharges, litter, waste handling procedures.
- **Landscape Companies**
 - Potential contributors of storm water pollution through the application of pesticides, herbicides, and fertilizers and illicit discharges on impervious surfaces.
- **Engineers, Developers, and Contractors**
 - Potential contributors of storm water pollution through off-site sedimentation from development and construction.



6.1.3 *Planned Activities*

The City plans to implement the following activities as part of their Public Education and Public Involvement Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Public Education and Public Involvement activity planned for each reporting period is provided in **Appendix F-2**. This table may aid in completion of the annual report.

Activity 1. Distribute Storm Water Educational Material

The City will use available resources obtained through networking or online resources, such as those provided by EPA, to prepare storm water education material to increase awareness of the public on storm water topics. The City will distribute these materials to citizens and business owners by placing materials at the Building Department and the Public Library.

Topics might include the following:

- Introduce the MS4 to the general public and discuss the storm water cycle and how common contaminants enter the storm water system.
- Educate households and businesses about proper and improper use, storage, and disposal of common household chemicals such as herbicides, pesticides, and fertilizers.
- Make the public aware of how the improper use of these chemicals can impact storm water quality.
- Discuss storm water impacts specifically related to litter, floatables, and debris
- Discuss how the cumulative effect of these contaminants impact the Coosa River and what individual households and businesses can do to reduce storm water pollutants.
- Provide information on how to identify and report illicit discharges.
- Provide information on additional resources pertaining to storm water, storm water pollution, and Neely Henry Lake TMDLs.
- Provide information on storm water contacts within the City of Glencoe and information on reporting potential storm water violations.

Evaluation Criteria: The City will report the number of materials placed at the City owned locations and how often the materials were replaced during the reporting period. This information will indicate the number of people who received educational materials.

Activity 2. Maintain the Storm Water Webpage

The City provides information on the City's MS4 Program and permit on the Code Enforcement Department webpage and Storm Water webpage within the City of Glencoe's website. The City will maintain this webpage and provide additional educational

materials each reporting period. Participation will be tracked through the number of “hits” on the webpage. The webpage will continue to be updated periodically to:

- Include general information on the MS4 permit and SWMPP;
- Discuss the storm water cycle and how common contaminants enter the storm water system;
- Provide educational materials about proper and improper use, storage, and disposal of common household chemicals;
- Provide educational materials on storm water impacts specifically related to litter, floatables, and debris
- Provide links to related storm water resources;
- Provide information on how to identify and report illicit discharges; and,
- Provide a calendar of upcoming community events related to storm water outreach.

The webpage can be viewed at the link provided below:

<http://www.cityofglencoe.net/storm-water/>

Evaluation Criteria: The City will report what information was added to the webpage and the number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated educational materials.

Activity 3. Annual Report and SWMPP Availability

The City will provide the SWMPP and the current Annual Report available for public viewing on the City’s website.

The webpage can be viewed at the link provided below:

<http://www.cityofglencoe.net/storm-water/>

Evaluation Criteria: The City will report number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated SWMPP and Annual Report.

Activity 4. Partnerships in Educational and Public Involvement Events

The City will partner with Keep Etowah Beautiful, Clean Water Partnership of Alabama, and/or Alabama Power to distribute storm water educational material on storm water impacts specifically related to litter, floatables, and debris. The City will assist in promoting events such as *Renew Our Rivers*, *Message in a Bottle*, and/or community cleanup days. The events will be advertised and promoted by the City. Event details may be posted at the City Hall, the Public Library, and other businesses. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the events.

Evaluation Criteria: The City will report number of participants who received educational materials during the events and the ways in which the City promoted and/or advertised the events. The City will report the number of City employees/representatives that participated in the event. This information will indicate the number of people who received educational materials and will help measure the public awareness of the events and degree of public participation.

Activity 5. Promote and Participate in the Etowah County Water Festival

The *Etowah County Water Festival* is an annual event for fourth grade students from public schools in Etowah County, Alabama. The festival provides hands-on activities that teach students the importance of surface and groundwater, its role in the environment and its effect on human, animal and plant life. The City will promote and participate in the annual *Etowah County Water Festival* through City resources. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the festival.

Evaluation Criteria: The City will report number of City volunteers at the event and the ways in which the City promoted and/or advertised the event. This information will indicate the City's participation and will help measure the public awareness of the event and degree of public and City participation.

Activity 6. Gadsden-Etowah MS4 Steering Committee Meetings

The City will coordinate and/or participate in meetings of the Storm Water Steering Committee for entity updates, networking, and coordination of activities and BMP strategies.

Evaluation Criteria: The City will provide meeting agendas and attendance records during the reporting period. The City will report who attended each meeting. This information will indicate the participation of the steering committee and their interest in networking and coordination of activities.

Activity 7. Provide Information on Construction Site Storm Water Impacts

The City will provide pre-printed information on how construction site runoff can impact storm water quality to individuals requesting plan review and building/development permits.

Evaluation Criteria: The City will report the number of permits issued during the reporting period. This information will indicate the number of people who received educational materials.

Activity 8. Provide Information on Low Impact / Green Development

The City will provide pre-printed educational information on green development to individuals requesting plan review and building/development permits. Information may

include references to additional resources such as the Green Building Alliance, Low Impact Development Center, and U.S. Department of Housing and Urban Development.

The City will encourage developers and engineers to consider green infrastructure alternatives during the plan review process.

Evaluation Criteria: The City will report the number of permits issued and number of projects that incorporate these techniques during the reporting period. This information will indicate the number of people who received educational materials.

Activity 9. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water webpage for the public to provide input on the development, revision, and implementation of the SWMPP. Additionally the public can report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Code Enforcement Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public reports, comment, or complaints will include:

- Date, time, and description of the report
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received reports and the City's responses to the received reports. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of inquiries received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

6.1.4 Responsible Party

The City of Glencoe Mayor's office and Code Enforcement Department are responsible for overseeing, developing, and coordinating the Public Education and Public Involvement efforts.



6.2 Illicit Discharge Detection and Elimination

6.2.1 *Rationale Statement*

The City of Glencoe Illicit Discharge Detection and Elimination (IDDE) program is designed to locate, identify, and correct illicit discharges to the MS4. Program emphasis will be placed on identifying and correcting pollutant discharges which could influence compliance with the Neely Henry Lake TMDLs and the Gadsden-Etowah monitoring program.

6.2.2 *Target Audiences*

The primary target audiences within the City for the IDDE program are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
- **General Public** (homeowners and citizens)
 - Potential contributors of illicit discharges from activities such as dumping paint, motor oil, or other chemicals into a storm drain.
- **Local Businesses**
 - Potential contributors of illicit discharges through inadequate management practices and/or unpermitted facilities

6.2.3 *Outreach Strategies*

The City developed an IDDE Program in March 2014, a copy of which is provided in **Appendix C**. The City will continue to review and modify the program as necessary.

The City plans to implement the activities described in their IDDE Program during each reporting period. The IDDE Program has been simplified for the purposes of this section of the SWMPP to describe required activities. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A map depicting all known outfalls, waters of the state that receive discharges from these outfalls, and structural BMPS owned, operated or maintained by the City is located in **Appendix F-1, Figures 2 and 3**. A table that provides latitude/longitude as well as other details of each known outfall is provided in **Appendix F-2**.

A table identifying each Illicit Discharge Detection and Elimination activity planned for each reporting period is provided in **Appendix F-2**. This table may aid in completion of the annual report.

Identifying Priority Areas

The City has delineated 18 drainage basins within the urbanized area (see **Appendix F, Figure 4**).



Activity 1. Identify Priority Areas

The City will identify which drainage basins are considered Priority Areas for each reporting period using the illicit discharge potential (IDP) calculation procedures detailed in Section 3 of the IDDE Program. The City will maintain records of the IDP calculations for each drainage basin.

Evaluation Criteria: The City will report the total IDP score for each drainage basin and will provide an updated map showing the identified Priority Areas. The City will report drainage basins that are newly listed or de-listed from the previous reporting year's calculations.

Field Assessment Activities

Based on Section 4 of the IDDE Program, the City will walk approximately 20% of their total stream length within the regulated MS4 each reporting period. Based on the stream lengths obtained from the national hydrography dataset, the City has 5.63 miles of total stream length (inventory) to walk. The City has walked 4.01 miles of the total inventory to date. The stream-walking programs will target Priority Areas first. The anticipated date of completion for the initial mapping is **March 31, 2019**.

The City has identified 27 outfalls within the MS4 Boundary.

Activity 2. Outfall Identification

The City has implemented a stream-walking program designed to identify previously unknown outfalls to the MS4 as well as verify and re-evaluate known outfalls. The City plans to complete an average of four to five miles of stream inventory each reporting period. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls identified and the stream length walked during the reporting period. The City will provide updated tables and maps that include the outfalls identified by the stream-walking program.

Activity 3. Probable Outfall Verification

Probable outfalls may be identified during field and/or mapping activities, during review of proposed development plans, or through illicit discharge reports. When a probable outfall is identified, it will be added to the Storm Sewer System Map and labeled as unverified.

The City will verify probable outfalls through field observation within 18 months of their addition to the Storm Sewer System Map. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will report the number of probable outfalls that were identified and the number of outfalls that were verified during the reporting period. The



City will provide updated tables and maps that include the verified outfalls, as well as probable outfalls that are planned to be verified in the following reporting period. The City will maintain records of field observations.

Activity 4. Outfall Reconnaissance Inventory (ORI) Dry Weather

As required by the permit, 15% of all known outfalls will be inspected during each reporting period and all outfalls will be inspected in the 5 year permit cycle. Additionally, the City or subcontracted crews will conduct dry weather monitoring of major outfalls in Priority Areas at a frequency of 20% each reporting period. The implementation process is detailed in Section 7 of the IDDE Program. Dry weather monitoring activities may be combined with outfall verification as described in Activity 3.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls inspected during the reporting period. The City will also provide a summary of the results of outfall reconnaissance inventory activities conducted during the reporting period that will include a list of outfalls observed during each reporting period.

Activity 5. Suspect Discharge Sampling

If a dry weather flow has a severity index of 3 on one or more indicators in Section 4 of the Outfall Reconnaissance Inventory Field Sheet, or if field screening indicates a suspect discharge, field crews will collect samples for further analysis. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of identified dry weather flows, suspect discharges, and samples collected during the reporting period. The City will report the analysis results for the collected samples. The City will report if the suspect discharge was confirmed to be an illicit discharge and, if known, the type of illicit discharge.

IDDE Investigation

Activity 6. Outfall Ranking

Data from each Outfall Reconnaissance Inventory Field Sheet will be analyzed to characterize the observed outfall as having obvious, suspect, possible, or unlikely discharge potential. Obvious and suspect illicit discharges will be investigated within 10 and 30 days, respectively. Potential illicit discharges will be investigated within 60 days. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the ranking of each outfall inspected during the reporting period. The City will report the number of outfalls that required further investigation.



Activity 7. Discharge Investigation

Illicit discharge investigations will be performed to determine the source of a discharge problem. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of illicit discharge investigations performed during the reporting period. The City will also report the number of confirmed illicit discharges, if a source was determined, and if the discharge was eliminated.

Corrective Action Record Keeping

Activity 8. Corrective Action Record Keeping

When a suspect illicit discharge or illicit connection is identified, a case log detailing pertinent information will be created. Throughout the corrective action process, all information related to the resolution of the illicit discharge will be documented in the case log.

Evaluation Criteria: The City will maintain records of the correction actions. The City will report the number of confirmed illicit discharges and the number of illicit discharges corrected or eliminated during the reporting period. The City will also report the number of confirmed illicit discharges where corrective action is pending.

Storm Water System Mapping

As stated in Section 4.2, the City has created a Storm Water System map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPs owned, operated or maintained by the City. This map is a hard copy in the Building Department. Additionally, the City is utilizing Google Earth to locate and store outfalls. A copy of the map is located in **Appendix F-1, Figures 2 and 3**. A table that provides latitude/longitude as well as other details of each known outfall is provided in **Appendix F-2**.

Activity 9. Update Storm Water System Map – Existing Features

The City will update the Map as new outfalls are located and new structural BMPs are identified or added to the MS4. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 10. Update Storm Water System Map – Future Additions

Proposed additions within the City, including new storm sewer and drainage conveyances, will be mapped based on the civil plans provided to the City by developers. Outfalls from proposed development will be verified after construction is complete, as



part of Activity 3. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will report the number of civil plans provided to the City and the number of verified new features or outfalls during the reporting period. The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Illicit Discharge Ordinance

Activity 11. Evaluate IDDE Ordinance

Section 8 of Ordinance 07-06 dated November 8, 2007 defines illicit discharges and responsibility of the public as well as procedures for escalating enforcement and removal actions. This is also further discussed in Section 6 of the IDDE Program. The City will evaluate the effectiveness of the ordinance each reporting period. If updates are required, the City will amend the existing ordinance or prepare a new ordinance. The ordinance is included in **Appendix F-3** and can be downloaded from the City Webpage at the link provided below:

<http://www.cityofglencoe.net/ordinances/>

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing identified illicit discharges and preventing repeat offenders. The City will report the number of complaints received, number of illicit discharges identified during the reporting period, the number of resolved violations, the number of repeat offenders, and the number of enforcement actions taken.

IDDE Public Education

Activity 12. Distribute Storm Water Educational Material

The City will provide educational materials highlighting identification and reporting of potential illicit discharges on the City's storm water webpage and/or place educational materials at City owned locations such as the City Hall, the Public Library, and/or Building Department.

Evaluation Criteria: The City will report the number of hits to the webpage and/or the number of materials placed at the City owned locations and how often the materials were replaced during the reporting period. This information will indicate the number of people who received educational materials.

Activity 13. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water

pollution. The public may contact the City's Code Enforcement Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject of the subject complaint
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will track the total number of reports received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 14. Municipal Training

Municipal workers will be trained in the identification of illicit discharges as well as the prevention of storm water pollution at municipal facilities or related to municipal activities. Specific municipal operations such as fueling, vehicle maintenance, vehicle washing, paint and paint waste storage and disposal, and used oil disposal may be addressed. The training session will be conducted annually during each reporting period.

Municipal workers will be notified of the procedures for reporting suspected illicit discharges to the City Engineer and/or the City IDDE Program Manager, including the preferred method of contact (email) and the information to be included in the report (e.g., location, date, time, observations).

Evaluation Criteria: The City will provide details on the training topics presented to the municipal workers. The City will maintain attendance records and report the number of municipal workers trained during the reporting period. This information will help evaluate the municipal workers awareness of illicit discharges and storm water issues.



Storm Water Monitoring

Activity 15. Storm Water Monitoring Locations

Storm water monitoring locations were identified in Table 2.1, Section 2.5 and those within the City's MS4 boundaries are depicted on the City's Storm Water System Map. The remaining monitoring locations were added to the Google Earth file. If additional monitoring locations are recommended as a result of the analysis of the monitoring data, the City will update the map with the revised or additional locations.

Evaluation Criteria: If additional locations are added, the City will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 16. Evaluation of Monitoring Data

In conjunction with the monitoring provisions of Section 2.2 of the SWMPP, the City will evaluate the collected monitoring data for indicators of potential illicit discharges within the City and to assess the effectiveness of the BMPs in achieving the reductions outlined in the 2008 TMDL.

Evaluation Criteria: The City will report which monitoring points appear to have relatively higher pollutant levels. The City will make recommendations to the Gadsden-Etowah MS4 Storm Water Steering Committee to add and/or modify monitoring points to better characterize discharges from the MS4.

NPDES Industrial Permitting

Activity 17. NPDES Industrial Permitting

As authorized by the Clean Water Act, the NPDES Permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Title 40, Part 122 of the Code of Federal Regulations (40CFR122) specifies that discharges associated with certain industrial activities must obtain an NPDES permit. The ADEM currently provides for individual and general NPDES permitting.

Information pertaining to permitted facilities will be obtained from available public sources such as MYWATERS Mapping, EPA ECHO Database, and ADEM E-file and incorporated into the Storm Water System Map. This information will be used in conjunction with the storm water system mapping and monitoring data to evaluate potential sources of storm water pollution and to identify unpermitted facilities.

Unpermitted facilities that require an NPDES permit will be reported to the Industrial Section of the ADEM. The City of Glencoe continues to rely on the ADEM for industrial NPDES permitting and enforcement.



Evaluation Criteria: The City will provide the number of unpermitted facilities reported to ADEM during the reporting period, if any. This information will help measure the effectiveness of the reporting and identification of unpermitted facilities.

6.2.4 *Responsible Party*

The City of Glencoe Mayor's office and Code Enforcement Department are responsible for overseeing, developing, and coordinating the IDDE program in the City of Glencoe regulated MS4 area.

6.3 **Construction Site Storm Water Runoff**

6.3.1 *Rationale Statement*

The City's construction site storm water runoff control program is primarily designed to address storm water pollution due to off-site sedimentation from qualifying construction sites to the maximum extent practicable.

6.3.2 *Target Audiences*

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Potential contributors of storm water pollution through development and construction activities.
- **Engineers**
 - Responsible for designing effective best management practices to minimize off-site sedimentation from construction activities.

6.3.3 *Outreach Strategies*

The City plans to implement the following activities as part of their Construction Site Storm Water Runoff Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Construction Site Storm Water Runoff strategy planned for each reporting period is provided in **Appendix F-2**. This table may aid in completion of the annual report.

Activity 1. Erosion and Sediment Control Ordinance

The City's Ordinance 07-06 dated November 8, 2007 regulates storm water management within the City. Section 3 of the ordinance requires that construction sites obtain a land disturbance permit from the City if the total disturbed area is greater than one acre or the activity adjoins a river or stream that has running water. The ordinance also requires the submittal of a Sediment and Erosion Control Plan and a Storm Water Management Plan to the City with the permit application. Approval of each land disturbance permit application and associated plans is provided by the City in writing. Section 9 of the

ordinance provides for enforcement of the City storm water regulations. Section 10 provides for penalties between \$50.00 and \$500.00 per day per violation.

Section 5 states the *Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas* as the City's standard for BMP design.

The ordinance is included in **Appendix F-3** and can be downloaded from the City Webpage at the link provided below:

<http://www.cityofglencoe.net/ordinances/>

The City will evaluate the effectiveness of the Ordinance 07-06 during each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing erosion and sediment control. The City will report the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or businesses responsible for identified non-compliant construction sites are repeat offenders.

Activity 2. Construction Site Inspection Program

Designated City personnel will inspect all qualifying construction sites within 60 days of initial disturbance, at periodic intervals during construction, and following stabilization. At a minimum an inspection will be conducted once a month for each priority construction site as defined by the ADEM based on the most recent 303(d) list. The Building Department Inspectors and Code Enforcement Department personnel work together to perform the necessary inspections and implement work orders for subsequent inspections and potential enforcement when sites are non-compliant. Ordinance No. 07-06 provides for periodic inspections of construction sites at the discretion of the Enforcement Officer or City Engineer.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)



The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed, the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or business responsible for identified non-compliant construction sites are repeat offenders. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 3. Sediment and Erosion Control Plan Review

Section 3(4)(b) of Ordinance 07-06 requires that each application for a Land Disturbance Permit be accompanied by a Sediment and Erosion Control Plan and a Storm Water Management Plan providing for storm water management during the land disturbing activity and after the activity has been completed. Prior to approval or denial of a land disturbance permit application, the City will review the provided plans. Ordinance No. 07-06 provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or denied during the reporting period, and number of plans that meet the requirements the Alabama Construction General Permit.

Activity 4. BMP Training Program

City personnel tasked with plan review and/or conducting BMP inspections will undergo annual training on proper design, installation, inspection, and maintenance of on-site control measures and on new technology and practices. All inspectors will complete initial storm water awareness training and attend annual refreshers. The City will maintain Qualified Credentialed Inspector (QCI) certification for one employee, should additional plan reviewers or inspectors be needed, they will be trained accordingly. QCI certification will be maintained through the approved annual refresher courses.

Evaluation Criteria: The City will provide a copy of the QCI certificates and records of awareness training received during the reporting period.

Activity 5. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal

dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Code Enforcement Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of complaints received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and level of concern of storm water issues.

Activity 6. Notify ADEM of Non-Compliant Sites

The City will notify the ADEM of any construction sites where a possible violation of the Clean Water Act has occurred. Possible violations may include, but are not limited to, releases of sediment to a water of the State or failure to initiate corrective actions following an inspection by the City.

The City of Glencoe will rely on the ADEM for construction NPDES enforcement. The City will maintain records of non-compliant sites referred to ADEM. Records will include:

- Name of the owner/operator
- Location of construction project
- Description of violation
- Required schedule for returning to compliance
- Description of enforcement response used, including escalated responses if repeat violations occur
- Accompanying documentation of enforcement responses (notices of non-compliance, notices of violations, etc.)

Evaluation Criteria: The City will report the total number of non-compliant construction sites reported to ADEM during the reporting period.

6.3.4 *Responsible Party*

The City of Glencoe Mayor's office and Engineering Department are responsible for implementing and tracking the construction site storm water provisions of the ordinance as well as other Construction Site Storm Water Runoff strategies.

6.4 **Post-Construction Storm Water Management in New Development and Redevelopment**

6.4.1 *Rationale Statement*

Post-construction runoff can significantly impact a water body by increasing the type and quantity of pollutants in storm water runoff and by increasing the volume of water delivered to the water body during storms. As runoff flows over areas altered by development, it collects sediment and chemicals such as oil, grease, pesticides, heavy metals, and nutrients. Instead of infiltrating, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff are delivered to the nearest receiving water. Both impacts can be mitigated by proper post-construction planning.

6.4.2 *Target Audiences*

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Responsible for development and construction activities that can impact post-construction storm water management.
- **Engineers**
 - Responsible for designing post-construction storm water management plans

6.4.3 *Outreach Strategies*

The City plans to implement the following activities as part of their Post-Construction Storm Water Management Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Post-Construction Storm Water Management strategy planned for each reporting period is provided in **Appendix F-2**. This table may aid in completion of the annual report.

Activity 1. Reducing Post-Construction Runoff Volume

Ordinance No. 07-06, Section 6 provides for post-construction storm water management measures to reduce runoff volume. Designs should control the peak flow rates of stormwater discharge associated with storms and reduce the generation of post construction stormwater runoff to preconstruction levels. Specifically, all sites are required to have at least 10% vegetated area, and re-vegetated areas are required to have a minimum 75% survival of the cover crop for one year. Design should be intended to maintain or restore quality and quantity of storm water runoff to pre-development levels.



The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The City will report the number of submitted plans that include measures to reduce runoff volume. The City will report how many submitted plans meet or exceed the 10% green area rule, the number of enforcement actions taken, and an assessment of whether 75% survival of cover crops is achieved at construction sites across the City during the reporting period. The evaluation may also examine which control measures are typically utilized and if additional examples should be added to the ordinance.

Activity 2. Reducing Pollutants from Development

Ordinance No. O-77-05, Section 7 requires that storm water runoff be controlled to prevent pollution of local waters and provides a list of possible control measures. Section 5 states that designs should *"seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity"*.

Section 7 of Ordinance No. 07-06 requires that storm water runoff be controlled to prevent pollution of local waters and provides a list of possible control measures.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The evaluation may also examine which control measures are typically utilized and if examples of appropriate control measures should be added to the ordinance. The City will report the number of developments where treatment of storm water runoff is required and the criteria for requiring treatment of storm water runoff.

Activity 3. Long-Term Maintenance of Storm Water Controls

Ordinance No. 07-06, Section 6 requires long-term maintenance of storm water control structures and provides for the City to require inspection, funding, and planning for permanent storm water management structures. Section 5 requires that the design and planning of all storm water management facilities include detailed maintenance and repair procedures. The plans should identify the parts or components that need to be maintained and the necessary equipment. This Section also requires that the owner of the property execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.



Section 6 of Ordinance No. 07-06 requires long-term maintenance of storm water control structures and provides for the City to require inspection, funding, and planning for permanent storm water management structures. Section 5 requires that the design and planning of all storm water management facilities include detailed maintenance and repair procedures.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing long-term maintenance of storm water controls. The City will report the number of submitted plans that include detailed maintenance procedures, the number of maintenance agreements reviewed, the number of maintenance provisions approved or denied, and the number of enforcement actions taken.

Activity 4. Evaluate Obstacles to Low Impact/Green Development

The City will review and evaluate policies and ordinances related to building codes, or other local regulations, with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.

Evaluation Criteria: The City will report if obstacles are identified and provide a brief summary on how the conflicts will be resolved.

Activity 5. Plan Review

The City will review Sediment and Erosion Control Plans and Storm Water Management Plans for all new construction, prior to the approval or denial of a land disturbance permit application. If changes to post-construction controls are required, the City requires the plans to be resubmitted and the changes approved. The plans must provide a means of documenting that post-construction storm water measures have been installed per design specifications. Ordinance No. O-77-05 provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and the number of post-construction designs approved or rejected.

Activity 6. Construction Site Inspection Program

Designated City personnel will perform post-construction inspections for all post-construction controls within written notice that stabilization is complete to confirm post-



construction storm water measures/structures have been installed according to the submitted plan. At a minimum an inspection will be conducted annually for each site to confirm post-construction BMPs are functioning as designed.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed and the number of projects that were completed as per the submitted plans, the number of projects that were not constructed in accordance to the plans, and the resolution of those projects that were not. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 7. Post-construction Structural Controls Inventory

The City will compile an inventory of post-construction structural controls including those owned by the City. The list will be updated annually.

Evaluation Criteria: The City will a table of the post-construction structural controls with the owner/operator. The City will identify the newly added controls during the reporting period.

6.4.4 Responsible Party

The City of Glencoe Mayor's office and Engineering Department are responsible for implementing the provisions of the ordinance pertaining to post construction storm water management as well as other Post - Construction Site Storm Water Runoff strategies.



6.5 Pollution Prevention and Good Housekeeping for Municipal Operations

6.5.1 *Rationale Statement*

The City of Glencoe will develop and utilize BMPs designed to minimize pollution related to municipal operations and maintenance. These BMPs are intended to address storm water pollution from nutrients, sediments, petroleum products, and other common pollutants.

6.5.2 *Target Audiences*

The primary target audiences within the City are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
 - Potential contributors to storm water impacts through municipal operations

6.5.3 *Outreach Strategies*

The City will implement the following activities as part of their Pollution Prevention and Good Housekeeping for Municipal Operations Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Pollution Prevention and Good Housekeeping for Municipal Operations strategy planned for each reporting period is provided in **Appendix F-2**. This table may aid in completion of the annual report.

Activity 1. Municipal Facilities

The City will maintain a list of municipal facilities that have the potential to discharge pollutants through storm water runoff. Standard Operating Procedures (SOP) will be established detailing good housekeeping practices to be employed at each facility, where appropriate. These SOPs will be developed by **March 31, 2017**.

The City will inspect each facility for good housekeeping practices. A checklist will be used during inspections and to track noted deficiencies.

Evaluation Criteria: The City will provide a list of municipal facilities, the number of inspections performed at each facility, and the number of noted deficiencies. This information will help measure the municipal workers awareness of storm water issues.

Activity 2. Employee Training

The City will develop and implement a training program for municipal employees that focus on pollution prevention, good housekeeping measures, identification of potential illicit discharges, and other potential threats to storm water quality. Training materials will focus on vehicle maintenance and identification and reporting of potential illicit

discharges.

A training session will be conducted each reporting period.

Evaluation Criteria: The City will provide details on the training topics presented to municipal workers during the reporting period. The City will keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 3. Vehicle Maintenance Program

The City of Glencoe owns and operates a variety of vehicles and equipment used in municipal operations and maintenance. These vehicles include passenger cars, trucks, vans, and equipment. The City will continue to conduct routine maintenance of owned vehicles and will inspect vehicles for the presence of fluid leaks during routine maintenance using the vehicle inspection log. The City will promptly repair vehicles determined to have leaks. The City will log all repairs with an inspection checklist.

Evaluation Criteria: The City will provide a completed inspection log for at least one vehicle used during the reporting period. The City will report the frequency of inspections and the number of vehicle or equipment leaks identified during the reporting period as a result of the inspection program. This information will help measure the effectiveness of the vehicle inspection and maintenance program.

Activity 4. Vehicle Wash Area

Vehicle washing will be performed only in designated areas. Each location will be reviewed, inspected, and modified as needed throughout the year. During the annual BMP training, the City will notify all employees of the locations of the designated wash areas.

The City will prohibit the use of phosphate-containing soaps for vehicle washing (unless washing takes place at an NPDES-permitted facility).

Evaluation Criteria: The City will report the number of designated municipal vehicle washing areas. The City will also keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 5. Pesticide Application

Currently, the City of Glencoe does not spray pesticides (insecticides and herbicides) to control insect pests and unwanted vegetation; however, if the City decides to do so, the City will contract out pesticide application until select City employees obtain the necessary certification. Prior to entering into or renewing any additional contracts the City



will require the contractor to provide all necessary certifications and licensing during the bid process.

To reduce potential impact to waterways, the City will review all areas where pesticides are to be used. Areas where pesticides are determine to post a threat to water quality should be noted on the storm water map and identified in the annual report.

The City will comply with pesticide application and disposal regulations.

Evaluation Criteria: If the City contracts for pesticide application, the City will maintain a copy of the applicator's current certification. The City will report the areas where the pesticides were applied and whether or not there was a potential for waterways to be impacted.

Activity 6. Litter, Floatables, and Debris – Brush Pickup

The City performs brush, limb, bagged leaves, and grass clipping pickup throughout the year on an as needed basis. Citizens may call City Hall and request a pickup. The City will continue to implement a brush and leaf pickup program.

Evaluation Criteria: The City will also report the number of scheduled pickups and pounds of debris collected from pickups during the reporting period. This information will help measure the effectiveness of the brush and leaf pickup program.

6.5.4 Responsible Party

The City of Glencoe Mayor's office and Engineering Department are responsible for implementing and tracking Pollution Prevention and Good Housekeeping strategies within municipal operations.



6.6 Agency Certification

I certify under penalty of law that this document and all attachments pertaining to the City of Glencoe were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

Charles Gilchrist by [Signature]

Charles Gilchrist, Mayor
City of Glencoe, Alabama

*Mayor Pro Tempore
City of Glencoe*

12/21/16
Date

7.0 City of Hokes Bluff

The City of Hokes Bluff encompasses approximately 5.5% of the Urbanized Area and accounts for 4.4% of the population. A map depicting the City of Hokes Bluff's urbanized area and city limits is located in **Appendix G-1, Figure 1**.

The following sections detail the rationale statement, targeted audiences, planned activities, evaluation criteria, and the responsible party regarding the referenced control measure.

7.1 Public Education and Public Involvement on Storm Water Impacts

7.1.1 *Rationale Statement*

The City's goal is to have a comprehensive and effective public education and public involvement program, the intent of which is to:

1. Generate awareness of storm water pollution prevention by educating people about the storm water system and its relationship to the health of local waterways;
2. Modify behavior patterns through education and encouragement of active participation in water pollution prevention;
3. Educate the public of steps they can take to reduce pollutants in storm water runoff; and
4. Involve the general public by providing activities and opportunities for public participation in the storm water management program.

7.1.2 *Target Audiences*

The primary target audiences within the City are as follows:

- **General Public** (homeowners and citizens)
 - Potential contributors of storm water pollution through litter, yard waste, vehicle washing, illicit discharges on and off impervious surfaces, and the application of pesticides, herbicides, and fertilizers.
- **Local Businesses**
 - Potential contributors of storm water pollution through illicit discharges, litter, waste handling procedures.
- **Landscape Companies**
 - Potential contributors of storm water pollution through the application of pesticides, herbicides, and fertilizers and illicit discharges on impervious surfaces.
- **Engineers, Developers, and Contractors**
 - Potential contributors of storm water pollution through off-site sedimentation from development and construction.



7.1.3 *Planned Activities*

The City plans to implement the following activities as part of their Public Education and Public Involvement Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Public Education and Public Involvement activity planned for each reporting period is provided in **Appendix G-2**. This table may aid in completion of the annual report.

Activity 1. Distribute Storm Water Educational Material

The City will use available resources obtained through networking or online resources, such as those provided by EPA, to prepare storm water education material to increase awareness of the public on storm water topics. The City will distribute education materials to the approximately 500 households and businesses through inclusion in garbage collection bills. These materials will be distributed twice per year.

Topics might include the following:

- Introduce the MS4 to the general public and discuss the storm water cycle and how common contaminants enter the storm water system.
- Educate households and businesses about proper and improper use, storage, and disposal of common household chemicals such as herbicides, pesticides, and fertilizers.
- Make the public aware of how the improper use of these chemicals can impact storm water quality.
- Discuss storm water impacts specifically related to litter, floatables, and debris
- Discuss how the cumulative effect of these contaminants impact the Coosa River and what individual households and businesses can do to reduce storm water pollutants.
- Provide information on how to identify and report illicit discharges.
- Provide information on additional resources pertaining to storm water, storm water pollution, and Neely Henry Lake TMDLs.
- Provide information on storm water contacts within the City of Hokes Bluff and information on reporting potential storm water violations.

Evaluation Criteria: The City will report the number of households who receive the mail-out during the reporting period. This information will indicate the number of people who received educational materials.

Activity 2. Maintain the Storm Water Webpage

The City provides information on the City's MS4 Program and permit on the Storm Water Awareness webpage within the City of Hokes Bluff's website. The City will maintain this webpage and provide additional educational materials each reporting period.

Participation will be tracked through the number of “hits” on the webpage. The webpage will continue to be updated periodically to:

- Include general information on the MS4 permit and SWMPP;
- Discuss the storm water cycle and how common contaminants enter the storm water system;
- Provide educational materials about proper and improper use, storage, and disposal of common household chemicals;
- Provide educational materials on storm water impacts specifically related to litter, floatables, and debris
- Provide links to related storm water resources;
- Provide information on how to identify and report illicit discharges; and,
- Provide a calendar of upcoming community events related to storm water outreach.

The webpage can be viewed at the link provided below:

<http://cityofhokesbluff.com/city-government/stormwater-access/>

Evaluation Criteria: The City will report what information was added to the webpage and the number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated educational materials.

Activity 3. Annual Report and SWMPP Availability

The City will provide the SWMPP and the current Annual Report available for public viewing on the City’s website.

The webpage can be viewed at the link provided below:

<http://cityofhokesbluff.com/city-government/stormwater-access/>

Evaluation Criteria: The City will report number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated SWMPP and Annual Report.

Activity 4. Partnerships in Educational and Public Involvement Events

The City will partner with Keep Etowah Beautiful, Clean Water Partnership of Alabama, and/or Alabama Power to distribute storm water educational material on storm water impacts specifically related to litter, floatables, and debris. The City will assist in promoting events such as *Renew Our Rivers*, *Message in a Bottle*, and/or community cleanup days. The events will be advertised and promoted by the City. Event details may be posted at the City Hall, the Public Library, and other businesses. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the events.



Evaluation Criteria: The City will report number of participants who received educational materials during the events and the ways in which the City promoted and/or advertised the events. The City will report the number of City employees/representatives that participated in the event. This information will indicate the number of people who received educational materials and will help measure the public awareness of the events and degree of public participation.

Activity 5. Promote Water Quality Awareness Week

The City will promote an annual *Water Quality Awareness Week* through City resources including co-sponsoring radio, television, and print advertisement with co-permittees and other stakeholders. This awareness week is typically held during the second week of May.

Evaluation Criteria: The City will report activities associated with this event and the ways in which the City promoted *Water Quality Awareness Week*. This information will help measure the public awareness of the event and degree of public and City participation.

Activity 6. Promote and Participate in the Etowah County Water Festival

The *Etowah County Water Festival* is an annual event for fourth grade students from public schools in Etowah County, Alabama. The festival provides hands-on activities that teach students the importance of surface and groundwater, its role in the environment and its effect on human, animal and plant life. The City will promote and participate in the annual *Etowah County Water Festival* through City resources. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the festival.

Evaluation Criteria: The City will report number of City volunteers at the event and the ways in which the City promoted and/or advertised the event. This information will indicate the City's participation and will help measure the public awareness of the event and degree of public and City participation.

Activity 7. Coordinate and Promote an Annual Community Cleanup Day

The City coordinates a cleanup day at Hokes Bluff City Block, Mill Pond, and/or Hokes Bluff Ferry Park annually. The City promotes the event through advertisements and signs. The City will provide storm water outreach material during these community cleanup days. Pre-printed outreach material and/or displays may include those mentioned in Activity 1.

Evaluation Criteria: The City will report number of volunteers and the ways in which the event was promoted / advertised. This information will indicate the number of people who received educational materials and will help measure the public awareness of the event and degree of public participation.



Activity 8. Gadsden-Etowah MS4 Steering Committee Meetings

The City will coordinate and/or participate in meetings of the Storm Water Steering Committee for entity updates, networking, and coordination of activities and BMP strategies.

Evaluation Criteria: The City will provide meeting agendas and attendance records during the reporting period. The City will report who attended each meeting. This information will indicate the participation of the steering committee and their interest in networking and coordination of activities.

Activity 9. Provide Information on Construction Site Storm Water Impacts

Ordinance HB-2012-002, Section 4 provides for BMP Plan review when applying for a Land Disturbance Permit. The City will continue to educate engineers, developers, and contractors through plan review and permitting of new construction and development.

The City will provide pre-printed information on how construction site runoff can impact storm water quality to individuals requesting plan review and building/development permits.

Evaluation Criteria: The City will report the number of permits issued during the reporting period. This information will indicate the number of people who received educational materials.

Activity 10. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Awareness webpage for the public to provide input on the development, revision, and implementation of the SWMPP. Additionally the public can report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the Mayor's Office to make reports or use the electronic *Report Issues* Form on the Storm Water Awareness webpage. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public reports, comment, or complaints will include:

- Date, time, and description of the report
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received reports and the City's responses to the received reports. The City will evaluate the current public reporting and tracking methods.



Evaluation Criteria: The City will report the total number of inquiries received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 11. No Littering Signs

The City has placed “No Littering” signs in problem areas throughout the City. The City will maintain these signs and place additional signs if necessary.

Evaluation Criteria: The City will report the amount of materials (in total tons) collected in these areas. This information will help measure the effectiveness of the signs in reducing the amount of materials dumped in problem areas.

7.1.4 Responsible Party

The City of Hokes Bluff Mayor’s office are responsible for overseeing, developing, and coordinating the Public Education and Public Involvement efforts.

7.2 Illicit Discharge Detection and Elimination

7.2.1 Rationale Statement

The City of Hokes Bluff Illicit Discharge Detection and Elimination (IDDE) program is designed to locate, identify, and correct illicit discharges to the MS4. Program emphasis will be placed on identifying and correcting pollutant discharges which could influence compliance with the Neely Henry Lake TMDLs and the Gadsden-Etowah monitoring program.

7.2.2 Target Audiences

The primary target audiences within the City for the IDDE program are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
- **General Public** (homeowners and citizens)
 - Potential contributors of illicit discharges from activities such as dumping paint, motor oil, or other chemicals into a storm drain.
- **Local Businesses**
 - Potential contributors of illicit discharges through inadequate management practices and/or unpermitted facilities



7.2.3 Outreach Strategies

The City developed an IDDE Program in March 2014, a copy of which is provided in **Appendix C**. The City will continue to review and modify the program as necessary.

The City plans to implement the activities described in their IDDE Program during each reporting period. The IDDE Program has been simplified for the purposes of this section of the SWMP to describe required activities. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPs owned, operated or maintained by the City is located in **Appendix G-1, Figure 2**. A table that provides latitude/longitude as well as other details of each known outfall is provided in **Appendix G-2**.

A table identifying each Illicit Discharge Detection and Elimination activity planned for each reporting period is provided in **Appendix G-2**. This table may aid in completion of the annual report.

Identifying Priority Areas

The City has delineated 31 drainage basins within the urbanized area (see **Appendix G-1, Figure 3**).

Activity 1. Identify Priority Areas

The City will identify which drainage basins are considered Priority Areas for each reporting period using the illicit discharge potential (IDP) calculation procedures detailed in Section 3 of the IDDE Program. The City will maintain records of the IDP calculations for each drainage basin.

Evaluation Criteria: The City will report the total IDP score for each drainage basin and will provide an updated map showing the identified Priority Areas. The City will report drainage basins that are newly listed or de-listed from the previous reporting year's calculations.

Field Assessment Activities

Based on Section 4 of the IDDE Program, the City will walk approximately 20% of their total stream length within the regulated MS4 each reporting period. Based on the stream lengths obtained from the national hydrography dataset, the City has 9.16 miles of total stream length (inventory) to walk. The City has walked 5.64 miles of the total inventory to date. The stream-walking programs will target Priority Areas first. The anticipated date of completion for the initial mapping is **March 31, 2019**.

The City has identified 82 outfalls within the MS4 Boundary.

Activity 2. Outfall Identification

The City has implemented a stream-walking program designed to identify previously unknown outfalls to the MS4 as well as verify and re-evaluate known outfalls. The City plans to complete the stream inventory by **March 31, 2019**. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls identified and the stream length walked during the reporting period. The City will provide updated tables and maps that include the outfalls identified by the stream-walking program.

Activity 3. Probable Outfall Verification

Probable outfalls may be identified during field and/or mapping activities, during review of proposed development plans, or through illicit discharge reports. When a probable outfall is identified, it will be added to the Storm Sewer System Map and labeled as unverified.

The City will verify probable outfalls through field observation within 18 months of their addition to the Storm Sewer System Map. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will report the number of probable outfalls that were identified and the number of outfalls that were verified during the reporting period. The City will provide updated tables and maps that include the verified outfalls, as well as probable outfalls that are planned to be verified in the following reporting period. The City will maintain records of field observations.

Activity 4. Outfall Reconnaissance Inventory (ORI) Dry Weather

As required by the permit, 15% of all known outfalls will be inspected during each reporting period and all outfalls will be inspected in the 5 year permit cycle. Additionally, the City or subcontracted crews will conduct dry weather monitoring of major outfalls in Priority Areas at a frequency of 15% each reporting period. The implementation process is detailed in Section 7 of the IDDE Program. Dry weather monitoring activities may be combined with outfall verification as described in Activity 3.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls inspected during the reporting period. The City will also provide a summary of the results of outfall reconnaissance inventory activities conducted during the reporting period that will include a list of outfalls observed during each reporting period.

Activity 5. Suspect Discharge Sampling

If a dry weather flow has a severity index of 3 on one or more indicators in Section 4 of the Outfall Reconnaissance Inventory Field Sheet, or if field screening indicates a suspect



discharge, field crews will collect samples for further analysis. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of identified dry weather flows, suspect discharges, and samples collected during the reporting period. The City will report the analysis results for the collected samples. The City will report if the suspect discharge was confirmed to be an illicit discharge and, if known, the type of illicit discharge.

IDDE Investigation

Activity 6. Outfall Ranking

Data from each Outfall Reconnaissance Inventory Field Sheet will be analyzed to characterize the observed outfall as having obvious, suspect, possible, or unlikely discharge potential. Obvious and suspect illicit discharges will be investigated within 10 and 30 days, respectively. Potential illicit discharges will be investigated within 60 days. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the ranking of each outfall inspected during the reporting period. The City will report the number of outfalls that required further investigation.

Activity 7. Discharge Investigation

Illicit discharge investigations will be performed to determine the source of a discharge problem. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of illicit discharge investigations performed during the reporting period. The City will also report the number of confirmed illicit discharges, if a source was determined, and if the discharge was eliminated.

Corrective Action Record Keeping

Activity 8. Corrective Action Record Keeping

When a suspect illicit discharge or illicit connection is identified, a case log detailing pertinent information will be created. Throughout the corrective action process, all information related to the resolution of the illicit discharge will be documented in the case log.

Evaluation Criteria: The City will maintain records of the correction actions. The City will report the number of confirmed illicit discharges and the number of illicit discharges corrected or eliminated during the reporting period. The City will also report the number of confirmed illicit discharges where corrective action is pending.



Storm Water System Mapping

As stated in Section 4.2, the City has created a Storm Water System map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPs owned, operated or maintained by the City. A copy of the map is located in **Appendix G-1, Figure 2**. A table that provides latitude/longitude as well as other details of each known outfall is provided in **Appendix G-2**.

Activity 9. Update Storm Water System Map – Existing Features

The City will update the Map as new outfalls are located and new structural BMPs are identified or added to the MS4. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 10. Update Storm Water System Map – Future Additions

Proposed additions within the City, including new storm sewer and drainage conveyances, will be mapped based on the civil plans provided to the City by developers. Outfalls from proposed development will be verified after construction is complete, as part of Activity 3. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will report the number of civil plans provided to the City and the number of verified new features or outfalls during the reporting period. The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Illicit Discharge Ordinance

Activity 11. Evaluate IDDE Ordinance

Ordinance No. HB-2012-002 dated December 11, 2012 prohibits all discharges not explicitly authorized in the ordinance and defines the procedures for escalating enforcement and removal actions. This is also further discussed in Section 6 of the IDDE Program. The City will evaluate the effectiveness of the ordinance each reporting period. If updates are required, the City will amend the existing ordinance or prepare a new ordinance. The ordinance is included in **Appendix G-3**.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing identified illicit discharges and preventing repeat offenders. The City will report the number of complaints received, number of illicit discharges identified during the reporting period, the number of resolved violations, the number of repeat offenders, and the number of enforcement actions taken.



IDDE Public Education

Activity 12. Distribute Storm Water Educational Material

The City will provide educational materials highlighting identification and reporting of potential illicit discharges on the City's storm water webpage and/or place educational materials at City owned locations such as the City Hall and/or the Public Library.

Evaluation Criteria: The City will report the number of hits to the webpage and/or the number of materials placed at the City owned locations and how often the materials were replaced during the reporting period. This information will indicate the number of people who received educational materials.

Activity 13. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Awareness webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the Mayor's Office to make reports or use the electronic *Report Issues* Form on the Storm Water Awareness webpage. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject of the subject complaint
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will track the total number of reports received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 14. Municipal Training

Municipal workers will be trained in the identification of illicit discharges as well as the prevention of storm water pollution at municipal facilities or related to municipal activities. Specific municipal operations such as fueling, vehicle maintenance, vehicle



washing, paint and paint waste storage and disposal, and used oil disposal may be addressed. The training session will be conducted annually during each reporting period.

Municipal workers will be notified of the procedures for reporting suspected illicit discharges to the City Engineer and/or the City IDDE Program Manager, including the preferred method of contact (email) and the information to be included in the report (e.g., location, date, time, observations).

Evaluation Criteria: The City will provide details on the training topics presented to the municipal workers. The City will maintain attendance records and report the number of municipal workers trained during the reporting period. This information will help evaluate the municipal workers awareness of illicit discharges and storm water issues.

Storm Water Monitoring

Activity 15. Storm Water Monitoring Locations

Storm water monitoring locations were identified in Table 2.1, Section 2.5 and those within the City's MS4 boundaries are depicted on the City's Storm Water System Map. If additional monitoring locations are recommended as a result of the analysis of the monitoring data, the City will update the map with the revised or additional locations.

Evaluation Criteria: If additional locations are added, the City will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 16. Evaluation of Monitoring Data

In conjunction with the monitoring provisions of Section 2.2 of the SWMPP, the City will evaluate the collected monitoring data for indicators of potential illicit discharges within the City and to assess the effectiveness of the BMPs in achieving the reductions outlined in the 2008 TMDL.

Evaluation Criteria: The City will report which monitoring points appear to have relatively higher pollutant levels. The City will make recommendations to the Gadsden-Etowah MS4 Storm Water Steering Committee to add and/or modify monitoring points to better characterize discharges from the MS4.

NPDES Industrial Permitting

Activity 17. NPDES Industrial Permitting

As authorized by the Clean Water Act, the NPDES Permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Title 40, Part 122 of the Code of Federal Regulations (40CFR122) specifies that discharges associated with certain industrial activities must obtain an NPDES permit. The ADEM currently provides for individual and general NPDES permitting.



Information pertaining to permitted facilities will be obtained from available public sources such as MYWATERS Mapping, EPA ECHO Database, and ADEM E-file and incorporated into the Storm Water System Map. This information will be used in conjunction with the storm water system mapping and monitoring data to evaluate potential sources of storm water pollution and to identify unpermitted facilities.

Unpermitted facilities that require an NPDES permit will be reported to the Industrial Section of the ADEM. The City of Hokes Bluff continues to rely on the ADEM for industrial NPDES permitting and enforcement.

Evaluation Criteria: The City will provide the number of unpermitted facilities reported to ADEM during the reporting period, if any. This information will help measure the effectiveness of the reporting and identification of unpermitted facilities.

7.2.4 *Responsible Party*

The City of Hokes Bluff Mayor's office are responsible for overseeing, developing, and coordinating the IDDE program in the City of Hokes Bluff regulated MS4 area.

7.3 **Construction Site Storm Water Runoff**

7.3.1 *Rationale Statement*

The City's construction site storm water runoff control program is primarily designed to address storm water pollution due to off-site sedimentation from qualifying construction sites to the maximum extent practicable.

7.3.2 *Target Audiences*

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Potential contributors of storm water pollution through development and construction activities.
- **Engineers**
 - Responsible for designing effective best management practices to minimize off-site sedimentation from construction activities.

7.3.3 *Outreach Strategies*

The City plans to implement the following activities as part of their Construction Site Storm Water Runoff Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.



A table identifying each Construction Site Storm Water Runoff strategy planned for each reporting period is provided in **Appendix G-2**. This table may aid in completion of the annual report.

Activity 1. Erosion and Sediment Control Ordinance

Ordinance HB-2012-002 dated December 11, 2012 regulates storm water management within the City. Section 4 of the ordinance requires that construction sites obtain a land disturbance permit from the City if the total disturbed area is greater than one acre. Section 6 of the ordinance also requires the submittal of a Best Management Practices (BMP) Plan that includes Sediment and Erosion Controls to the City with the permit application. Approval of each land disturbance permit application and associated plans is provided by the City in writing.

Section 6 of the Ordinance states *"The Authority hereby expresses its intent to rely upon the aforementioned standards established by ADEM and requires any BMP Plan filed with the Authority to be in a format acceptable to ADEM and contain all necessary information and details required by ADEM's applicable regulations and NPDES construction Storm Water permit."* Chapter 335-6-12 of the ADEM administrative code defines the *Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas* as the ADEM standard for BMP design. Therefore, the City will utilize the Handbook as the technical standards and guidelines for BMP design and installation.

The ordinance is included in **Appendix G-3**.

The City will evaluate the effectiveness of the Ordinance HB-2012-002 during each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing erosion and sediment control. The City will report the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or businesses responsible for identified non-compliant construction sites are repeat offenders.

Activity 2. Construction Site Inspection Program

Designated City personnel will inspect all qualifying construction sites within 60 days of initial disturbance, at periodic intervals during construction, and following stabilization. At a minimum an inspection will be conducted once a month for each priority construction site. The City Inspector performs the necessary inspections and implements work orders for subsequent inspections and potential enforcement when sites are non-compliant.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed, the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or business responsible for identified non-compliant construction sites are repeat offenders. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 3. Sediment and Erosion Control Plan Review

Ordinance No. HB-2012-002 requires the submittal of a BMP that includes sediment and erosion controls to the City with the permit application. Prior to approval or denial of a land disturbance permit application, the City will review the provided plans. Ordinance No. HB-2012-002 provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and number of plans that meet the requirements the Alabama Construction General Permit.

Activity 4. BMP Training Program

City personnel tasked with plan review and/or conducting BMP inspections will undergo annual training on proper design, installation, inspection, and maintenance of on-site control measures and on new technology and practices. All inspectors will complete initial storm water awareness training and attend annual refreshers. Currently the City has one trained employee, should additional plan reviewers or inspectors be needed, they will be trained accordingly.

Arvil Alford was certified as a Qualified Credentialed Inspector (QCI) in 2014. QCI certification will be maintained through the approved annual refresher courses.

Evaluation Criteria: The City will provide a copy of the QCI certificates and records of awareness training received during the reporting period.

Activity 5. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Awareness webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the Mayor's Office to make reports or use the electronic *Report Issues* Form on the Storm Water Awareness webpage. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of complaints received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and level of concern of storm water issues.

Activity 6. Notify ADEM of Non-Compliant Sites

The City will notify the ADEM of any construction sites where a possible violation of the Clean Water Act has occurred. Possible violations may include, but are not limited to, releases of sediment to a water of the State or failure to initiate corrective actions following an inspection by the City.

The City of Hokes Bluff will rely on the ADEM for construction NPDES enforcement. The City will maintain records of non-compliant sites referred to ADEM. Records will include:

- Name of the owner/operator
- Location of construction project



- Description of violation
- Required schedule for returning to compliance
- Description of enforcement response used, including escalated responses if repeat violations occur
- Accompanying documentation of enforcement responses (notices of non-compliance, notices of violations, etc.)

Evaluation Criteria: The City will report the total number of non-compliant construction sites reported to ADEM during the reporting period.

7.3.4 *Responsible Party*

The City of Hokes Bluff Mayor's office are responsible for implementing and tracking the construction site storm water provisions of the ordinance as well as other Construction Site Storm Water Runoff strategies.

7.4 **Post-Construction Storm Water Management in New Development and Redevelopment**

7.4.1 *Rationale Statement*

Post-construction runoff can significantly impact a water body by increasing the type and quantity of pollutants in storm water runoff and by increasing the volume of water delivered to the water body during storms. As runoff flows over areas altered by development, it collects sediment and chemicals such as oil, grease, pesticides, heavy metals, and nutrients. Instead of infiltrating, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff are delivered to the nearest receiving water. Both impacts can be mitigated by proper post-construction planning.

7.4.2 *Target Audiences*

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Responsible for development and construction activities that can impact post-construction storm water management.
- **Engineers**
 - Responsible for designing post-construction storm water management plans

7.4.3 *Outreach Strategies*

The City plans to implement the following activities as part of their Post-Construction Storm Water Management Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Post-Construction Storm Water Management strategy planned for each reporting period is provided in **Appendix G-2**. This table may aid in completion of the annual report.



Activity 1. Reducing Post-Construction Runoff Volume

Ordinance HB-2012-002, Section 7 requires post-construction storm water management measures to reduce runoff volume. Section 7.2 requires the submission of Post-Construction Strategies for City approval, either with the BMP Plan or separately. Section 7.3 requires the submission of as-built drawings to the City.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The City will report the number of submitted plans that include measures to reduce runoff volume. The evaluation may also examine which control measures are typically utilized and if additional examples should be added to the ordinance.

Activity 2. Reducing Pollutants from Development

Section 8.5 of Ordinance HB-2012-002 requires that requires that pollutants in runoff water be minimized using appropriate BMPs.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The evaluation may also examine which control measures are typically utilized and if examples of appropriate control measures should be added to the ordinance. The City will report the number of developments where treatment of storm water runoff is required and the criteria for requiring treatment of storm water runoff.

Activity 3. Long-Term Maintenance of Storm Water Controls

Ordinance HB-2012-002, Section 7.5 provides for inspections of implemented Post-Construction Strategies and allows the City to require documentation allocating responsibilities for long-term operation and maintenance, as it deems necessary. The City may also require that a method of funding be established or provided to ensure the long-term maintenance of post-construction BMPs.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing long-term maintenance of storm water controls. The City will report the number of submitted plans that include detailed maintenance procedures, the number of

maintenance agreements reviewed, the number of maintenance provisions approved or denied, and the number of enforcement actions taken.

Activity 4. Evaluate Obstacles to Low Impact/Green Development

The City will review and evaluate policies and ordinances related to building codes, or other local regulations, with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.

Evaluation Criteria: The City will report if obstacles are identified and provide a brief summary on how the conflicts will be resolved.

Activity 5. Plan Review

The City will review Sediment and Erosion Control Plans and Storm Water Management Plans for all new construction, prior to the approval or denial of a land disturbance permit application. If changes to post-construction controls are required, the City requires the plans to be resubmitted and the changes approved. The plans must provide a means of documenting that post-construction storm water measures meet the criteria of Ordinance No. HB-2012-002. Ordinance No. HB-2012-002 provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and the number of post-construction designs approved or rejected.

Activity 6. Construction Site Inspection Program

Designated City personnel will perform post-construction inspections for all post-construction controls within written notice that stabilization is complete to confirm post-construction storm water measures/structures have been installed according to the submitted plan. At a minimum an inspection will be conducted annually for each site to confirm post-construction BMPs are functioning as designed.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition



- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed and the number of projects that were completed as per the submitted plans, the number of projects that were not constructed in accordance to the plans, and the resolution of those projects that were not. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 7. Post-construction Structural Controls Inventory

The City will compile an inventory of post-construction structural controls including those owned by the City. The list will be updated annually.

Evaluation Criteria: The City will a table of the post-construction structural controls with the owner/operator. The City will identify the newly added controls during the reporting period.

7.4.4 Responsible Party

The City of Hokes Bluff Mayor's office are responsible for implementing the provisions of the ordinance pertaining to post construction storm water management as well as other Post - Construction Site Storm Water Runoff strategies.

7.5 Pollution Prevention and Good Housekeeping for Municipal Operations

7.5.1 Rationale Statement

The City of Hokes Bluff will develop and utilize BMPs designed to minimize pollution related to municipal operations and maintenance. These BMPs are intended to address storm water pollution from nutrients, sediments, petroleum products, and other common pollutants.

7.5.2 Target Audiences

The primary target audiences within the City are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
 - Potential contributors to storm water impacts through municipal operations



7.5.3 Outreach Strategies

The City will implement the following activities as part of their Pollution Prevention and Good Housekeeping for Municipal Operations Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Pollution Prevention and Good Housekeeping for Municipal Operations strategy planned for each reporting period is provided in **Appendix G-2**. This table may aid in completion of the annual report.

Activity 1. Municipal Facilities

The City will maintain a list of municipal facilities that have the potential to discharge pollutants through storm water runoff. Standard Operating Procedures (SOP) will be established detailing good housekeeping practices to be employed at each facility, where appropriate. These SOPs will be developed by **March 31, 2017**.

The City will inspect each facility for good housekeeping practices. A checklist will be used during inspections and to track noted deficiencies.

Evaluation Criteria: The City will provide a list of municipal facilities, the number of inspections performed at each facility, and the number of noted deficiencies. This information will help measure the municipal workers awareness of storm water issues.

Activity 2. Employee Training

The City will develop and implement a training program for municipal employees that focus on pollution prevention, good housekeeping measures, identification of potential illicit discharges, and other potential threats to storm water quality. Training materials will focus on vehicle maintenance and identification and reporting of potential illicit discharges.

A training session will be conducted each reporting period.

Evaluation Criteria: The City will provide details on the training topics presented to municipal workers during the reporting period. The City will keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 3. Vehicle Maintenance Program

The City of Hokes Bluff owns and operates a variety of vehicles and equipment used in municipal operations and maintenance. These vehicles include passenger cars, trucks, vans, and equipment. The City will continue to conduct routine maintenance of owned vehicles and will inspect vehicles for the presence of fluid leaks during routine

maintenance using the vehicle inspection log. The City will promptly repair vehicles determined to have leaks. The City will log all repairs with an inspection checklist.

Evaluation Criteria: The City will provide a completed inspection log for at least one vehicle used during the reporting period. The City will report the frequency of inspections and the number of vehicle or equipment leaks identified during the reporting period as a result of the inspection program. This information will help measure the effectiveness of the vehicle inspection and maintenance program.

Activity 4. Vehicle Wash Area

Vehicle washing will be performed only in designated areas. Each location will be reviewed, inspected, and modified as needed throughout the year. During the annual BMP training, the City will notify all employees of the locations of the designated wash areas.

The City will prohibit the use of phosphate-containing soaps for vehicle washing (unless washing takes place at an NPDES-permitted facility).

Evaluation Criteria: The City will report the number of designated municipal vehicle washing areas. The City will also keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 5. Litter Ordinance

Ordinance No. HB-2009-002 (dated November 12, 2009) Section XI states, *"It shall be unlawful for any person to sweep, throw or deposit or cause to be swept, thrown or deposited into or on any canal, stream, public water drain, sewer, or receiving basin, within the limits or the police jurisdiction of the City, any garbage, rubbish, or other refuse or to permit same to accumulate in such manner that it may be carried and deposited into or on any of the above by action of the rain, wind and snow."*

Section XII states, *"It shall be unlawful for any firm or business to permit the residue from their sweeping of buildings, parking areas, or sidewalks to be swept into curb lines or streets, but shall have such residue or trash placed in proper receptacles for pickup by garbage crews."*

Section XIII states, *"It shall be unlawful for any person to throw, cast or otherwise deposit or cause to be thrown, cast or otherwise deposited, any paper, garbage, rubbish, containers, either glass, metal or paper, or any other substance of any kind in or upon any curb, gutter, avenue, highway, sidewalk, park, parkway or lot, vacant or occupied, except as permitted elsewhere in the Code or other City Ordinance."*

The ordinance is included in **Appendix G-3**.



Evaluation Criteria: The City will report the number of enforcements during the reporting period. This information will help measure the effectiveness of the ordinance.

Activity 6. Litter, Floatables, and Debris – Brush Pickup

The City performs brush pickup on the first Monday of each month. The City will pick up small limbs, shrubbery, trimmings, bagged grass clippings, and leaves. The City will continue to implement a brush and leaf pickup program.

Evaluation Criteria: The City will describe how roads are prioritized. The City will also report the number of scheduled pickups and pounds of debris collected from pickups during the reporting period. This information will help measure the effectiveness of the brush and leaf pickup program.

Activity 7. Litter, Floatables, and Debris – Ferry Landing

The City maintains the Ferry Landing by performing cleanups during the months of May through October to clean up the area.

Evaluation Criteria: The City will report the number of times the area was cleaned up and total weight of debris/garbage collected during the reporting period. This information will help measure the effectiveness of the cleanup program.

Activity 8. Recycling Oil and Metal Waste

The City manages a drop-off facility at the City Shop for used oil and scrap metal. This program is advertised on the garbage bills.

Evaluation Criteria: The City will report the amount of materials (in total tons) collected from the drop-off location. This information will help measure the public awareness of the events and degree of public participation.

7.5.4 Responsible Party

The City of Hokes Bluff Mayor's office are responsible for implementing and tracking Pollution Prevention and Good Housekeeping strategies within municipal operations.



7.6 Agency Certification

I certify under penalty of law that this document and all attachments pertaining to the City of Hokes Bluff were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

Scott Reeves, Mayor
City of Hokes Bluff, Alabama

12-21-16

Date

8.0 Rainbow City

The City of Rainbow City (City) encompasses approximately 10.2% of the Urbanized Area and accounts for 11.3% of the population. A map depicting Rainbow City's urbanized area and city limits is located in **Appendix H-1, Figure 1**.

The following sections detail the rationale statement, targeted audiences, planned activities, evaluation criteria, and the responsible party regarding the referenced control measure.

8.1 Public Education and Public Involvement on Storm Water Impacts

8.1.1 *Rationale Statement*

The City's goal is to have a comprehensive and effective public education and public involvement program, the intent of which is to:

1. Generate awareness of storm water pollution prevention by educating people about the storm water system and its relationship to the health of local waterways;
2. Modify behavior patterns through education and encouragement of active participation in water pollution prevention;
3. Educate the public of steps they can take to reduce pollutants in storm water runoff; and
4. Involve the general public by providing activities and opportunities for public participation in the storm water management program.

8.1.2 *Target Audiences*

The primary target audiences within the City are as follows:

- **General Public** (homeowners and citizens)
 - Potential contributors of storm water pollution through litter, yard waste, vehicle washing, illicit discharges on and off impervious surfaces, and the application of pesticides, herbicides, and fertilizers.
- **Local Businesses**
 - Potential contributors of storm water pollution through illicit discharges, litter, waste handling procedures.
- **Landscape Companies**
 - Potential contributors of storm water pollution through the application of pesticides, herbicides, and fertilizers and illicit discharges on impervious surfaces.
- **Engineers, Developers, and Contractors**
 - Potential contributors of storm water pollution through off-site sedimentation from development and construction.

8.1.3 *Planned Activities*

The City plans to implement the following activities as part of their Public Education and Public Involvement Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Public Education and Public Involvement activity planned for each reporting period is provided in **Appendix H-2**. This table may aid in completion of the annual report.

Activity 1. Distribute Storm Water Educational Material

The City will use available resources obtained through networking or online resources, such as those provided by the EPA, to prepare storm water education material to increase awareness of the public on storm water topics. The City will distribute these materials to citizens and business owners by placing materials at the City Hall, Engineering Department, and the Public Library.

Topics might include the following:

- Introduce the MS4 to the general public and discuss the storm water cycle and how common contaminants enter the storm water system.
- Educate households and businesses about proper and improper use, storage, and disposal of common household chemicals such as herbicides, pesticides, and fertilizers.
- Make the public aware of how the improper use of these chemicals can impact storm water quality.
- Discuss storm water impacts specifically related to litter, floatables, and debris
- Discuss how the cumulative effect of these contaminants impact the Coosa River and what individual households and businesses can do to reduce storm water pollutants.
- Provide information on how to identify and report illicit discharges.
- Provide information on additional resources pertaining to storm water, storm water pollution, and Neely Henry Lake TMDLs.
- Provide information on storm water contacts within the Rainbow City and information on reporting potential storm water violations.

Evaluation Criteria: The City will report the number of materials placed at the City owned locations and how often the materials were replaced during the reporting period. This information will indicate the number of people who received educational materials

Activity 2. Maintain the Storm Water Webpage

The City provides information on the City's MS4 Program and permit on the Storm Water webpage within the Rainbow City's website. The City will maintain this webpage and provide additional educational materials each reporting period. Participation will be

tracked though the number of “hits” on the webpage. The webpage will continue to be updated periodically to:

- Include general information on the MS4 permit and SWMPP;
- Discuss the storm water cycle and how common contaminants enter the storm water system;
- Provide educational materials about proper and improper use, storage, and disposal of common household chemicals;
- Provide educational materials on storm water impacts specifically related to litter, floatables, and debris
- Provide links to related storm water resources;
- Provide information on how to identify and report illicit discharges; and,
- Provide a calendar of upcoming community events related to storm water outreach.

The webpage can be viewed at the link provided below:

http://www.rbcAlabama.com/html/stormwater_management.html

Evaluation Criteria: The City will report what information was added to the webpage and the number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated educational materials.

Activity 3. Annual Report and SWMPP Availability

The City will provide the SWMPP and the current Annual Report available for public viewing on the City’s website.

The webpage can be viewed at the link provided below:

http://www.rbcAlabama.com/html/stormwater_management.html

Evaluation Criteria: The City will report number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated SWMPP and Annual Report.

Activity 4. Partnerships in Educational and Public Involvement Events

The City will partner with Keep Etowah Beautiful, Clean Water Partnership of Alabama, and/or Alabama Power to distribute storm water educational material on storm water impacts specifically related to litter, floatables, and debris. The City will assist in promoting events such as *Renew Our Rivers*, *Message in a Bottle*, and/or community cleanup days. The events will be advertised and promoted by the City. Event details may be posted at the City Hall, Public Library, and other businesses. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the events.



Evaluation Criteria: The City will report number of participants who received educational materials during the events and the ways in which the City promoted and/or advertised the events. The City will report the number of City employees/representatives that participated in the event. This information will indicate the number of people who received educational materials and will help measure the public awareness of the events and degree of public participation.

Activity 5. Promote Water Quality Awareness Week

The City will promote the *Water Quality Awareness Week* through City resources including co-sponsoring radio, television, and print advertisement with co-permittees and other stakeholders.

Evaluation Criteria: The City will report activities associated with this event and the ways in which the City promoted *Water Quality Awareness Week*. This information will help measure the public awareness of the event and degree of public and City participation.

Activity 6. Promote and Participate in the Etowah County Water Festival

The *Etowah County Water Festival* is an annual event for fourth grade students from public in Etowah County, Alabama. The festival provides hands-on activities that teach students the importance of surface and groundwater, its role in the environment and its effect on human, animal and plant life. The City will promote and participate in the annual *Etowah County Water Festival* through City resources. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the festival.

Evaluation Criteria: The City will report number of City volunteers at the event and the ways in which the City promoted and/or advertised the event. This information will indicate the City's participation and will help measure the public awareness of the event and degree of public and City participation.

Activity 7. Gadsden-Etowah MS4 Steering Committee Meetings

The City will coordinate and/or participate in meetings of the Storm Water Steering Committee for entity updates, networking, and coordination of activities and BMP strategies.

Evaluation Criteria: The City will provide meeting agendas and attendance records during the reporting period. The City will report who attended each meeting. This information will indicate the participation of the steering committee and their interest in networking and coordination of activities.



Activity 8. Provide Information on Construction Site Storm Water Impacts

The City will provide pre-printed information on how construction site runoff can impact storm water quality to individuals requesting plan review and building/development permits.

Evaluation Criteria: The City will report the number of permits issued during the reporting period. This information will indicate the number of people who received educational materials.

Activity 9. Provide Information on Low Impact / Green Development

The City will provide pre-printed educational information on green development to individuals requesting plan review and building/development permits. Information may include references to additional resources such as the Green Building Alliance, Low Impact Development Center, and U.S. Department of Housing and Urban Development.

The City will encourage developers and engineers to consider green infrastructure alternatives during the plan review process.

Evaluation Criteria: The City will report the number of permits issued and number of projects that incorporate these techniques during the reporting period. This information will indicate the number of people who received educational materials.

Activity 10. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to provide input on the development, revision, and implementation of the SWMPP. Additionally the public can report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Utilities Board Engineering Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public reports, comment, or complaints will include:

- Date, time, and description of the report
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of inquiries received, the number of complaints addressed, and the number of complaints resolved during the



reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

8.1.4 *Responsible Party*

The Rainbow City Mayor's office and Engineering Department are responsible for overseeing, developing, and coordinating the Public Education and Public Involvement efforts.

8.2 **Illicit Discharge Detection and Elimination**

8.2.1 *Rationale Statement*

The Rainbow City Illicit Discharge Detection and Elimination (IDDE) program is designed to locate, identify, and correct illicit discharges to the MS4. Program emphasis will be placed on identifying and correcting pollutant discharges which could influence compliance with the Neely Henry Lake TMDLs and the Gadsden-Etowah monitoring program.

8.2.2 *Target Audiences*

The primary target audiences within the City for the IDDE program are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
- **General Public** (homeowners and citizens)
 - Potential contributors of illicit discharges from activities such as dumping paint, motor oil, or other chemicals into a storm drain.
- **Local Businesses**
 - Potential contributors of illicit discharges through inadequate management practices and/or unpermitted facilities

8.2.3 *Outreach Strategies*

The City developed an IDDE Program in March 2014, a copy of which is provided in **Appendix C**. The City will continue to review and modify the program as necessary.

The City plans to implement the activities described in their IDDE Program during each reporting period. The IDDE Program has been simplified for the purposes of this section of the SWMPP to describe required activities. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPS owned, operated or maintained by the City is located in **Appendix H-1, Figure 2**. A



table that provides latitude/longitude as well as other details of each known outfall is provided on **Figure 2** in **Appendix H-1**.

A table identifying each Illicit Discharge Detection and Elimination activity planned for each reporting period is provided in **Appendix H-2**. This table may aid in completion of the annual report.

Identifying Priority Areas

The City has delineated 3 drainage basins within the urbanized area.

Activity 1. Identify Priority Areas

The City will identify which drainage basins are considered Priority Areas for each reporting period using the illicit discharge potential (IDP) calculation procedures detailed in Section 3 of the IDDE Program. The City will maintain records of the IDP calculations for each drainage basin.

Evaluation Criteria: The City will report the total IDP score for each drainage basin and will provide an updated map showing the identified Priority Areas. The City will report drainage basins that are newly listed or de-listed from the previous reporting year's calculations.

Field Assessment Activities

Based on Section 4 of the IDDE Program, the City will walk approximately 20% of their total stream length within the regulated MS4 each reporting period. Based on the stream lengths obtained from the national hydrography dataset, the City has 14.41 miles of total stream length (inventory) to walk. The stream-walking programs will target Priority Areas first. The anticipated date of completion for the initial mapping is **March 31, 2019**.

The City has identified 74 outfalls within the MS4 Boundary.

Activity 2. Outfall Identification

The City has implemented a stream-walking program designed to identify previously unknown outfalls to the MS4 as well as verify and re-evaluate known outfalls. The City plans to complete an average of four to five miles of stream inventory each reporting period. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls identified and the stream length walked during the reporting period. The City will provide updated tables and maps that include the outfalls identified by the stream-walking program.



Activity 3. Probable Outfall Verification

Probable outfalls may be identified during field and/or mapping activities, during review of proposed development plans, or through illicit discharge reports. When a probable outfall is identified, it will be added to the Storm Sewer System Map and labeled as unverified.

The City will verify probable outfalls through field observation within 18 months of their addition to the Storm Sewer System Map. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will report the number of probable outfalls that were identified and the number of outfalls that were verified during the reporting period. The City will provide updated tables and maps that include the verified outfalls, as well as probable outfalls that are planned to be verified in the following reporting period. The City will maintain records of field observations.

Activity 4. Outfall Reconnaissance Inventory (ORI) Dry Weather

As required by the permit, 15% of all known outfalls will be inspected during each reporting period and all outfalls will be inspected in the 5 year permit cycle. Additionally, the City or subcontracted crews will conduct dry weather monitoring of major outfalls in Priority Areas at a frequency of 15% each reporting period. The implementation process is detailed in Section 7 of the IDDE Program. Dry weather monitoring activities may be combined with outfall verification as described in Activity 3.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls inspected during the reporting period. The City will also provide a summary of the results of outfall reconnaissance inventory activities conducted during the reporting period that will include a list of outfalls observed during each reporting period.

Activity 5. Suspect Discharge Sampling

If a dry weather flow has a severity index of 3 on one or more indicators in Section 4 of the Outfall Reconnaissance Inventory Field Sheet, or if field screening indicates a suspect discharge, field crews will collect samples for further analysis. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of identified dry weather flows, suspect discharges, and samples collected during the reporting period. The City will report the analysis results for the collected samples. The City will report if the suspect discharge was confirmed to be an illicit discharge and, if known, the type of illicit discharge.



IDDE Investigation

Activity 6. Outfall Ranking

Data from each Outfall Reconnaissance Inventory Field Sheet will be analyzed to characterize the observed outfall as having obvious, suspect, possible, or unlikely discharge potential. Obvious and suspect illicit discharges will be investigated within 10 and 30 days, respectively. Potential illicit discharges will be investigated within 60 days. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the ranking of each outfall inspected during the reporting period. The City will report the number of outfalls that required further investigation.

Activity 7. Discharge Investigation

Illicit discharge investigations will be performed to determine the source of a discharge problem. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of illicit discharge investigations performed during the reporting period. The City will also report the number of confirmed illicit discharges, if a source was determined, and if the discharge was eliminated.

Corrective Action Record Keeping

Activity 8. Corrective Action Record Keeping

When a suspect illicit discharge or illicit connection is identified, a case log detailing pertinent information will be created. Throughout the corrective action process, all information related to the resolution of the illicit discharge will be documented in the case log.

Evaluation Criteria: The City will maintain records of the corrective actions. The City will report the number of confirmed illicit discharges and the number of illicit discharges corrected or eliminated during the reporting period. The City will also report the number of confirmed illicit discharges where corrective action is pending.

Storm Water System Mapping

As stated in Section 4.2, the City has created a Storm Water System map depicting all known outfalls, waters of the state that receive discharges from these outfalls, and structural BMPs owned, operated or maintained by the City. A copy of the map is located in **Appendix H-1, Figure 2**. A table that provides latitude/longitude as well as other details of each known outfall is provided on **Figure 2** in **Appendix H-2**.

Activity 9. Update Storm Water System Map – Existing Features

The City will update the Map as new outfalls are located and new structural BMPs are

identified or added to the MS4. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 10. Update Storm Water System Map – Future Additions

Proposed additions within the City, including new storm sewer and drainage conveyances, will be mapped based on the civil plans provided to the City by developers. Outfalls from proposed development will be verified after construction is complete, as part of Activity 3. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will report the number of civil plans provided to the City and the number of verified new features or outfalls during the reporting period. The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Illicit Discharge Ordinance

Activity 11. Evaluate IDDE Ordinance

Section 11 of Ordinance No. 490 defines illicit discharges and responsibility of the public as well as procedures for escalating enforcement and removal actions. This is also further discussed in Section 6 of the IDDE Program. The City will evaluate the effectiveness of the ordinance each reporting period. If updates are required, the City will amend the existing ordinance or prepare a new ordinance. The ordinance is included in **Appendix H-3**.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing identified illicit discharges and preventing repeat offenders. The City will report the number of complaints received, number of illicit discharges identified during the reporting period, the number of resolved violations, the number of repeat offenders, and the number of enforcement actions taken.

IDDE Public Education

Activity 12. Distribute Storm Water Educational Material

The City will provide educational materials highlighting identification and reporting of potential illicit discharges on the City's storm water webpage and/or place educational materials at City owned locations such as the City Hall, the Public Library, and/or Engineering Department.

Evaluation Criteria: The City will report the number of hits to the webpage and/or the number of materials placed at the City owned locations and how often the materials were

replaced during the reporting period. This information will indicate the number of people who received educational materials.

Activity 13. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Utilities Board Engineering Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject of the subject complaint
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will track the total number of reports received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 14. Municipal Training

Municipal workers will be trained in the identification of illicit discharges as well as the prevention of storm water pollution at municipal facilities or related to municipal activities. Specific municipal operations such as fueling, vehicle maintenance, vehicle washing, paint and paint waste storage and disposal, and used oil disposal may be addressed. The training session will be conducted annually during each reporting period.

Municipal workers will be notified of the procedures for reporting suspected illicit discharges to the City Engineer and/or the City IDDE Program Manager, including the preferred method of contact (email) and the information to be included in the report (e.g., location, date, time, observations).

Evaluation Criteria: The City will provide details on the training topics presented to the municipal workers. The City will maintain attendance records and report the number of



municipal workers trained during the reporting period. This information will help evaluate the municipal workers awareness of illicit discharges and storm water issues.

Storm Water Monitoring

Activity 15. Storm Water Monitoring Locations

Storm water monitoring locations were identified in Table 2.1, Section 2.5 and are depicted on the City's Storm Water System Map. If additional monitoring locations are recommended as a result of the analysis of the monitoring data, the City will update the map with the revised or additional locations.

Evaluation Criteria: If additional locations are added, the City will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 16. Evaluation of Monitoring Data

In conjunction with the monitoring provisions of Section 2.2 of the SWMPP, the City will evaluate the collected monitoring data for indicators of potential illicit discharges within the City and to assess the effectiveness of the BMPs in achieving the reductions outlined in the 2008 TMDL.

Evaluation Criteria: The City will report which monitoring points appear to have relatively higher pollutant levels. The City will make recommendations to the Gadsden-Etowah MS4 Storm Water Steering Committee to add and/or modify monitoring points to better characterize discharges from the MS4.

NPDES Industrial Permitting

Activity 17. NPDES Industrial Permitting

As authorized by the Clean Water Act, the NPDES Permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Title 40, Part 122 of the Code of Federal Regulations (40CFR122) specifies that discharges associated with certain industrial activities must obtain an NPDES permit. The ADEM currently provides for individual and general NPDES permitting.

Information pertaining to permitted facilities will be obtained from available public sources such as MYWATERS Mapping, EPA ECHO Database, and ADEM E-file and incorporated into the Storm Water System Map. This information will be used in conjunction with the storm water system mapping and monitoring data to evaluate potential sources of storm water pollution and to identify unpermitted facilities.

Unpermitted facilities that require an NPDES permit will be reported to the Industrial Section of the ADEM. The Rainbow City continues to rely on the ADEM for industrial NPDES permitting and enforcement.

Evaluation Criteria: The City will provide the number of unpermitted facilities reported to ADEM during the reporting period, if any. This information will help measure the effectiveness of the reporting and identification of unpermitted facilities.

8.2.4 Responsible Party

The Rainbow City Mayor's office and Engineering Department are responsible for overseeing, developing, and coordinating the IDDE program in the Rainbow City regulated MS4 area.

8.3 Construction Site Storm Water Runoff

8.3.1 Rationale Statement

The City's construction site storm water runoff control program is primarily designed to address storm water pollution due to off-site sedimentation from qualifying construction sites to the maximum extent practicable.

8.3.2 Target Audiences

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Potential contributors of storm water pollution through development and construction activities.
- **Engineers**
 - Responsible for designing effective best management practices to minimize off-site sedimentation from construction activities.

8.3.3 Outreach Strategies

The City plans to implement the following activities as part of their Construction Site Storm Water Runoff Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Construction Site Storm Water Runoff strategy planned for each reporting period is provided in **Appendix H-2**. This table may aid in completion of the annual report.

Activity 1. Erosion and Sediment Control Ordinance

Ordinance No. 490 dated December 10, 2012 regulates storm water management within the City. Section 4 of the ordinance requires that construction sites obtain a land disturbance permit from the City if the total disturbed area is greater than one acre or less than one acre but whose activity is part of a larger common plan of development or sale that disturbs one acre or more. The ordinance also requires the submittal of Site Plans, Sediment and Erosion Control Plans, and Storm Water Management Plans to the City with the permit application. Approval of each land disturbance permit application

and associated plans is provided by the City in writing. Section 11 includes provisions to ensure compliance and provide for enforcement of the City storm water regulations.

Section 8 of Ordinance 490 also states Erosion and Sediment Controls shall meet the design criteria set forth in the most recent edition of the *Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas*.

The ordinance is included in **Appendix H-3**.

The City will evaluate the effectiveness of the Ordinance No. 490 during each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing erosion and sediment control. The City will report the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or businesses responsible for identified non-compliant construction sites are repeat offenders.

Activity 2. Construction Site Inspection Program

Designated City personnel will inspect all qualifying construction sites within 60 days of initial disturbance, at periodic intervals during construction, and following stabilization. At a minimum an inspection will be conducted once a month for each priority construction site. The Building Department Inspectors and Engineering Department personnel work together to perform the necessary inspections and implements work orders for subsequent inspections and potential enforcement when sites are non-compliant.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The Construction Inspection SOP is provided in **Appendix H-4** and can be downloaded from the City Webpage:

http://www.rbcAlabama.com/html/stormwater_management.html

The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed, the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or business responsible for identified non-compliant construction sites are repeat offenders. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 3. Sediment and Erosion Control Plan Review

Ordinance No. 490 Section 4 requires the submittal of the submittal of Site Plans, Sediment and Erosion Control Plans, and Storm Water Management Plans to the City with the permit application. Prior to approval or denial of a land disturbance permit application, the City will review the provided plans. Ordinance No. 490 Section 4 provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

The Plan Site Review SOP is provided in **Appendix H-4** and can be downloaded from the City Webpage:

http://www.rbcAlabama.com/html/stormwater_management.html

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and number of plans that meet the requirements the Alabama Construction General Permit.

Activity 4. BMP Training Program

City personnel tasked with plan review and/or conducting BMP inspections will undergo annual training on proper design, installation, inspection, and maintenance of on-site control measures and on new technology and practices. All inspectors will complete initial storm water awareness training and attend annual refreshers. Currently the City has one trained employee, should additional plan reviewers or inspectors be needed, they will be trained accordingly.

Kevin Ashley was certified as a Qualified Credentialed Inspector (QCI) (QCI #T3477). QCI certification will be maintained through the approved annual refresher courses.



Evaluation Criteria: The City will provide a copy of the QCI certificates and records of awareness training received during the reporting period.

Activity 5. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Utilities Board Engineering Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of complaints received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 6. Notify ADEM of Non-Compliant Sites

The City will notify the ADEM of any construction sites where a possible violation of the Clean Water Act has occurred. Possible violations may include, but are not limited to, releases of sediment to a water of the State or failure to initiate corrective actions following an inspection by the City.

Rainbow City will rely on the ADEM for construction NPDES enforcement. The City will maintain records of non-compliant sites referred to ADEM. Records will include:

- Name of the owner/operator
- Location of construction project
- Description of violation
- Required schedule for returning to compliance
- Description of enforcement response used, including escalated responses if repeat violations occur

- Accompanying documentation of enforcement responses (notices of non-compliance, notices of violations, etc.)

Evaluation Criteria: The City will report the total number of non-compliant construction sites reported to ADEM during the reporting period.

8.3.4 *Responsible Party*

The Rainbow City Mayor's office and Engineering Department are responsible for implementing and tracking the construction site storm water provisions of the ordinance as well as other Construction Site Storm Water Runoff strategies.

8.4 **Post-Construction Storm Water Management in New Development and Redevelopment**

8.4.1 *Rationale Statement*

Post-construction runoff can significantly impact a water body by increasing the type and quantity of pollutants in storm water runoff and by increasing the volume of water delivered to the water body during storms. As runoff flows over areas altered by development, it collects sediment and chemicals such as oil, grease, pesticides, heavy metals, and nutrients. Instead of infiltrating, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff are delivered to the nearest receiving water. Both impacts can be mitigated by proper post-construction planning.

8.4.2 *Target Audiences*

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Responsible for development and construction activities that can impact post-construction storm water management.
- **Engineers**
 - Responsible for designing post-construction storm water management plans

8.4.3 *Outreach Strategies*

The City plans to implement the following activities as part of their Post-Construction Storm Water Management Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Post-Construction Storm Water Management strategy planned for each reporting period is provided in **Appendix H-2**. This table may aid in completion of the annual report.

Activity 1. Reducing Post-Construction Runoff Volume

Section 7 of Ordinance No. 490 provides for post-construction storm water management measures to reduce runoff volume. The ordinance requires a "combination of structural

and/or non-structural BMPs designed to require, to the maximum extent practicable, that the volume and velocity of pre-construction Storm water runoff is not exceeded." The ordinance also requires the permittee to show "proposed final site conditions and describe how the volume and velocity of storm water leaving the site will be managed after construction is complete to require, to the maximum extent practicable, that it does not exceed the volume and velocity of pre-construction storm water runoff."

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The City will report the number of submitted plans that include measures to reduce runoff volume. The evaluation may also examine which control measures are typically utilized and if additional examples should be added to the ordinance.

Activity 2. Reducing Pollutants from Development

Section 8.E of Ordinance No. 490 requires that requires that pollutants in runoff water be minimized using appropriate BMPs.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The evaluation may also examine which control measures are typically utilized and if examples of appropriate control measures should be added to the ordinance. The City will report the number of developments where treatment of storm water runoff is required and the criteria for requiring treatment of storm water runoff.

Activity 3. Long-Term Maintenance of Storm Water Controls

Section 7 of Ordinance No. 490 requires long-term maintenance of storm water control structures. The Ordinance states the permittee must provide "*documentation allocating responsibilities for long-term operation and maintenance of Post-Construction Strategies, as it deems necessary.*" The City may also require the permittee to establish a method of funding to ensure the long term maintenance of any post-construction BMPs.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing long-term maintenance of storm water controls. The City will report the number of submitted plans that include detailed maintenance procedures, the number of

maintenance agreements reviewed, the number of maintenance provisions approved or denied, and the number of enforcement actions taken.

Activity 4. Evaluate Obstacles to Low Impact/Green Development

The City will review and evaluate policies and ordinances related to building codes, or other local regulations, with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.

Evaluation Criteria: The City will report if obstacles are identified and provide a brief summary on how the conflicts will be resolved.

Activity 5. Plan Review

The City will review Sediment and Erosion Control Plans and Storm Water Management Plans for all new construction, prior to the approval or denial of a land disturbance permit application. If changes to post-construction controls are required, the City requires the plans to be resubmitted and pre-approved. The plans must demonstrate and document that post-construction storm water measures have been installed per design specifications. Ordinance No. 490 Section 7 provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and the number of post-construction designs approved or rejected.

Activity 6. Construction Site Inspection Program

Designated City personnel will perform post-construction inspections with written notice that stabilization is complete to confirm post-construction storm water measures/structures have been installed according to the submitted plans. At a minimum an inspection will be conducted annually for each site to confirm post-construction BMPs are functioning as designed.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition



- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed, the number of sites identified that were not constructed according to the submitted plans, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or business responsible for identified non-compliant construction sites are repeat offenders. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 7. Post-construction Structural Controls Inventory

The City will compile an inventory of post-construction structural controls including those owned by the City. The list will be updated annually.

Evaluation Criteria: The City will a table of the post-construction structural controls with the owner/operator. The City will identify the newly added controls during the reporting period.

8.4.4 Responsible Party

The Rainbow City Mayor's office and Engineering Department are responsible for implementing the provisions of the ordinance pertaining to post construction storm water management as well as other Post - Construction Site Storm Water Runoff strategies.

8.5 Pollution Prevention and Good Housekeeping for Municipal Operations

8.5.1 Rationale Statement

Rainbow City will develop and utilize BMPs designed to minimize pollution related to municipal operations and maintenance. These BMPs are intended to address storm water pollution from nutrients, sediments, petroleum products, and other common pollutants.

8.5.2 Target Audiences

The primary target audiences within the City are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
 - Potential contributors to storm water impacts through municipal operations



8.5.3 Outreach Strategies

The City will implement the following activities as part of their Pollution Prevention and Good Housekeeping for Municipal Operations Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Pollution Prevention and Good Housekeeping for Municipal Operations strategy planned for each reporting period is provided in **Appendix H-2**. This table may aid in completion of the annual report.

Activity 1. Municipal Facilities

The City will maintain a list of municipal facilities that have the potential to discharge pollutants through storm water runoff. Standard Operating Procedures (SOP) will be established detailing good housekeeping practices to be employed at each facility, where appropriate. These SOPs will be developed by **March 31, 2017**.

The City will inspect each facility for good housekeeping practices. A checklist will be used during inspections and to track noted deficiencies.

Evaluation Criteria: The City will provide a list of municipal facilities, the number of inspections performed at each facility, and the number of noted deficiencies. This information will help measure the municipal workers awareness of storm water issues.

Activity 2. Employee Training

The City will develop and implement a training program for municipal employees that focus on pollution prevention, good housekeeping measures, identification of potential illicit discharges, and other potential threats to storm water quality. Training materials will focus on vehicle maintenance and identification and reporting of potential illicit discharges.

A training session will be conducted each reporting period.

Evaluation Criteria: The City will provide details on the training topics presented to municipal workers during the reporting period. The City will keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 3. Vehicle Maintenance Program

The Rainbow City owns and operates a variety of vehicles and equipment used in municipal operations and maintenance. These vehicles include passenger cars, trucks, vans, and equipment. The City will continue to conduct routine maintenance of owned vehicles and will inspect vehicles for the presence of fluid leaks during routine



maintenance using the vehicle inspection log. The City will promptly repair vehicles determined to have leaks. The City will log all repairs with an inspection checklist.

Evaluation Criteria: The City will provide a completed inspection log for at least one vehicle used during the reporting period. The City will report the frequency of inspections and the number of vehicle or equipment leaks identified during the reporting period as a result of the inspection program. This information will help measure the effectiveness of the vehicle inspection and maintenance program.

Activity 4. Vehicle Wash Area

Vehicle washing will be performed only in designated areas. Each location will be reviewed, inspected, and modified as needed throughout the year. During the annual BMP training, the City will notify all employees of the locations of the designated wash areas.

The City will continue to not use phosphate-containing soaps for vehicle washing (unless washing takes place at an NPDES-permitted facility) and will incorporate non-phosphatic detergents in wash procedures.

Evaluation Criteria: The City will report the number of designated municipal vehicle washing areas. The City will also keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 5. Pesticide Application

Most pesticide application is performed by an outside contractor. Prior to entering into or renewing any additional contracts the City will require the contractor to provide all necessary certifications and licensing during the bid process.

The City has a Mosquito Control Program. Applications are limited to below the threshold required for NOI submittal under a NPDES ALG870000 permit. Should City applications exceed thresholds, then the City will obtain an NPDES permit from ADEM for application practices. The City will follow ADEM regulations regarding mosquito pesticide application.

To reduce potential impact to waterways, the City will review all areas where pesticides are to be used. Areas where pesticides are determine to post a threat to water quality should be noted on the storm water map and identified in the annual report.

The City will comply with pesticide application and disposal regulations.

Evaluation Criteria: The City will maintain a copy of the current certification. The City will report the number of areas where it was determined pesticides impacted waterways during the reporting period, if any, and how the impact was resolved. A Storm Water



System Map showing the location of these areas will be provided in the Annual Report. This information will help measure the effectiveness of the City's review.

Activity 6. Litter, Floatables, and Debris – Brush Pickup

The City performs brush, pruned limbs, bagged leaves, grass clippings, and pine straw pickup throughout the year on a monthly basis. The City will continue to implement a brush and leaf pickup program.

Evaluation Criteria: The City will describe how roads are prioritized. The City will also report the number of scheduled pickups and pounds of debris collected from pickups during the reporting period. This information will help measure the effectiveness of the brush and leaf pickup program.

8.5.4 Responsible Party

The Rainbow City Mayor's office and Engineering Department are responsible for implementing and tracking Pollution Prevention and Good Housekeeping strategies within municipal operations.

8.6 Agency Certification

I certify under penalty of law that this document and all attachments pertaining to the Rainbow City were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

Terry John Calhoun, Mayor
Rainbow City, Alabama

Date

9.0 City of Southside

The City of Southside encompasses approximately 13.4% of the Urbanized Area and accounts for 10% of the population. A map depicting the City of Southside's urbanized area and city limits is located in **Appendix I-1, Figure 1**.

The following sections detail the rationale statement, targeted audiences, planned activities, evaluation criteria, and the responsible party regarding the referenced control measure.

9.1 Public Education and Public Involvement on Storm Water Impacts

9.1.1 Rationale Statement

The City's goal is to have a comprehensive and effective public education and public involvement program, the intent of which is to:

1. Generate awareness of storm water pollution prevention by educating people about the storm water system and its relationship to the health of local waterways;
2. Modify behavior patterns through education and encouragement of active participation in water pollution prevention;
3. Educate the public of steps they can take to reduce pollutants in storm water runoff; and
4. Involve the general public by providing activities and opportunities for public participation in the storm water management program.

9.1.2 Target Audiences

The primary target audiences within the City are as follows:

- **General Public** (homeowners and citizens)
 - Potential contributors of storm water pollution through litter, yard waste, vehicle washing, illicit discharges on and off impervious surfaces, and the application of pesticides, herbicides, and fertilizers.
- **Local Businesses**
 - Potential contributors of storm water pollution through illicit discharges, litter, waste handling procedures.
- **Landscape Companies**
 - Potential contributors of storm water pollution through the application of pesticides, herbicides, and fertilizers and illicit discharges on impervious surfaces.
- **Engineers, Developers, and Contractors**
 - Potential contributors of storm water pollution through off-site sedimentation from development and construction.



9.1.3 *Planned Activities*

The City plans to implement the following activities as part of their Public Education and Public Involvement Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Public Education and Public Involvement activity planned for each reporting period is provided in **Appendix I-2**. This table may aid in completion of the annual report.

Activity 1. Distribute Storm Water Educational Material

The City will use available resources obtained through networking or online resources, such as those provided by EPA, to prepare storm water education material to increase awareness of the public on storm water topics. The City will distribute these materials to approximately 2,800 households and businesses through inclusion in water and garbage collection bills or provided as an advertisement in the Gadsden Times.

Topics might include the following:

- Introduce the MS4 to the general public and discuss the storm water cycle and how common contaminants enter the storm water system.
- Educate households and businesses about proper and improper use, storage, and disposal of common household chemicals such as herbicides, pesticides, and fertilizers.
- Make the public aware of how the improper use of these chemicals can impact storm water quality.
- Discuss storm water impacts specifically related to litter, floatables, and debris
- Discuss how the cumulative effect of these contaminants impact the Coosa River and what individual households and businesses can do to reduce storm water pollutants.
- Provide information on how to identify and report illicit discharges.
- Provide information on additional resources pertaining to storm water, storm water pollution, and Neely Henry Lake TMDLs.
- Provide information on storm water contacts within the City of Southside and information on reporting potential storm water violations.

Evaluation Criteria: The City will report the number of households who receive the mail-out during the reporting period. This information will indicate the number of people who received educational materials.

Activity 2. Maintain the Storm Water Webpage

The City provides information on the City's MS4 Program and permit on the Storm Water Management webpage within the City of Southside's website. The City will maintain this webpage and provide additional educational materials each reporting period.

Participation will be tracked through the number of “hits” on the webpage. The webpage will continue to be updated periodically to:

- Include general information on the MS4 permit and SWMPP;
- Discuss the storm water cycle and how common contaminants enter the storm water system;
- Provide educational materials about proper and improper use, storage, and disposal of common household chemicals;
- Provide educational materials on storm water impacts specifically related to litter, floatables, and debris
- Provide links to related storm water resources;
- Provide information on how to identify and report illicit discharges; and,
- Provide a calendar of upcoming community events related to storm water outreach.

The webpage can be viewed at the link provided below:

<http://www.cityofsouthside.com/Default.asp?ID=277&pg=Storm+Water+Management>

Evaluation Criteria: The City will report what information was added to the webpage and the number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated educational materials.

Activity 3. Annual Report and SWMPP Availability

The City will provide the SWMPP and the current Annual Report available for public viewing on the City’s website.

The webpage can be viewed at the link provided below:

<http://www.cityofsouthside.com/Default.asp?ID=277&pg=Storm+Water+Management>

Evaluation Criteria: The City will report number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated SWMPP and Annual Report.

Activity 4. Maintain Facebook Page

The City maintains a City of Southside Storm Water Management Facebook page to promote upcoming events and provide links to educational information to the public. The City will update the Facebook page when necessary.

Evaluation Criteria: The City will report what information was added to the Facebook page and the number of “followers”. This information will indicate the number of people who view the Facebook page and the associated educational materials.

Activity 5. Staff a Display at City Fest

The City will provide storm water outreach material and/or staff a display during the annual City Fest event scheduled in July. Pre-printed outreach material and/or displays may include:

- Introduction to the MS4 and the General Permit requirements
- Discussion of the storm water cycle and how common contaminants enter the storm water system
- Information on proper and improper use, storage, and disposal of common household chemicals
- Information regarding the Neely Henry Lake TMDLs
- Storm water contacts within the City of Southside and information on reporting potential storm water violations.

Evaluation Criteria: The City will report the number of educational material distributed at the event and the estimated number of people that stopped by the booth. This information will indicate the number of people who received educational materials.

Activity 6. Partnerships in Educational and Public Involvement Events

The City will partner with Keep Etowah Beautiful, Clean Water Partnership of Alabama, and/or Alabama Power to distribute storm water educational material on storm water impacts specifically related to litter, floatables, and debris. The City will assist in promoting events such as *Renew Our Rivers*, *Message in a Bottle*, and/or community cleanup days. The events will be advertised and promoted by the City. Event details may be posted at the City Hall, the Public Library, and other businesses. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the events.

Evaluation Criteria: The City will report number of participants who received educational materials during the events and the ways in which the City promoted and/or advertised the events. The City will report the number of City employees/representatives that participated in each event. This information will indicate the number of people who received educational materials and will help measure the public awareness of the events and degree of public participation.

Activity 7. Promote Water Quality Awareness Week

The City will promote an annual *Water Quality Awareness Week* through City resources including co-sponsoring radio, television, and print advertisement with co-permittees and other stakeholders.

Evaluation Criteria: The City will report activities associated with this event and the ways in which the City promoted *Water Quality Awareness Week*. This information will help measure the public awareness of the event and degree of public and City participation.

Activity 8. Promote and Participate in the Etowah County Water Festival

The *Etowah County Water Festival* is an annual event for fourth grade students from public schools in Etowah County, Alabama. The festival provides hands-on activities that teach students the importance of surface and groundwater, its role in the environment and its effect on human, animal and plant life. The City will promote and participate in the annual *Etowah County Water Festival* through City resources. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the festival.

Evaluation Criteria: The City will report number of City volunteers at the event and the ways in which the City promoted and/or advertised the event. This information will indicate the City's participation and will help measure the public awareness of the event and degree of public and City participation.

Activity 9. Gadsden - Etowah MS4 Steering Committee Meetings

The City will coordinate and/or participate in meetings of the Storm Water Steering Committee for entity updates, networking, and coordination of activities and BMP strategies.

Evaluation Criteria: The City will provide meeting agendas and attendance records during the reporting period. The City will report who attended each meeting. This information will indicate the participation of the steering committee and their interest in networking and coordination of activities.

Activity 10. Provide Information on Construction Site Storm Water Impacts

The City will provide pre-printed educational information on how construction site runoff can impact storm water quality to individuals requesting plan review and building/development permits.

Evaluation Criteria: The City will report the number of permits issued during the reporting period. This information will indicate the number of people who received educational materials.

Activity 11. Provide Information on Low Impact / Green Development

The City will provide pre-printed educational information on green development to individuals requesting plan review and building/development permits. Information may include references to additional resources such as the Green Building Alliance, Low Impact Development Center, and U.S. Department of Housing and Urban Development.

The City will encourage developers and engineers to consider green infrastructure alternatives during the plan review process.

Evaluation Criteria: The City will report the number of permits issued and number of projects that incorporate these techniques during the reporting period. This information will indicate the number of people who received educational materials.

Activity 12. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to provide input on the development, revision, and implementation of the SWMPP. Additionally the public can report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Storm Water Management Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public reports, comment, or complaints will include:

- Date, time, and description of the report
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received reports and the City's responses to the received reports. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of inquiries received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 13. No Dumping/No Littering Signs

The City has placed "No Dumping" or "No Littering" signs in problem areas throughout the City. The City will maintain these signs and place additional signs if necessary.

Evaluation Criteria: The City will report the amount of materials (in total tons) collected in these areas. This information will help measure the effectiveness of the signs in reducing the amount of materials dumped in problem areas.



9.1.4 *Responsible Party*

The City of Southside Mayor's office and Building Department are responsible for overseeing, developing, and coordinating the Public Education and Public Involvement efforts.

9.2 **Illicit Discharge Detection and Elimination**

9.2.1 *Rationale Statement*

The City of Southside Illicit Discharge Detection and Elimination (IDDE) program is designed to locate, identify, and correct illicit discharges to the MS4. Program emphasis will be placed on identifying and correcting pollutant discharges which could influence compliance with the Neely Henry Lake TMDLs and the Gadsden-Etowah monitoring program.

9.2.2 *Target Audiences*

The primary target audiences within the City for the IDDE program are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
- **General Public** (homeowners and citizens)
 - Potential contributors of illicit discharges from activities such as dumping paint, motor oil, or other chemicals into a storm drain.
- **Local Businesses**
 - Potential contributors of illicit discharges through inadequate management practices and/or unpermitted facilities

9.2.3 *Outreach Strategies*

The City developed an IDDE Program in March 2014, a copy of which is provided in **Appendix C**. The City will continue to review and modify the program as necessary.

The City plans to implement the activities described in their IDDE Program during each reporting period. The IDDE Program has been simplified for the purposes of this section of the SWMPP to describe required activities. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPS owned, operated or maintained by the City is located in **Appendix I-2, Figure 2**. A table that provides latitude/longitude is located on **Figure 2** in **Appendix II**.

A table identifying each Illicit Discharge Detection and Elimination activity planned for each reporting period is provided in **Appendix I-2**. This table may aid in completion of the annual report.



Identifying Priority Areas

The City has delineated seven drainage basins within the urbanized area (see **Appendix I, Figure 3**).

Activity 1. Identify Priority Areas

The City will identify which drainage basins are considered Priority Areas for each reporting period using the illicit discharge potential (IDP) calculation procedures detailed in Section 3 of the IDDE Program. The City will maintain records of the IDP calculations for each drainage basin.

Evaluation Criteria: The City will report the total IDP score for each drainage basin and will provide an updated map showing the identified Priority Areas. The City will report drainage basins that are newly listed or de-listed from the previous reporting year's calculations.

Field Assessment Activities

Based on Section 4 of the IDDE Program, the City will walk approximately 20% of their total stream length within the regulated MS4 each reporting period. Based on the stream lengths obtained from the national hydrography dataset, the City has 18.65 miles of total stream length (inventory) to walk. The stream-walking programs will target Priority Areas first. The anticipated date of completion for the initial mapping is **March 31, 2019**.

The City has identified 16 outfalls within the MS4 Boundary.

Activity 2. Outfall Identification

The City has implemented a stream-walking program designed to identify previously unknown outfalls to the MS4 as well as verify and re-evaluate known outfalls. The City plans to complete an average of 4-5 miles of stream inventory each reporting period. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls identified and the stream length walked during the reporting period. The City will provide updated tables and maps that include the outfalls identified by the stream-walking program.

Activity 3. Probable Outfall Verification

Probable outfalls may be identified during field and/or mapping activities, during review of proposed development plans, or through illicit discharge reports. When a probable outfall is identified, it will be added to the Storm Sewer System Map and labeled as unverified.



The City will verify probable outfalls through field observation within 18 months of their addition to the Storm Sewer System Map. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The City will report the number of probable outfalls that were identified and the number of outfalls that were verified during the reporting period. The City will provide updated tables and maps that include the verified outfalls, as well as probable outfalls that are planned to be verified in the following reporting period. The City will maintain records of field observations.

Activity 4. Outfall Reconnaissance Inventory (ORI) Dry Weather

As required by the permit, 15% of all known outfalls will be inspected during each reporting period and all outfalls will be inspected in the 5 year permit cycle. Additionally, the City or subcontracted crews will conduct dry weather monitoring of major outfalls in Priority Areas at a frequency of 20% each reporting period. The implementation process is detailed in Section 7 of the IDDE Program. Dry weather monitoring activities may be combined with outfall verification as described in Activity 3.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls inspected during the reporting period. The City will also provide a summary of the results of outfall reconnaissance inventory activities conducted during the reporting period that will include a list of outfalls observed during each reporting period.

Activity 5. Suspect Discharge Sampling

If a dry weather flow has a severity index of 3 on one or more indicators in Section 4 of the Outfall Reconnaissance Inventory Field Sheet, or if field screening indicates a suspect discharge, field crews will collect samples for further analysis. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of identified dry weather flows, suspect discharges, and samples collected during the reporting period. The City will report the analysis results for the collected samples. The City will report if the suspect discharge was confirmed to be an illicit discharge and, if known, the type of illicit discharge.

IDDE Investigation

Activity 6. Outfall Ranking

Data from each Outfall Reconnaissance Inventory Field Sheet will be analyzed to characterize the observed outfall as having obvious, suspect, possible, or unlikely discharge potential. Obvious and suspect illicit discharges will be investigated within 10



and 30 days, respectively. Potential illicit discharges will be investigated within 60 days. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the ranking of each outfall inspected during the reporting period. The City will report the number of outfalls that required further investigation.

Activity 7. Discharge Investigation

Illicit discharge investigations will be performed to determine the source of a discharge problem. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The City will report the number of illicit discharge investigations performed during the reporting period. The City will also report the number of confirmed illicit discharges, if a source was determined, and if the discharge was eliminated.

Corrective Action Record Keeping

Activity 8. Corrective Action Record Keeping

When a suspect illicit discharge or illicit connection is identified, a case log detailing pertinent information will be created. Throughout the corrective action process, all information related to the resolution of the illicit discharge will be documented in the case log.

Evaluation Criteria: The City will maintain records of the correction actions. The City will report the number of confirmed illicit discharges and the number of illicit discharges corrected or eliminated during the reporting period. The City will also report the number of confirmed illicit discharges where corrective action is pending.

Storm Water System Mapping

As stated in Section 4.2, the City has created a Storm Water System map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPS owned, operated or maintained by the City. A copy of the map is located in **Appendix I-1, Figure 2**. A table that provides latitude/longitude is provided on **Figure 2** in **Appendix III**.

Activity 9. Update Storm Water System Map – Existing Features

The City will update the Map as new outfalls are located and new structural BMPs are identified or added to the MS4. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will provide an updated Storm Water System Map showing the features added during the reporting period.



Activity 10. Update Storm Water System Map – Future Additions

Proposed additions within the City, including new storm sewer and drainage conveyances, will be mapped based on the civil plans provided to the City by developers. Outfalls from proposed development will be verified after construction is complete, as part of Activity 3. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The City will report the number of civil plans provided to the City and the number of verified new features or outfalls during the reporting period. The City will provide an updated Storm Water System Map showing the features added during the reporting period.

Illicit Discharge Ordinance

Activity 11. Evaluate IDDE Ordinance

Ordinance O-10-12 Section VIII dated December 10, 2012 defines illicit discharges and responsibility of the public as well as procedures for escalating enforcement and removal actions. This is also further discussed in Section 6 of the IDDE Program. The City will evaluate the effectiveness of the ordinance each reporting period. If updates are required, the City will amend the existing ordinance or prepare a new ordinance. The ordinance is included in **Appendix I-3** and can be downloaded from the City Webpage at the link provided below:

<http://www.cityofsouthside.com/Default.asp?ID=278&pg=Storm+Water+Management+Ordinance>

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing identified illicit discharges and preventing repeat offenders. The City will report the number of complaints received, number of illicit discharges identified during the reporting period, the number of resolved violations, the number of repeat offenders, and the number of enforcement actions taken.

IDDE Public Education

Activity 12. Distribute Storm Water Educational Material

The City will provide educational materials highlighting identification and reporting of potential illicit discharges on the City's storm water webpage and/or place educational materials at City owned locations such as the City Hall, the Public Library, and/or Building Department.

Evaluation Criteria: The City will report the number of hits to the webpage and/or the number of materials placed at the City owned locations and how often the materials were replaced during the reporting period. This information will indicate the number of people who received educational materials.

Activity 13. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Storm Water Management Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject of the subject complaint
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will track the total number of reports received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 14. Municipal Training

Municipal workers will be trained in the identification of illicit discharges as well as the prevention of storm water pollution at municipal facilities or related to municipal activities. Specific municipal operations such as fueling, vehicle maintenance, vehicle washing, paint and paint waste storage and disposal, and used oil disposal may be addressed. The training session will be conducted annually during each reporting period.

Municipal workers will be notified of the procedures for reporting suspected illicit discharges to the City Engineer and/or the City IDDE Program Manager, including the preferred method of contact (email) and the information to be included in the report (e.g., location, date, time, observations).

Evaluation Criteria: The City will provide details on the training topics presented to the municipal workers. The City will maintain attendance records and report the number of municipal workers trained during the reporting period. This information will help evaluate the municipal workers awareness of illicit discharges and storm water issues.



Storm Water Monitoring

Activity 15. Storm Water Monitoring Locations

Storm water monitoring locations were identified in Table 2.1, Section 2.5 and those within the City's MS4 boundaries are depicted on the City's Storm Water System Map. If additional monitoring locations are recommended as a result of the analysis of the monitoring data, the City will update the map with the revised or additional locations.

Evaluation Criteria: If additional locations are added, the City will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 16. Evaluation of Monitoring Data

In conjunction with the monitoring provisions of Section 2.2 of the SWMP, the City will evaluate the collected monitoring data for indicators of potential illicit discharges within the City and to assess the effectiveness of the BMPs in achieving the reductions outlined in the 2008 TMDL.

Evaluation Criteria: The City will report which monitoring points appear to have relatively higher pollutant levels. The City will make recommendations to the Gadsden-Etowah MS4 Storm Water Steering Committee to add and/or modify monitoring points to better characterize discharges from the MS4.

NPDES Industrial Permitting

Activity 17. NPDES Industrial Permitting

As authorized by the Clean Water Act, the NPDES Permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Title 40, Part 122 of the Code of Federal Regulations (40CFR122) specifies that discharges associated with certain industrial activities must obtain an NPDES permit. The ADEM currently provides for individual and general NPDES permitting.

Information pertaining to permitted facilities will be obtained from available public sources such as MYWATERS Mapping, EPA ECHO Database, and ADEM E-file and incorporated into the Storm Water System Map. This information will be used in conjunction with the storm water system mapping and monitoring data to evaluate potential sources of storm water pollution and to identify unpermitted facilities.

Unpermitted facilities that require an NPDES permit will be reported to the Industrial Section of the ADEM. The City of Southside continues to rely on the ADEM for industrial NPDES permitting and enforcement.

Evaluation Criteria: The City will provide the number of unpermitted facilities reported to ADEM during the reporting period, if any. This information will help measure the effectiveness of the reporting and identification of unpermitted facilities.

9.2.4 *Responsible Party*

The City of Southside Mayor's office and Building Department are responsible for overseeing, developing, and coordinating the IDDE program in the City of Southside regulated MS4 area.

9.3 **Construction Site Storm Water Runoff**

9.3.1 *Rationale Statement*

The City's construction site storm water runoff control program is primarily designed to address storm water pollution due to off-site sedimentation from qualifying construction sites to the maximum extent practicable.

9.3.2 *Target Audiences*

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Potential contributors of storm water pollution through development and construction activities.
- **Engineers**
 - Responsible for designing effective best management practices to minimize off-site sedimentation from construction activities.

9.3.3 *Outreach Strategies*

The City plans to implement the following activities as part of their Construction Site Storm Water Runoff Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Construction Site Storm Water Runoff strategy planned for each reporting period is provided in **Appendix I-2**. This table may aid in completion of the annual report.

Activity 1. Erosion and Sediment Control Ordinance

The City's Ordinance O-10-12 dated December 15, 2012 regulates storm water management within the City. Section III of the ordinance requires that construction sites obtain a land disturbance permit from the City if the total disturbed area is greater than one acre or if the site is located within the waterfront property or within a defined floodway. The ordinance also requires the submittal of a Sediment and Erosion Control Plan and a Storm Water Management Plan to the City with the permit application. Approval of each land disturbance permit application and associated plans is provided by the City in writing. Section IX of the ordinance provides for enforcement of the City storm

water regulations. Section X provides for penalties between \$50.00 and \$500.00 per day per violation.

Section 5 states the *Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas* as the City's standard for BMP design.

The ordinance is included in **Appendix I-3** and can be downloaded from the City Webpage at the link provided below:

<http://www.cityofsouthside.com/Default.asp?ID=278&pg=Storm+Water+Management+Ordinance>

The City will evaluate the effectiveness of the Ordinance O-10-12 during each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing erosion and sediment control. The City will report the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or businesses responsible for identified non-compliant construction sites are repeat offenders.

Activity 2. Construction Site Inspection Program

Designated City personnel will inspect all qualifying construction sites within 60 days of initial disturbance, at periodic intervals during construction, and following stabilization. At a minimum an inspection will be conducted once a month for each priority construction site as defined by the ADEM based on the most recent 303(d) list. The Building Department Inspectors perform the necessary inspections and implement work orders for subsequent inspections and potential enforcement when sites are non-compliant.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)



The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed, the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or business responsible for identified non-compliant construction sites are repeat offenders. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 3. Sediment and Erosion Control Plan Review

Section III (4)(b) of Ordinance No. O-10-2012 requires that each application for a Land Disturbance Permit be accompanied by a Sediment and Erosion Control Plan and a Storm Water Management Plan providing for storm water management during the land disturbing activity and after the activity has been completed. Prior to approval or denial of a land disturbance permit application, the City will review the provided plans. Ordinance No. O-10-2012 provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and number of plans that meet the requirements the Alabama Construction General Permit.

Activity 4. BMP Training Program

City personnel tasked with plan review and/or conducting BMP inspections will undergo annual training on proper design, installation, inspection, and maintenance of on-site control measures and on new technology and practices. All inspectors will complete initial storm water awareness training and attend annual refreshers. Currently the City has three trained employees, should additional plan reviewers or inspectors be needed, they will be trained accordingly.

Jimmy Whittemore (QCI #64503), Daryl Sanders (QCI #64496), and Jeff Wise (QCI#64505) were certified as a Qualified Credentialed Inspectors (QCI). QCI certification will be maintained through the approved annual refresher courses.

Evaluation Criteria: The City will provide a copy of the QCI certificates and records of awareness training received during the reporting period.

Activity 5. Public Reporting and Tracking System

The City provides a contact number on the City's Storm Water Management webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the City's Storm Water Management Department to make reports. The City utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The City will continue to publicize the reporting number on the City's website and track received complaints and the City's responses to the received complaints. The City will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The City will report the total number of complaints received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. The City will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and level of concern of storm water issues.

Activity 6. Notify ADEM of Non-Compliant Sites

The City will notify the ADEM of any construction sites where a possible violation of the Clean Water Act has occurred. Possible violations may include, but are not limited to, releases of sediment to a water of the State or failure to initiate corrective actions following an inspection by the City.

The City of Southside will rely on the ADEM for construction NPDES enforcement. The City will maintain records of non-compliant sites referred to ADEM. Records will include:

- Name of the owner/operator
- Location of construction project
- Description of violation
- Required schedule for returning to compliance
- Description of enforcement response used, including escalated responses if repeat violations occur
- Accompanying documentation of enforcement responses (notices of non-compliance, notices of violations, etc.)



Evaluation Criteria: The City will report the total number of non-compliant construction sites reported to ADEM during the reporting period.

9.3.4 *Responsible Party*

The City of Southside Mayor's office and Building Department are responsible for implementing and tracking the construction site storm water provisions of the ordinance as well as other Construction Site Storm Water Runoff strategies.

9.4 **Post-Construction Storm Water Management in New Development and Redevelopment**

9.4.1 *Rationale Statement*

Post-construction runoff can significantly impact a water body by increasing the type and quantity of pollutants in storm water runoff and by increasing the volume of water delivered to the water body during storms. As runoff flows over areas altered by development, it collects sediment and chemicals such as oil, grease, pesticides, heavy metals, and nutrients. Instead of infiltrating, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff are delivered to the nearest receiving water. Both impacts can be mitigated by proper post-construction planning.

9.4.2 *Target Audiences*

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Responsible for development and construction activities that can impact post-construction storm water management.
- **Engineers**
 - Responsible for designing post-construction storm water management plans

9.4.3 *Outreach Strategies*

The City plans to implement the following activities as part of their Post-Construction Storm Water Management Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Post-Construction Storm Water Management strategy planned for each reporting period is provided in **Appendix I-2**. This table may aid in completion of the annual report.

Activity 1. Reducing Post-Construction Runoff Volume

Ordinance No. O-10-2012, Section VI provides for post-construction storm water management measures to reduce runoff volume. Specifically, all sites are required to have at least 10% vegetated area, and re-vegetated areas are required to have a minimum 75% survival of the cover crop for one year.

Ordinance No. O-10-2012, Section V and VI for post-construction storm water management measures to reduce runoff volume. Designs should control the peak flow rates of storm water discharge associated with storms and reduce the generation of post construction storm water runoff to preconstruction levels. Specifically, all sites are required to have at least 10% vegetated area, and re-vegetated areas are required to have a minimum 75% survival of the cover crop for one year. Design should be intended to maintain or restore quality and volume of storm water runoff to pre-development levels.

The ordinance is included in **Appendix I-3** and can be downloaded from the City Webpage at the link provided below:

<http://www.cityofsouthside.com/Default.asp?ID=278&pg=Storm+Water+Management+Ordinance>

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The City will report the number of submitted plans that include measures to reduce runoff volume. The City will report how many submitted plans meet or exceed the 10% green area rule, the number of enforcement actions taken, and an assessment of whether 75% survival of cover crops is achieved at construction sites across the City during the reporting period. The evaluation may also examine which control measures are typically utilized and if additional examples should be added to the ordinance.

Activity 2. Reducing Pollutants from Development

Ordinance No. O-10-2012 requires that storm water runoff be controlled to prevent pollution of local waters and provides a list of possible control measures.

Ordinance No. O-10-2012, Section VII requires that storm water runoff be controlled to prevent pollution of local waters and provides a list of possible control measures. Section V states that designs should *"seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity"*.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in reducing runoff from new development or redevelopment. The evaluation may also examine which control measures are typically utilized and if examples of appropriate control measures

should be added to the ordinance. The City will report the number of developments where treatment of storm water runoff is required and the criteria for requiring treatment of storm water runoff.

Activity 3. Long-Term Maintenance of Storm Water Controls

Ordinance No. O-10-2012 requires long-term maintenance of storm water control structures and provides for the City to require inspection, funding, and planning for permanent storm water management structures. The ordinance also requires that the design and planning of all storm water management facilities include detailed maintenance and repair procedures.

Ordinance No. O-10-2012, Section V and VI requires long-term maintenance of storm water control structures and provides for the City to require inspection, funding, and planning for permanent storm water management structures. The design and planning of all storm water management facilities should include detailed maintenance and repair procedures. The plans should identify the parts or components that need to be maintained and the necessary equipment. This Section also requires the owner of the property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The ordinance will be evaluated on its effectiveness in addressing long-term maintenance of storm water controls. The City will report the number of submitted plans that include detailed maintenance procedures, the number of maintenance agreements reviewed, the number of maintenance provisions approved or denied, and the number of enforcement actions taken.

Activity 4. Evaluate Obstacles to Low Impact/Green Development

The City will review and evaluate policies and ordinances related to building codes, or other local regulations, with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.

Evaluation Criteria: The City will report if obstacles are identified and provide a brief summary on how the conflicts will be resolved.

Activity 5. Plan Review

The City will review Sediment and Erosion Control Plans and Storm Water Management Plans for all new construction, prior to the approval or denial of a land disturbance permit application. If changes to post-construction controls are required, the City requires the plans to be resubmitted and the changes approved. The plans must provide a means of

documenting that post-construction storm water measures meet the criteria of Ordinance No. O-10-2012. Ordinance No. O-10-2012 provides the plan review process and requirements.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and the number of post-construction designs approved or rejected.

Activity 6. Construction Site Inspection Program

Designated City personnel will perform post-construction inspections for all post-construction controls within written notice that stabilization is complete to confirm post-construction storm water measures/structures have been installed according to the submitted plan. At a minimum an inspection will be conducted annually for each site to confirm post-construction BMPs are functioning as designed.

The City will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The City will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The City will report the number of inspections completed and the number of projects that were completed as per the submitted plans, the number of projects that were not constructed in accordance to the plans, and the resolution of those projects that were not. The City will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 7. Post-construction Structural Controls Inventory

The City will compile an inventory of post-construction structural controls including those owned by the City. The list will be updated annually.



Evaluation Criteria: The City will a table of the post-construction structural controls with the owner/operator. The City will identify the newly added controls during the reporting period.

9.4.4 *Responsible Party*

The City of Southside Mayor's office and Building Department are responsible for implementing the provisions of the ordinance pertaining to post construction storm water management as well as other Post - Construction Site Storm Water Runoff strategies.

9.5 **Pollution Prevention and Good Housekeeping for Municipal Operations**

9.5.1 *Rationale Statement*

The City of Southside will develop and utilize BMPs designed to minimize pollution related to municipal operations and maintenance. These BMPs are intended to address storm water pollution from nutrients, sediments, petroleum products, and other common pollutants.

9.5.2 *Target Audiences*

The primary target audiences within the City are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
 - Potential contributors to storm water impacts through municipal operations

9.5.3 *Outreach Strategies*

The City will implement the following activities as part of their Pollution Prevention and Good Housekeeping for Municipal Operations Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Pollution Prevention and Good Housekeeping for Municipal Operations strategy planned for each reporting period is provided in **Appendix I-2**. This table may aide in completion of the annual report.

Activity 1. Municipal Facilities

The City will maintain a list of municipal facilities that have the potential to discharge pollutants through storm water runoff. Standard Operating Procedures (SOP) will be established detailing good housekeeping practices to be employed at each facility, where appropriate. These SOPs will be developed by **March 31, 2017**.

The City will inspect each facility for good housekeeping practices. A checklist will be used during inspections and to track noted deficiencies.



Evaluation Criteria: The City will provide a list of municipal facilities, the number of inspections performed at each facility, and the number of noted deficiencies. This information will help measure the municipal workers awareness of storm water issues.

Activity 2. Employee Training

The City will develop and implement a training program for municipal employees that focus on pollution prevention, good housekeeping measures, identification of potential illicit discharges, and other potential threats to storm water quality. Training materials will focus on vehicle maintenance and identification and reporting of potential illicit discharges.

A training session will be conducted each reporting period.

Evaluation Criteria: The City will provide details on the training topics presented to municipal workers during the reporting period. The City will keep attendance records and report the number of municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 3. Vehicle Maintenance Program

The City of Southside owns and operates a variety of vehicles and equipment used in municipal operations and maintenance. These vehicles include passenger cars, trucks, vans, and equipment. The City will continue to conduct routine maintenance of owned vehicles and will inspect vehicles for the presence of fluid leaks during routine maintenance using the vehicle inspection log. The City will promptly repair vehicles determined to have leaks. The City will log all repairs with an inspection checklist.

Evaluation Criteria: The City will provide a completed inspection log for at least one vehicle used during the reporting period. The City will report the frequency of inspections and the number of vehicle or equipment leaks identified during the reporting period as a result of the inspection program. This information will help measure the effectiveness of the vehicle inspection and maintenance program.

Activity 4. Vehicle Wash Area

Vehicle washing will be performed only in designated areas. Each location will be reviewed, inspected, and modified as needed throughout the year. During the annual BMP training, the City will notify all employees of the locations of the designated wash areas.

The City will prohibit the use of phosphate-containing soaps for vehicle washing (unless washing takes place at an NPDES-permitted facility).

Evaluation Criteria: The City will report the number of designated municipal vehicle washing areas. The City will also keep attendance records and report the number of

municipal workers trained during the reporting period. This information will help measure the municipal workers awareness of storm water issues.

Activity 5. Pesticide Application

Pesticide application in City Right of Ways is performed by an outside contractor. Prior to entering into or renewing any additional contracts the City will require the contractor to provide all necessary certifications and licensing during the bid process.

The City does not have a Mosquito Control Program. However, should the City begin spraying for mosquitoes, the City will obtain an NPDES permit from ADEM for application practices if application thresholds are met. The City will follow ADEM regulations regarding mosquito pesticide application.

To reduce potential impact to waterways, the City will review all areas where pesticides are to be used. Areas where pesticides are determine to post a threat to water quality should be noted on the storm water map and identified in the annual report.

The City will comply with pesticide application and disposal regulations.

Evaluation Criteria: The City will maintain a copy of the current certification. The City will report the number of areas where it was determined pesticides impacted waterways during the reporting period, if any, and how the impact was resolved. A Storm Water System Map showing the location of these areas will be provided in the Annual Report. This information will help measure the effectiveness of the City's review.

Activity 6. Litter Ordinance

Ordinance No. 006-2008 states, *"An accumulation or storage of debris, refuse, rubbish, brush used building materials, parts of buildings, remains from building demolition, parts of untenable or uninhabitable structures, used machinery, used tires, used vehicles, parts of vehicles, abandoned vehicles, or any other materials which may provide a breeding place for mosquitos, harmful insects, rodents or snakes, or is so unsightly as to be offensive of the surrounding area is a nuisance in violation of this ordinance."*

The ordinance is included in **Appendix I-3**.

Evaluation Criteria: The City will report the number of enforcements during the reporting period. This information will help measure the effectiveness of the ordinance.

Activity 7. Litter, Floatables, and Debris – Large Item Pickup

The City performs brush pickup throughout the year on an as needed basis. Citizens can request a work order from the City for pickup and disposal of large items. The City will continue to implement a large item program.



Evaluation Criteria: The City will describe how roads are prioritized. The City will also report the number of scheduled pickups and pounds of debris collected from pickups during the reporting period. This information will help measure the effectiveness of the brush and leaf pickup program.

Activity 8. Litter, Floatables, and Debris – Recycling Program

The City manages a recycling program for aluminum cans and scrap metal. Aluminum cans are collected from the break room in the City Hall. The City collects metal to recycle from City projects.

Evaluation Criteria: The City will report the amount of materials (in total tons) collected. This information will help measure the public awareness of the events and degree of public participation.

9.5.4 Responsible Party

The City of Southside Mayor's office and Building Department are responsible for implementing and tracking Pollution Prevention and Good Housekeeping strategies within municipal operations.

9.6 Agency Certification

I certify under penalty of law that this document and all attachments pertaining to the City of Southside were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

Wally Burns, Mayor
City of Southside, Alabama

12/21/16

Date

10.0 Etowah County

Unincorporated portions of Etowah County within the *Gadsden, Alabama Urbanized Area* encompass approximately 16.5% of the Urbanized Area and account for approximately 4.5% of the population. Although only a relatively small portion of unincorporated Etowah County lies within the MS4 boundary, the majority of Etowah County lies within the Coosa River watershed. The information, resources, minimum control measures, and best management practices developed for the MS4 Storm Water Management Program can be applied to any area within the County and therefore ultimately benefit water quality of the Coosa River. A map depicting the Etowah County's urbanized area and county limits is located in **Appendix J-1, Figure 1**.

The following sections detail the rationale statement, targeted audiences, planned activities, evaluation criteria, and the responsible party regarding the referenced control measure.

10.1 Public Education and Public Involvement on Storm Water Impacts

10.1.1 Rationale Statement

The County's goal is to have a comprehensive and effective public education and public involvement program, the intent of which is to:

1. Generate awareness of storm water pollution prevention by educating people about the storm water system and its relationship to the health of local waterways;
2. Modify behavior patterns through education and encouragement of active participation in water pollution prevention;
3. Educate the public of steps they can take to reduce pollutants in storm water runoff; and
4. Involve the general public by providing activities and opportunities for public participation in the storm water management program.

10.1.2 Target Audiences

The primary target audiences within the County are as follows:

- **General Public** (homeowners and citizens)
 - Potential contributors of storm water pollution through litter, yard waste, vehicle washing, illicit discharges on and off impervious surfaces, and the application of pesticides, herbicides, and fertilizers.
- **Local Businesses**
 - Potential contributors of storm water pollution through illicit discharges, litter, waste handling procedures.



- **Landscape Companies**
 - Potential contributors of storm water pollution through the application of pesticides, herbicides, and fertilizers and illicit discharges on impervious surfaces.
- **Engineers, Developers, and Contractors**
 - Potential contributors of storm water pollution through off-site sedimentation from development and construction.

10.1.3 *Planned Activities*

The County plans to implement the following activities as part of their Public Education and Public Involvement Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying Public Education and Public Involvement strategies planned for each reporting period is provided in **Appendix J-2**. This table may aid in completion of the annual report.

Activity 1. Maintain the Storm Water Webpage

The County provides information on the County's MS4 Program and permit on the Engineering Department webpage and Storm Water Management webpage within the County's website. The County will maintain this webpage and provide additional educational materials each reporting period. Participation will be tracked through the number of "hits" on the webpage. The webpage will continue to be updated periodically to:

- Include general information on the MS4 permit and SWMPP;
- Discuss the storm water cycle and how common contaminants enter the storm water system;
- Provide educational materials about proper and improper use, storage, and disposal of common household chemicals;
- Provide educational materials on storm water impacts specifically related to litter, floatables, and debris
- Provide links to related storm water resources;
- Provide information on how to identify and report illicit discharges; and,
- Provide a calendar of upcoming community events related to storm water outreach.

The webpage can be viewed at the link provided below:

<http://etowahcounty.org/engineering/storm-water/>

Evaluation Criteria: The County will report what information was added to the webpage and the number of "hits" on the webpage. This information will indicate the number of people who view the webpage and the associated educational materials.



Activity 2. Annual Report and SWMPP Availability

The County will provide the SWMPP and the current Annual Report available for public viewing on the County's website.

The webpage can be viewed at the link provided below:

<http://etowahcounty.org/engineering/storm-water/>

Evaluation Criteria: The County will report number of "hits" on the webpage. This information will indicate the number of people who view the webpage and the associated SWMPP and Annual Report.

Activity 3. Partnerships in Educational and Public Involvement Events

The County will partner with Keep Etowah Beautiful, Clean Water Partnership of Alabama, and/or Alabama Power to distribute storm water educational material on storm water impacts specifically related to litter, floatables, and debris. The County will assist in promoting events such as *Renew Our Rivers*, *Message in a Bottle*, and/or community cleanup days. The events will be advertised and promoted by the County. Event details may be posted at the Engineering Department. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. County personnel will participate in the events.

Evaluation Criteria: The County will report number of participants who received educational materials during the events and the ways in which the County promoted and/or advertised the events. The County will report the number of County employees/representatives that participated in the event. This information will indicate the number of people who received educational materials and will help measure the public awareness of the events and degree of public participation.

Activity 4. Promote Water Quality Awareness Week

The County will promote the annual *Water Quality Awareness Week* through County resources including co-sponsoring radio, television, and print advertisement with co-permittees and other stakeholders.

Evaluation Criteria: The County will report activities associated with this event and the ways in which the County promoted *Water Quality Awareness Week*. This information will help measure the public awareness of the event and degree of public and County participation.

Activity 5. Promote and Participate in the Etowah County Water Festival

The *Etowah County Water Festival* is an annual event for fourth grade students from public schools in Etowah County, Alabama. The festival provides hands-on activities that teach students the importance of surface and groundwater, its role in the environment and its effect on human, animal and plant life. The County will promote and participate in

the annual *Etowah County Water Festival* through County resources. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. County personnel will participate in the festival.

Evaluation Criteria: The County will report number of County volunteers at the event and the ways in which the County promoted and/or advertised the event. This information will indicate the County's participation and will help measure the public awareness of the event and degree of public and County participation.

Activity 6. Partner with Natural Resource Conservation Service (NRCS)

The County will partner with the Etowah County NRCS to educate and assist agricultural land users within the county on how agricultural runoff contributes to organic enrichment and excess nutrient loading in Lake Neely Henry. The NRCS also provides information on available Environmental Quality Incentives Programs and Best Management Practices for reducing nutrient and sediment runoff.

NRCS has educational materials available in their office. The County refers citizens to the NRCS for additional information.

Evaluation Criteria: The County will report number of people referred to the NRCS and the number of educational materials distributed by the NRCS. This information will indicate the number of people who received educational materials.

Activity 7. Gadsden-Etowah MS4 Steering Committee Meetings

The County will coordinate and/or participate in quarterly meetings of the Storm Water Steering Committee for entity updates, networking, and coordination of activities and BMP strategies.

Evaluation Criteria: The County will provide meeting agendas and attendance records during the reporting period. The County will report who attended each meeting. This information will indicate the participation of the steering committee and their interest in networking and coordination of activities.

Activity 8. Provide Information on Construction Site Storm Water Impacts

The County will provide pre-printed information on how construction site runoff can impact storm water quality to individuals requesting plan review and building/development permits.

Evaluation Criteria: The County will report the number of permits issued during the reporting period. This information will indicate the number of people who received educational materials.



Activity 9. Public Reporting and Tracking System

The County provides a contact number on the County's Storm Water Management webpage for the public to provide input on the development, revision, and implementation of the SWMPP. Additionally the public can report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the County's Engineering Department to make reports or use the electronic form on the website. The County utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public reports, comment, or complaints will include:

- Date, time, and description of the report
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc) that are sufficient to cross-reference inspection and enforcement records

The County will continue to publicize the reporting number on the County's website and track received complaints and the County's responses to the received complaints. The County will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The County will report the total number of complaints received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The County will also report whether or not the received reports contain the required information to find and address the suspected problem. The County will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 10. No Dumping Signs

The County has placed "No Dumping" signs in problem areas throughout the County. The County will maintain these signs and place additional signs if necessary.

Evaluation Criteria: The County will report the amount of materials (in total tons) collected in these areas. This information will help measure the effectiveness of the signs in reducing the amount of materials dumped in problem areas.

10.1.4 Responsible Party

The Etowah County Engineering Department is responsible for overseeing, developing, and coordinating the Public Education and Public Involvement efforts.



10.2 Illicit Discharge Detection and Elimination

10.2.1 Rationale Statement

Etowah County Illicit Discharge Detection and Elimination (IDDE) program is designed to locate, identify, and correct illicit discharges to the MS4. Program emphasis will be placed on identifying and correcting pollutant discharges which could influence compliance with the Neely Henry Lake TMDLs and the Gadsden-Etowah monitoring program.

10.2.2 Target Audiences

The primary target audiences within the County for the IDDE program are:

- **County Employees**
 - Primarily responsible for identifying and reporting illicit discharges
- **General Public** (homeowners and citizens)
 - Potential contributors of illicit discharges from activities such as dumping paint, motor oil, or other chemicals into a storm drain.
- **Local Businesses**
 - Potential contributors of illicit discharges through inadequate management practices and/or unpermitted facilities

10.2.3 Outreach Strategies

The County developed an IDDE Program in March 2014, a copy of which is provided in **Appendix C**. The County will continue to review and modify the program as necessary.

The County plans to implement the activities described in their IDDE Program during each reporting period. The IDDE Program has been simplified for the purposes of this section of the SWMP to describe required activities. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPS owned, operated or maintained by the County is located in **Appendix J-1, Figure 2**. A table that provides latitude/longitude as well as other details of each known outfall is provided in **Appendix J-2**.

A table identifying each Illicit Discharge Detection and Elimination activity planned for each reporting period is provided in **Appendix J-2**. This table may aid in completion of the annual report.

Identifying Priority Areas

The County has delineated three drainage basins within the urbanized area.



Activity 1. Identify Priority Areas

The County will identify which drainage basins are considered Priority Areas for each reporting period using the illicit discharge potential (IDP) calculation procedures detailed in Section 3 of the IDDE Program. The County will maintain records of the IDP calculations for each drainage basin.

Evaluation Criteria: The County will report the total IDP score for each drainage basin and will provide an updated map showing the identified Priority Areas. The County will report drainage basins that are newly listed or de-listed from the previous reporting year's calculations.

Field Assessment Activities

Based on Section 4 of the IDDE Program, the County will walk approximately 20% of their total stream length within the regulated MS4 each reporting period. Based on the stream lengths obtained from the national hydrography dataset, the County has 35.16 miles of total stream length (inventory) to walk. The stream-walking programs will target Priority Areas first. The anticipated date of completion for the initial mapping is **March 31, 2019**.

The County has identified 47 outfalls within the MS4 Boundary.

Activity 2. Outfall Identification

The County has implemented a stream-walking program designed to identify previously unknown outfalls to the MS4 as well as verify and re-evaluate known outfalls. The County plans to complete an average of four to five miles of stream inventory each reporting period. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The County will maintain records of field observations. The County will report the number of outfalls identified and the stream length walked during the reporting period. The County will provide updated tables and maps that include the outfalls identified by the stream-walking program.

Activity 3. Probable Outfall Verification

Probable outfalls may be identified during field and/or mapping activities, during review of proposed development plans, or through illicit discharge reports. When a probable outfall is identified, it will be added to the Storm Sewer System Map and labeled as unverified.

The County will verify probable outfalls through field observation within 18 months of their addition to the Storm Sewer System Map. The implementation process is detailed in Section 4 of the IDDE Program.

Evaluation Criteria: The County will report the number of probable outfalls that were identified and the number of outfalls that were verified during the reporting period. The

County will provide updated tables and maps that include the verified outfalls, as well as probable outfalls that are planned to be verified in the following reporting period. The County will maintain records of field observations.

Activity 4. Outfall Reconnaissance Inventory (ORI) Dry Weather

As required by the permit, 15% of all known outfalls will be inspected during each reporting period and all outfalls will be inspected in the 5 year permit cycle. Additionally, the County or subcontracted crews will conduct dry weather monitoring of major outfalls in Priority Areas annually during each reporting period. The implementation process is detailed in Section 7 of the IDDE Program. Dry weather monitoring activities may be combined with outfall verification as described in Activity 3.

Evaluation Criteria: The County will maintain records of field observations. The County will report the number of outfalls inspected during the reporting period. The County will also provide a summary of the results of outfall reconnaissance inventory activities conducted during the reporting period that will include a list of outfalls observed during each reporting period.

Activity 5. Suspect Discharge Sampling

If a dry weather flow has a severity index of 3 on one or more indicators in Section 4 of the Outfall Reconnaissance Inventory Field Sheet, or if field screening indicates a suspect discharge, field crews will collect samples for further analysis. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The County will report the number of identified dry weather flows, suspect discharges, and samples collected during the reporting period. The County will report the analysis results for the collected samples. The County will report if the suspect discharge was confirmed to be an illicit discharge and, if known, the type of illicit discharge.

IDDE Investigation

Activity 6. Outfall Ranking

Data from each Outfall Reconnaissance Inventory Field Sheet will be analyzed to characterize the observed outfall as having obvious, suspect, possible, or unlikely discharge potential. Obvious and suspect illicit discharges will be investigated within 10 and 30 days, respectively. Potential illicit discharges will be investigated within 60 days. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The County will report the ranking of each outfall inspected during the reporting period. The County will report the number of outfalls that required further investigation.



Activity 7. Discharge Investigation

Illicit discharge investigations will be performed to determine the source of a discharge problem. The implementation process is detailed in Section 7 of the IDDE Program.

Evaluation Criteria: The County will report the number of illicit discharge investigations performed during the reporting period. The County will also report the number of confirmed illicit discharges, if a source was determined, and if the discharge was eliminated.

Corrective Action Record Keeping

Activity 8. Corrective Action Record Keeping

When a suspect illicit discharge or illicit connection is identified, a case log detailing pertinent information will be created. Throughout the corrective action process, all information related to the resolution of the illicit discharge will be documented in the case log.

Evaluation Criteria: The County will maintain records of the correction actions. The County will report the number of confirmed illicit discharges and the number of illicit discharges corrected or eliminated during the reporting period. The County will also report the number of confirmed illicit discharges where corrective action is pending.

Storm Water System Mapping

As stated in Section 4.2, the County has created a Storm Water System map depicting all known outfalls, waters of the State that receive discharges from these outfalls, and structural BMPs owned, operated or maintained by the County. A copy of the map is located in **Appendix J-1, Figure 2**. A table that provides latitude/longitude as well as other details of each known outfall is provided in **Appendix J-2**.

Activity 9. Update Storm Water System Map – Existing Features

The County will update the Map as new outfalls are located and new structural BMPs are identified or added to the MS4. The implementation process is further discussed in Section 5 of the IDDE Program.

Evaluation Criteria: The County will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 10. Update Storm Water System Map – Future Additions

Proposed additions within the County, including new storm sewer and drainage conveyances, will be mapped based on the civil plans provided to the County by developers. Outfalls from proposed development will be verified after construction is complete, as part of Activity 3. The implementation process is further discussed in Section 5 of the IDDE Program.



Evaluation Criteria: The County will report the number of civil plans provided to the County and the number of verified new features or outfalls during the reporting period. The County will provide an updated Storm Water System Map showing the features added during the reporting period.

Illicit Discharge Ordinance

Activity 11. Evaluate IDDE Ordinance

In Etowah County, *Home Rule* is limited by the State constitution. Counties have no general grant of power in the State Constitution and must go to the Alabama Legislature for authority to engage in any activity not currently authorized by the State Constitution. Authority may be granted through constitutional amendments or by an act of the legislature known as "local legislation." Etowah County currently does not have the authority to enact an illicit discharge ordinance, and would require action from the Alabama Legislature to gain that ability.

The County will report any identified illicit discharges, connections, or dumping activities to the ADEM Water Division for enforcement actions.

Evaluation Criteria: The County will report the number of complaints received, number of illicit discharges identified during the reporting period. The County will also report the number of identified illicit discharges, connections, or dumping activities referred to the ADEM Water Division for enforcement action.

IDDE Public Education

Activity 12. Distribute Storm Water Educational Material

The County will provide educational materials highlighting identification and reporting of potential illicit discharges on the County's stormwater webpage and/or place educational materials at County owned locations such as the Engineering Department.

Evaluation Criteria: The County will report the number of hits to the webpage and/or the number of materials placed at the County owned locations and how often the materials were replaced during the reporting period. This information will indicate the number of people who received educational materials.

Activity 13. Public Reporting and Tracking System

The County provides a contact number on the County's Storm Water Management webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), and impaired waterways. The public may contact the County's Engineering Department to make reports or use the electronic form on the



website The County utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject of the subject complaint
- Identification of any actions taken (inspections, referral to the ADEM, etc) that are sufficient to cross-reference inspection and enforcement records

The County will continue to publicize the reporting number on the County's website and track received complaints and the County's responses to the received complaints. The County will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The County will track the total number of reports received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The County will also report the number of complaints referred to the ADEM Water Division for enforcement action. The County will report whether or not the received reports contain the required information to find and address the suspected problem. The County will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 14. County Training

County workers will be trained in the identification of illicit discharges as well as the prevention of storm water pollution at County facilities or related to County activities. Specific County operations such as fueling, vehicle maintenance, vehicle washing, paint and paint waste storage and disposal, and used oil disposal may be addressed. The training session will be conducted annually during each reporting period.

County workers will be notified of the procedures for reporting suspected illicit discharges to the County Engineer and/or the County IDDE Program Manager, including the preferred method of contact (email) and the information to be included in the report (e.g., location, date, time, observations).

Evaluation Criteria: The County will provide details on the training topics presented to the County workers. The County will maintain attendance records and report the number of County workers trained during the reporting period. This information will help evaluate the County workers awareness of illicit discharges and storm water issues.



Storm Water Monitoring

Activity 15. Storm Water Monitoring Locations

Storm water monitoring locations were identified in Table 2.1, Section 2.5 and are depicted on the County's Storm Water System Map. If additional monitoring locations are recommended as a result of the analysis of the monitoring data, the County will update the map with the revised or additional locations.

Evaluation Criteria: If additional locations are added, the County will provide an updated Storm Water System Map showing the features added during the reporting period.

Activity 16. Evaluation of Monitoring Data

In conjunction with the monitoring provisions of Section 2.2 of the SWMPP, the County will evaluate the collected monitoring data for indicators of potential illicit discharges within the County and to assess the effectiveness of the BMPs in achieving the reductions outlined in the 2008 TMDL.

Evaluation Criteria: The County will report which monitoring points appear to have relatively higher pollutant levels. The County will make recommendations to the Gadsden-Etowah MS4 Storm Water Steering Committee to add and/or modify monitoring points to better characterize discharges from the MS4.

NPDES Industrial Permitting

Activity 17. NPDES Industrial Permitting

As authorized by the Clean Water Act, the NPDES Permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Title 40, Part 122 of the Code of Federal Regulations (40CFR122) specifies that discharges associated with certain industrial activities must obtain an NPDES permit. The ADEM currently provides for individual and general NPDES permitting.

Information pertaining to permitted facilities will be obtained from available public sources such as MYWATERS Mapping, EPA ECHO Database, and ADEM E-file and incorporated into the Storm Water System Map. This information will be used in conjunction with the storm water system mapping and monitoring data to evaluate potential sources of storm water pollution and to identify unpermitted facilities.

Unpermitted facilities that require an NPDES permit will be reported to the Industrial Section of the ADEM. Etowah County continues to rely on the ADEM for industrial NPDES permitting and enforcement.



Evaluation Criteria: The County will provide the number of unpermitted facilities reported to ADEM during the reporting period, if any. This information will help measure the effectiveness of the reporting and identification of unpermitted facilities. .

10.2.4 *Responsible Party*

The Etowah County Engineering Department is responsible for overseeing, developing, and coordinating the IDDE program in the Etowah County regulated MS4 area.

10.3 **Construction Site Storm Water Runoff**

10.3.1 *Rationale Statement*

The County's construction site storm water runoff control program is primarily designed to address storm water pollution due to off-site sedimentation from qualifying construction sites to the maximum extent practicable.

10.3.2 *Target Audiences*

The primary target audiences within the County are:

- **Developers, Contractors, and Homebuilders**
 - Potential contributors of storm water pollution through development and construction activities.
- **Engineers**
 - Responsible for designing effective best management practices to minimize off-site sedimentation from construction activities.

10.3.3 *Outreach Strategies*

The County plans to implement the following activities as part of their Construction Site Storm Water Runoff Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Construction Site Storm Water Runoff strategy planned for each reporting period is provided in **Appendix J-2**. This table may aid in completion of the annual report.

Activity 1. Erosion and Sediment Control Regulations

County's Subdivision Regulations, Article V, Section 5-4-4 (Road Construction Requirements) that requires the developer to provide appropriate erosion control in accordance with ADEM regulations and to provide a copy of the ADEM permit to the County. The regulations require the submittal of a Sediment and Erosion Control Plan and a Storm Water Management Plan to the County with the permit application.

The ordinance is included in **Appendix J-3** and can be downloaded from the County Webpage at

<http://etowahcounty.org/department/engineering/>

The County will evaluate the effectiveness of the County's Subdivision Regulations in addressing erosion and sediment control during each reporting period. If changes are warranted, revisions to the regulations will be approved and implemented.

Evaluation Criteria: The Subdivision Regulations will be evaluated on their effectiveness in addressing erosion and sediment control. The County will report the number of non-compliant construction sites identified by the County, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or businesses responsible for identified non-compliant construction sites are repeat offenders.

Activity 2. Construction Site Inspection Program

Designated County personnel will inspect all qualifying construction sites within 60 days of initial disturbance, at periodic intervals during construction, and following stabilization. At a minimum an inspection will be conducted once a month for each priority construction site as defined by the ADEM based on the most recent 303(d) list. The Engineer's Office performs the necessary inspections and implement work orders for subsequent inspections and potential enforcement when sites are non-compliant.

The County will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The County will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The County will report the number of inspections completed, the number of non-compliant construction sites identified by the County, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or business responsible for identified non-compliant construction sites are repeat offenders. The County will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.



Activity 3. Sediment and Erosion Control Plan Review

Article IV, Section 4.2 (Construction Plan Requirements) of the Etowah County Subdivision Regulations requires the submittal of a Storm Drainage Plan to the County Engineer with submittal of a Major Subdivision Plat. Prior to approval or denial of a land disturbance permit application, the County will review the provided plans.

Plan review will ensure proposed projects adequately address the County's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The County will report the total number of plans reviewed, the number of plans approved or denied during the reporting period, and number of plans that meet the requirements the Alabama Construction General Permit.

Activity 4. BMP Training Program

County personnel tasked with plan review and/or conducting BMP inspections will undergo annual training on proper design, installation, inspection, and maintenance of on-site control measures and on new technology and practices. All inspectors will complete initial storm water awareness training and attend annual refreshers. Currently the County has three trained employee, should additional plan reviewers or inspectors be needed, they will be trained accordingly.

Robert Nail (QCP#53963) is a Qualified Credential Professional (QCP). Mel Smith (QCI#39562) and Tyson Burwell (QCI#31730) were certified as a Qualified Credentialed Inspectors (QCI). QCI certification will be maintained through the approved annual refresher courses.

Evaluation Criteria: The County will provide a copy of the QCI certificates and records of awareness training received during the reporting period.

Activity 5. Public Reporting and Tracking System

The County provides a contact number on the County's Storm Water Management webpage for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. The public may contact the County's Engineering Department to make reports or use the electronic form on the website. The County utilizes a form to track the reports and follow-up with investigations where necessary.

Records of public complaints will include:

- Date, time, and description of the complaint
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The County will continue to publicize the reporting number on the County's website and track received complaints and the County's responses to the received complaints. The County will evaluate the current public reporting and tracking methods.

Evaluation Criteria: The County will report the total number of reports received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The County will also report whether or not the received reports contain the required information to find and address the suspected problem. The County will provide a summary of at least one complaint received during the reporting period. This information will help evaluate the effectiveness of the tracking and reporting system, as well as the public awareness and concern of storm water issues.

Activity 6. Notify ADEM of Non-Compliant Sites

The County will notify the ADEM of any construction sites where a possible violation of the Clean Water Act has occurred. Possible violations may include, but are not limited to, releases of sediment to a water of the State or failure to initiate corrective actions following an inspection by the County.

Etowah County will rely on the ADEM for construction NPDES enforcement. The County will maintain records of non-compliant sites referred to ADEM. Records will include:

- Name of the owner/operator
- Location of construction project
- Description of violation
- Required schedule for returning to compliance
- Description of enforcement response used, including escalated responses if repeat violations occur
- Accompanying documentation of enforcement responses (notices of non-compliance, notices of violations, etc.)

Evaluation Criteria: The County will report the total number of non-compliant construction sites reported to ADEM during the reporting period.

10.3.4 Responsible Party

The Etowah County Engineering Department is responsible for implementing and tracking the construction site storm water provisions of the ordinance as well as other Construction Site Storm Water Runoff strategies.

10.4 Post-Construction Storm Water Management in New Development and Redevelopment

10.4.1 *Rationale Statement*

Post-construction runoff can significantly impact a water body by increasing the type and quantity of pollutants in storm water runoff and by increasing the volume of water delivered to the water body during storms. As runoff flows over areas altered by development, it collects sediment and chemicals such as oil, grease, pesticides, heavy metals, and nutrients. Instead of infiltrating, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff are delivered to the nearest receiving water. Both impacts can be mitigated by proper post-construction planning.

10.4.2 *Target Audiences*

The primary target audiences within the County are:

- **Developers, Contractors, and Homebuilders**
 - Responsible for development and construction activities that can impact post-construction storm water management.
- **Engineers**
 - Responsible for designing post-construction storm water management plans

10.4.3 *Outreach Strategies*

The County plans to implement the following activities as part of their Post-Construction Storm Water Management Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Post-Construction Storm Water Management strategy planned for each reporting period is provided in **Appendix J-2**. This table may aid in completion of the annual report.

Activity 1. Reducing Post-Construction Runoff Volume

Article IV Section 4.2 (Construction Plan Requirements) of the Etowah County Subdivision Regulations requires submittal of a Storm Drainage Plan with submittal of a Major Subdivision Plat. Sections 4-2(2)e-h require details of pre-and post-construction runoff, drainage structures, and compatibility with existing drainage to be provided with each submitted plan.

Etowah County Subdivision Regulations 5-1(4) Page 24 and 5-4-4 Page 30 requires developers to meet the rules and standards of ADEM and other appropriate State and Federal agencies.

The ordinance is included in **Appendix J-3** and can be downloaded from the County Webpage at

<http://etowahcounty.org/departments/engineering/>



The County will evaluate the effectiveness of the County's Subdivision Regulations in addressing runoff volume during each reporting period. If changes are warranted, revisions to the regulations will be approved and implemented.

Evaluation Criteria: The subdivision regulations will be evaluated on their effectiveness in reducing runoff from new development or redevelopment. The County will report the number of submitted plans that include measures to reduce runoff volume. The evaluation may also examine which control measures are typically utilized and if additional examples should be added.

Activity 2. Reducing Pollutants from Development

Etowah County Subdivision Regulations 5-4-4(11) Page 33 specify storm drainage runoff requirements for developers.

The subdivision regulations will be evaluated each reporting period. If changes are warranted, a new or revised regulations will be approved and implemented.

Evaluation Criteria: The subdivision regulations will be evaluated on their effectiveness in reducing pollutants from new development or redevelopment. The evaluation may also examine which control measures are typically utilized and if examples of appropriate control measures should be added to the ordinance. The County will report the number of developments where treatment of storm water runoff is required and the criteria for requiring treatment of storm water runoff.

Activity 3. Long-Term Maintenance of Storm Water Controls

Etowah County Subdivision Regulations 5-4-4(11) Page 33 states, "*Parcels of land containing either a flood retention pond or sedimentation pond shall be retained by the developer or home owner's association with the maintenance of said ponds to be the responsibility to remain with either the developer or home owner's association.*"

The subdivision regulations will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The subdivision regulations will be evaluated on its effectiveness in addressing long-term maintenance of storm water controls. The County will report the number of submitted plans that include detailed maintenance procedures, the number of maintenance agreements reviewed, the number of maintenance provisions approved or denied, and the number of enforcement actions taken.

Activity 4. Evaluate Obstacles to Low Impact/Green Development

The County will review and evaluate policies and existing regulations with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.

Evaluation Criteria: The County will report if obstacles are identified and provide a brief summary on how the conflicts will be resolved.

Activity 5. Plan Review

The County will review Sediment and Erosion Control Plans and Storm Water Management Plans for all new construction, prior to the approval or denial of a land disturbance permit application. If changes to post-construction controls are required, the County requires changes to the plans be resubmitted and approved. The plans must demonstrate and document that post-construction storm water measures have been installed per design specifications.

Plan review will ensure proposed projects adequately address the County's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The County will report the total number of plans reviewed, the number of plans approved or denied during the reporting period, and the number of post-construction designs approved or rejected.

Activity 6. Construction Site Inspection Program

Designated County personnel will perform post-construction inspections for all post-construction controls within written notice that stabilization is complete to confirm BMPs have been installed according to the plan. At a minimum an inspection will be conducted annually for each site to confirm post-construction BMPs are functioning as designed.

The County will maintain inspection documentation for review upon request. Records will include at a minimum:

- Facility type
- Inspection date
- Name and signature of inspector
- Location of construction project
- Owner/operator information (name, address, phone number, email)
- Description of storm water BMP condition
- Photographic documentation of storm water BMP components (at the discretion of the Permittee)

The County will evaluate the effectiveness of the construction site inspection program during each reporting period.

Evaluation Criteria: The County will report the number of inspections completed and the number of projects that were completed as per the submitted plans, the number of projects that were not constructed in accordance to the plans, and the resolution of those



projects that were not. The County will also provide a summary of at least one inspection conducted during the reporting period that resulted in enforcement actions.

Activity 7. Post-construction Structural Controls Inventory

The County will compile an inventory of post-construction structural controls including those owned by the County. The list will be updated annually.

Evaluation Criteria: The County will a table of the post-construction structural controls with the owner/operator. The County will identify the newly added controls during the reporting period.

10.4.4 Responsible Party

The Etowah County Engineer's Office is responsible for implementing the provisions of the ordinance pertaining to post construction storm water management as well as other Post - Construction Site Storm Water Runoff strategies.

10.5 Pollution Prevention and Good Housekeeping for County Operations

10.5.1 Rationale Statement

Etowah County will develop and utilize BMPs designed to minimize pollution related to County operations and maintenance. These BMPs are intended to address storm water pollution from nutrients, sediments, petroleum products, and other common pollutants.

10.5.2 Target Audiences

The primary target audiences within the County are:

- **County Employees**
 - Primarily responsible for identifying and reporting illicit discharges
 - Potential contributors to storm water impacts through County operations

10.5.3 Outreach Strategies

The County will implement the following activities as part of their Pollution Prevention and Good Housekeeping for County Operations Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

A table identifying each Pollution Prevention and Good Housekeeping for County Operations strategy planned for each reporting period is provided in **Appendix J-2**. This table may aid in completion of the annual report.



Activity 1. County Facilities

The County will maintain a list of municipal facilities that have the potential to discharge pollutants through storm water runoff. Standard Operating Procedures (SOP) will be established detailing good housekeeping practices to be employed at each facility, where appropriate. These SOPs will be developed by **March 31, 2017**.

The County will inspect each facility for good housekeeping practices. A checklist will be used during inspections and to track noted deficiencies.

Evaluation Criteria: The County will provide a list of county facilities, the number of inspections performed at each facility, and the number of noted deficiencies. This information will help measure the county workers awareness of storm water issues.

Activity 2. Employee Training

The County will develop and implement a training program for county employees that focuses on pollution prevention, good housekeeping measures, identification of potential illicit discharges, and other potential threats to storm water quality. Training materials will focus on vehicle maintenance and identification and reporting of potential illicit discharges.

A training session will be conducted each reporting period.

Evaluation Criteria: The County will provide details on the training topics presented to county workers during the reporting period. The County will keep attendance records and report the number of county workers trained during the reporting period. This information will help measure the county workers awareness of storm water issues.

Activity 3. Vehicle Maintenance Program

Etowah County owns and operates a variety of vehicles and equipment used in county operations and maintenance. These vehicles include passenger cars, trucks, vans, and equipment. The County will continue to conduct routine maintenance of owned vehicles and will inspect vehicles for the presence of fluid leaks during routine maintenance using the vehicle inspection log. The County will promptly repair vehicles determined to have leaks. The County will log all repairs with an inspection checklist.

Evaluation Criteria: The County will provide a completed inspection log for at least one vehicle used during the reporting period. The County will report the frequency of inspections and the number of vehicle or equipment leaks identified during the reporting period as a result of the inspection program. This information will help measure the effectiveness of the vehicle inspection and maintenance program.



Activity 4. Vehicle Wash Area

Vehicle washing will be performed only in designated areas. Each location will be reviewed, inspected, and modified as needed throughout the year. During the annual BMP training, the County will notify all employees of the locations of the designated wash areas.

The County will prohibit the use of phosphate-containing soaps for vehicle washing (unless washing takes place at an NPDES-permitted facility).

Evaluation Criteria: The County will report the number of designated county vehicle washing areas. The County will also keep attendance records and report the number of county workers trained during the reporting period. This information will help measure the county workers awareness of storm water issues.

Activity 5. Pesticide Application

Pesticide application in County Right of Ways is performed by County personnel. The County will maintain all necessary certifications and licensing as well as training for personnel.

To reduce potential impact to waterways, the Public Works Department will review all areas where pesticides are to be used.

The County will comply with pesticide application and disposal regulations.

Evaluation Criteria: The County will maintain a copy of current applicator certifications. The County will report the number of areas where it was determined pesticides impacted waterways during the reporting period, if any, and how the impact was resolved. A Storm Water System Map showing the location of these areas will be provided in the Annual Report. This information will help measure the effectiveness of the County's review.

Activity 6. Litter Ordinance

The sheriff's office enforces the State littering code that can be downloaded from the County Website at

<http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coato.c.htm>

Evaluation Criteria: The County will report the number of enforcements during the reporting period. This information will help measure the effectiveness of the ordinance.

Activity 7. Recycling Oil and Metal Waste

The County manages a drop-off facility at the County Shop for used oil and filters related to County maintenance.



Evaluation Criteria: The County will report the amount of materials (in total gallons) collected from the drop-off location. This information will help measure the public awareness and degree of public participation.

Activity 8. Litter, Floatables, and Debris – Recycling Program

The County manages a recycling program for aluminum cans and scrap metal. Aluminum cans are collected from the break room in the maintenance shop. The County collects metal to recycle from County projects.

Evaluation Criteria: The County will report the amount of materials (in total tons) collected. This information will help measure the effectiveness of the program.

Activity 9. Litter, Floatables, and Debris – Free Garbage Disposal Days

The County retains Advanced Disposal to provide open-top containers at several locations throughout the county once a quarter for residents in unincorporated areas of the County to dispose of their garbage.

Evaluation Criteria: The County will report the amount of materials (in total tons) collected. This information will help measure the effectiveness of the program reducing the amount of garbage disposed of in unauthorized manners.

10.5.4 Responsible Party

The Etowah County Engineer’s Office is responsible for implementing and tracking Pollution Prevention and Good Housekeeping strategies within County operations.

10.6 Agency Certification

I certify under penalty of law that this document and all attachments pertaining to Etowah County were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

Responsible Official
Etowah County, Alabama

12/28/16
Date

Appendices

Appendix A –Figures

Appendix B – NPDES Permit

Appendix C – IDDE Program dated March 2014

Appendix D – City of Attalla

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Appendix E – City of Gadsden

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Appendix F – City of Glencoe

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Appendix G – City of Hokes Bluff

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Appendix H – City of Rainbow City

Appendix H-1 – City of Rainbow City Figures

Appendix H-2 – City of Rainbow City Tables

Appendix H-3 – City of Rainbow City Ordinances

Appendix H-4 – City of Rainbow City Forms

Appendix I – City of Southside

Appendix I-1 – City of Southside Figures

Appendix I-2 – City of Southside Tables

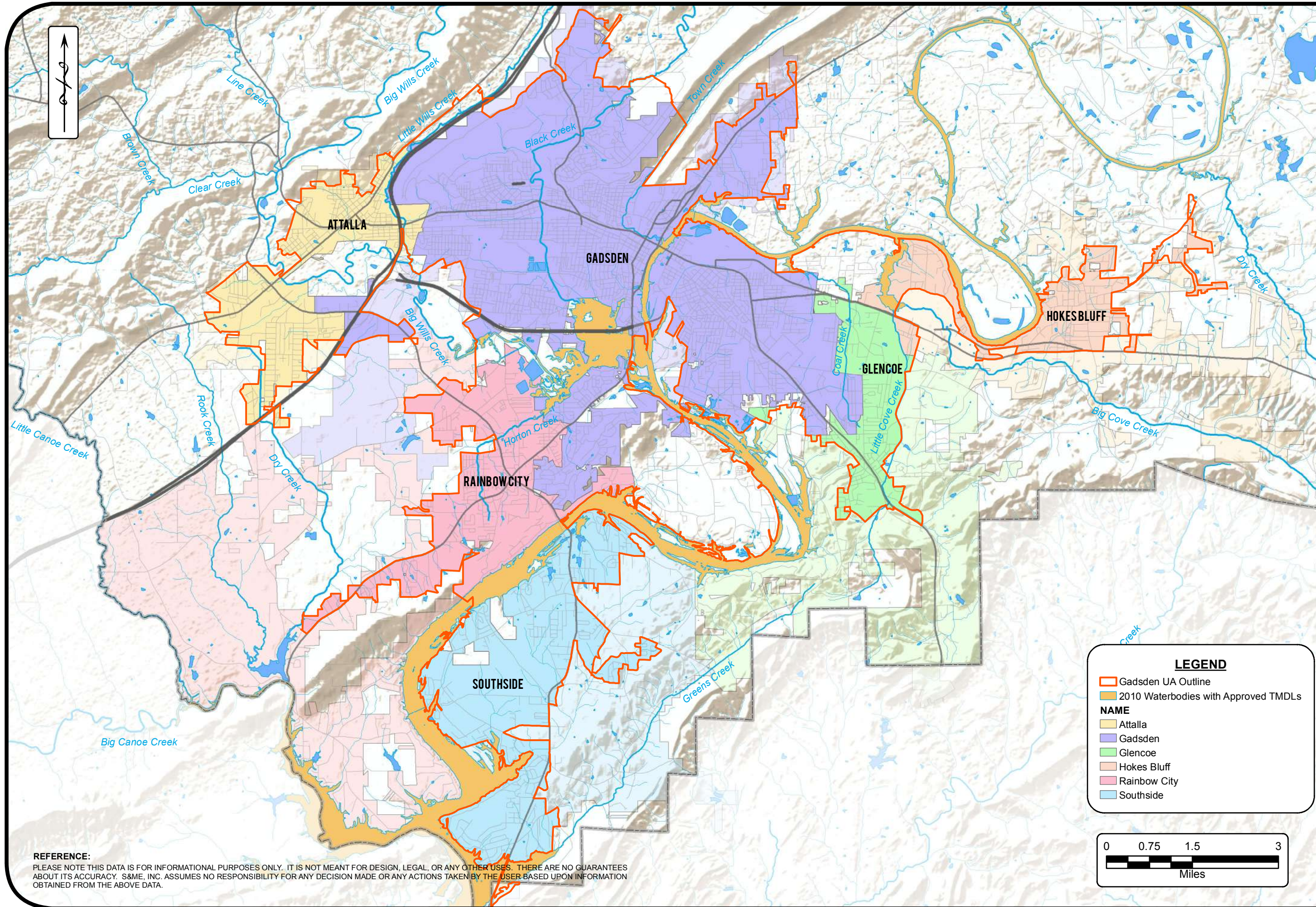
Appendix I-3 – City of Southside Ordinances

Appendix J – Etowah County

Appendix J-1 – Etowah County Figures

Appendix J-2 – Etowah County Tables

Appendix J-3 – Etowah County Ordinances



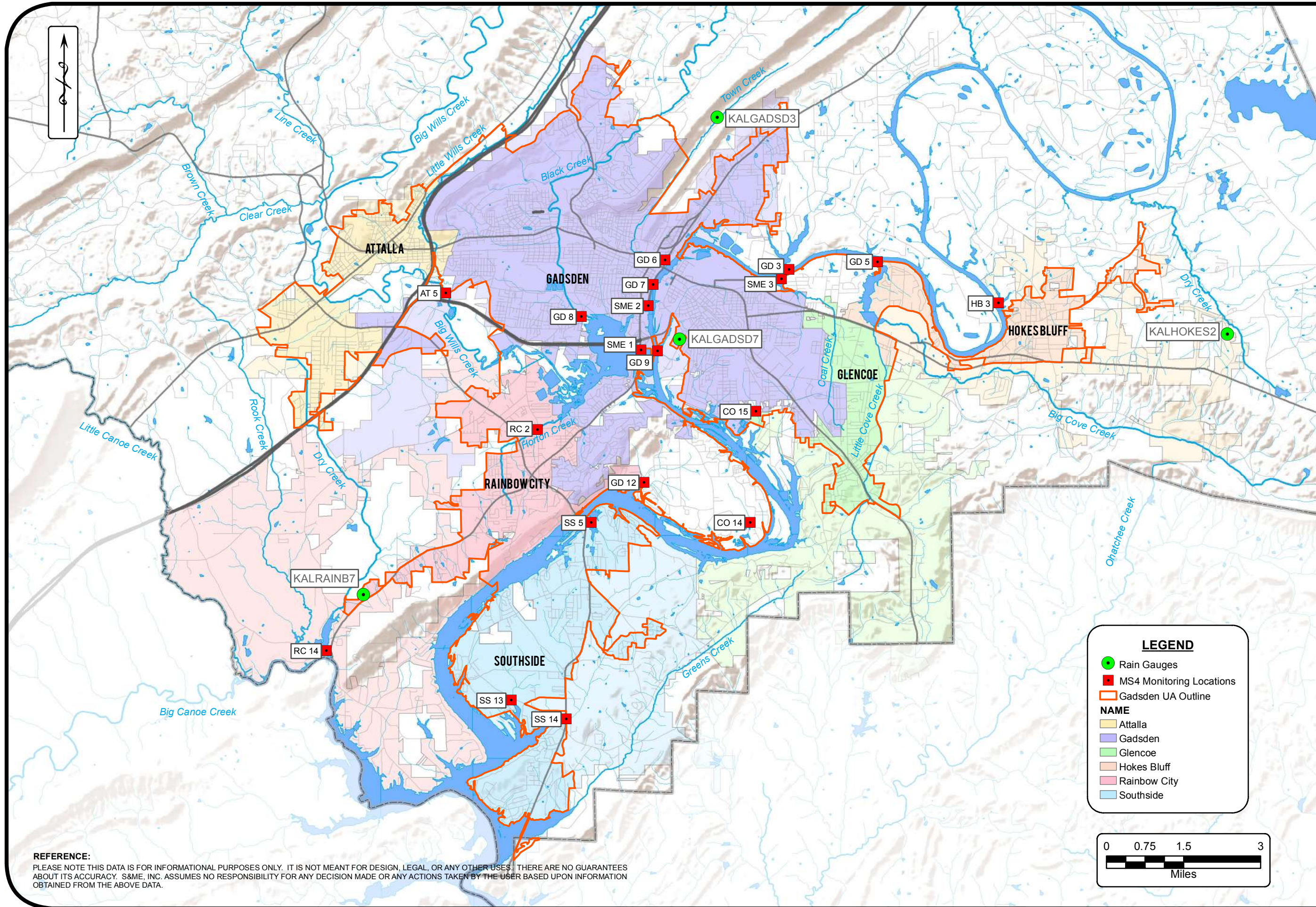
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PROJECT NO: 4482-14-021
NPDES NO: ALR040009
DRAWN BY: SLY
CHECKED BY: CRO

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GADSDEN-ETOWAH MS4 BOUNDARIES
 GADSDEN ALABAMA URBANIZED AREA
 PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM

FIGURE NO.
1



REFERENCE:
 PLEASE NOTE THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON INFORMATION OBTAINED FROM THE ABOVE DATA.

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SCALE: 1:100,000	PROJECT NO: 4482-14-021	NPDES NO: ALR040009

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MS4 MONITORING LOCATIONS
 GADSDEN ALABAMA URBANIZED AREA
 PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM

FIGURE NO.
2

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

September 13, 2016

Honorable Terry John Calhoun
Mayor, City of Rainbow City
3700 Rainbow Drive
Rainbow City, Alabama 35906

Re: Municipal Separate Storm Sewer System (MS4) Phase II General Permit
NPDES Permit No. ALR040056
Etowah County (055)

Dear Mayor Calhoun:

The Department has made a final determination to reissue General NPDES Permit No. ALR040000 for discharges from regulated small municipal separate storm sewer systems. The reissued permit will become effective on October 1, 2016 and will expire on September 30, 2021.

The Department notified the public of its tentative determination to reissue General NPDES Permit No. ALR040000 on November 18, 2015. Interested persons were provided the opportunity to submit comments on the Department's tentative decision through December 18, 2015. In accordance with ADEM Admin Code r. 335-6-6-.21(7), a response to all comments received during the public comment period will be available on the Department's efile system.

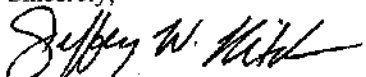
Based on your request, as evidenced by the submittal of a Notice of Intent, coverage under the General NPDES Permit No. ALR040056 is granted. The effective date of issuance coverage is October 1, 2016.

Coverage under this permit does not authorize the discharge of pollutant or non-stormwater that is not specifically identified in the permit and by the Notice of Intent which resulted in granting this coverage.

You are responsible for compliance with all provisions of the permit, including, but not limited to, the performance of any monitoring (if applicable), the submittal of any reports, and the preparation and implementation of any plans required by the permit. Part II.A.4. of the re-issued permit requires the submittal of an updated Stormwater Management Program Plan (SWMPP) within three months of the issuance date of this permit (January 1, 2017).

If you have any additional questions or concerns, please contact Marla Smith by email at mssmith@adem.state.al.us or by phone at 334-270-5616.

Sincerely,


Jeffery W. Kitchens, Chief
Stormwater Management Branch
Water Division

JWK/mss

File: FPER/XXX

Enclosure: Final Permit ALR040056

Cc: Ms. Kacy Sable, EPA (via email)
Mr. Kevin Ashley, City of Rainbow City (via email)



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PART I Coverage Under This General Permit

A. Permit Coverage

This permit covers the urbanized areas designated as a Phase II Municipal Separate Storm Sewer System (MS4) within the State of Alabama.

B. Authorized Discharges

1. This permit authorizes discharges of storm water from small MS4s, as defined in 40 CFR Part 122.26(b)(16). An entity may discharge under the terms and conditions of this general permit if the entity:
 - a. Owns or operates a small MS4 within the permit area described in Section A;
 - b. Is not a "large" or "medium" MS4 as described in 40 CFR Part 122.26(b)(4) or (7);
 - c. Submits a Notice of Intent (NOI) in accordance with Part II of this general permit; and
 - d. Either:
 - i. Is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or
 - ii. Is designated for permit authorization by the Department pursuant to 40 CFR Part 122.32(a)(2).
2. This permit authorizes the following non-storm water discharges provided that they do not cause or contribute to a violation of water quality standards and that they have been determined not to be substantial contributors of pollutants to a particular small MS4 applying for coverage under this permit and that is implementing the storm water management program (SWMP) set forth in this permit:
 - a. Water line flushing
 - b. Landscape irrigation
 - c. Diverted stream flows
 - d. Uncontaminated ground water infiltration
 - e. Uncontaminated pumped groundwater
 - f. Discharges from potable water sources
 - g. Foundation drains
 - h. Air conditioning condensate
 - i. Irrigation water (not consisting of treated, or untreated, wastewater)
 - j. Rising ground water
 - k. Springs
 - l. Water from crawl space pumps
 - m. Footing drains
 - n. Lawn watering runoff
 - o. Individual residential car washing, to include charitable carwashes

- p. Residual street wash water
- q. Discharge or flows from firefighting activities (including fire hydrant flushing)
- r. Flows from riparian habitats and wetlands
- s. Dechlorinated swimming pool discharges, and
- t. Discharges authorized and in compliance with a separate NPDES permit.

C. Prohibited Discharges

The following discharges are not authorized by this permit:

1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
 - a. In compliance with a separate NPDES permit; or
 - b. Determined by the Department not to be a significant contributor of pollutants to waters of the State;
2. Storm water discharges associated with industrial activity as defined in 40 CFR Part 122.26(b)(14)(i)-(ix) and (xi);
3. Storm water discharges associated with construction activity as defined in 40 CFR Part 122.26(b)(14)(x) or 40 CFR 122.26(b)(15) and subject to Alabama Department of Environmental Management (ADEM) Code r. 335-6-12;
4. Storm water discharges currently covered under another NPDES permit;
5. Discharges to territorial seas, contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR Part 125, Subpart M;
6. Discharges that would cause or contribute to instream exceedances of water quality standards; Your storm water management program plan (SWMPP) must include a description of the Best Management Practices (BMPs) that you will be using to ensure that this will not occur. The Department may require corrective action or an application for an individual permit if an MS4 is determined to cause an instream exceedance of water quality standards;
7. Discharges of any pollutant into any water for which a total maximum daily load (TMDL) has been approved or developed by EPA unless your discharge is consistent with the TMDL; This eligibility condition applies at the time you submit a NOI for coverage. If conditions change after you have permit coverage, you may remain covered by the permit provided you comply with the applicable requirements of Part V. You must incorporate any limitations, conditions and requirements applicable to your discharges, including monitoring frequency and reporting required, into your SWMPP in order to be eligible for permit coverage. For discharges not eligible for coverage under this permit, you must apply for and receive an individual or other applicable general NPDES permit prior to discharging;
8. This permit does not relieve entities that cause illicit discharges, including spills, of oils or hazardous substances, from responsibilities and liabilities under State and Federal law and regulations pertaining to those discharges.

D. Obtaining Authorization

1. To be authorized to discharge storm water from small MS4s, you must submit a Notice of Intent (NOI) and a description of your storm water management program (SWMP) in accordance with the deadlines presented in Part II of this permit.
2. You must submit the information required in Part II on the latest version of the NOI form (or photocopy thereof). Your NOI must be signed and dated in accordance with Part VII of this permit.
3. No discharge under the general permit may commence until the discharger receives the Department's acknowledgement of the NOI and approval of the coverage of the discharge by the general permit. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI.
4. Where the operator changes, or where a new operator is added after submittal of an NOI under Part II, a new NOI must be submitted in accordance with Part II within thirty (30) days of the change or addition.
5. For areas extended within your MS4 by the latest census or annexed into your MS4 area after you received coverage under this general permit, the first annual report submitted after the annexation must include the updates to your SWMP, as appropriate.

Note: If the Department notifies the dischargers (directly, by the public notice, or by making information available on the Internet) of other NOI form options that become available at a later date (e.g., electronic submission of forms), you may take advantage of those options to satisfy the NOI use and submittal requirements in Part II.

E. Implementation

1. This permit requires implementation of the MS4 Program under the State and Federal NPDES Regulations. MS4s shall modify their programs if and when water quality considerations warrant greater attention or prescriptiveness in specific components of the municipal program.
2. If a small MS4 operator implements the minimum control measures in 40 CFR 122.34(b) and the discharges are determined to cause or contribute to non-attainment of an applicable water quality standard as evidenced by the State of Alabama's 303(d) list or an EPA-approved or developed Total Maximum Daily Load (TMDL), the operator must tailor its BMPs within the scope of the six minimum control measures to address the pollutants of concern and implement permit requirements outlined in Part IV.D. and Part V of this permit.
3. Existing MS4s, unless otherwise stated within this permit, shall implement each of the minimum control measures outlined in Part III.B. of this permit immediately upon the effective date of coverage. Newly designated MS4s, unless otherwise stated in this permit, shall implement the minimum control measures outlined in Part III.B. of this permit within

365 days of the effective date of coverage. However, for newly designated MS4s, where new or revised ordinances are required to implement any of the minimum control measures, such ordinances shall be enacted within 730 days from the effective date of coverage.

PART II Notice of Intent (NOI) Requirements

A. Deadlines of Applications

1. If you are automatically designated under 40 CFR Part 122.32(a)(1) or designated by the Department, then to request recoveage, you are required to submit an NOI or an application for an individual permit and a description of your SWMP at least 90 days before the expiration of this permit.
2. If you are designated by the Department after the date of permit issuance, then you are required to submit an NOI or an application for an individual permit and a description of your SWMP within 180 days upon notification. Within six months of initial issuance, the operator of the regulated small MS4 shall submit a storm water management program plan (SWMPP) to the Department for review. A SWMPP can be submitted electronically in a .PDF format, or in another prescribed manner acceptable to the Department that contains all necessary components
3. You are not prohibited from submitting an NOI after the dates provided in Part II.A.1-2. If a NOI is submitted after the dates provided in Part II.A.1-2., your authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.
4. Within three months of the date of re-issuance of coverage under this permit, all operators of regulated small MS4s shall submit a revised storm water management program plan (SWMPP) to the Department for review.
5. **On or after December 21, 2020, all NOIs shall be made electronically in a prescribed manner acceptable to the Department.**

B. Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the ADEM Code r. 335-6-6 and remain in force and effect if the Permittee re-applies for coverage as required under Part II of this Permit. Any Permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
2. Issuance of an individual permit for your discharges; or
3. A formal permit decision by the Department not to reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

C. Contents of the Notice of Intent (NOI)

The Notice of Intent must be signed in accordance with Part VII.G of this permit and must include the following information:

1. Information on the Permittee:
 - a. The name of the regulated entity, specifying the contact person and responsible official, mailing address, telephone number and email address; and
 - b. An indication of whether you are a Federal, State, County, Municipal or other public entity.
2. Information on the MS4:
 - a. the name of your organization, county, city, or town and the latitude/longitude of the center or the MS4 location;
 - b. The name of the major receiving water(s) and an indication of whether any of your receiving waters are included on the latest 303(d) list, included in an EPA-approved and/or EPA developed total maximum daily load (TMDL) or otherwise designated by the Department as being impaired. If you have discharges to 303(d) or TMDL waters, a certification that your SWMPP complies with the requirements of Part V;
 - c. If you are relying on another governmental entity, regulated under the storm water regulations (40 CFR Part 122.26 & 122.32) to satisfy one or more of your permit obligations (see Part III), the identity of that entity(ies) and the elements(s) they will be implementing. The Permittee remains responsible for compliance if the other entity fails to fully perform the permit obligation, and may be subject to enforcement action if neither the Permittee nor the other entity fully performs the permit obligation; and
 - d. Must include if you are relying on the Department for enforcement of erosion and sediment controls on qualifying construction sites in accordance with Part III.B.3.b.
3. Include a brief summary of the best management practices (BMPs) for the minimum control measures in Part III of this permit (i.e. a brief summary of the MS4's SWMPP), your timeframe for implementing each of the BMPs, and the person or persons responsible for implementing or coordinating your SWMPP.

D. Where to Submit MS4 Documents

You are to submit your NOI or individual application, and a description of your SWMP as allowed under Part II.A., signed in accordance with the signatory requirements of Section VII of this permit, to the Department at the following address:

**Alabama Department of Environmental Management
Water Division
Storm Water Management Branch
Post Office Box 301463
Montgomery, Alabama 36130-1463**

Certified and Registered Mail shall be addressed to:

**Alabama Department of Environmental Management
Water Division
Storm Water Management Branch
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059**

On or after December 21, 2020, all NOIs shall be made electronically in a prescribed manner acceptable to the Department.

PART III Storm Water Pollution Prevention and Management Program for Small MS4s

A. Storm Water Management Program (SWMP)

1. The Permittee is required to develop, revise, implement, maintain and enforce a storm water management program (SWMP) which shall include controls necessary to reduce the discharge of pollutants from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Parts 122.30-122.37. These requirements shall be met by the development and implementation of a storm water management program plan (SWMPP) which addresses the best management practices (BMPs), control techniques and systems, design and engineering methods, public participation and education, monitoring, and other appropriate provisions designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP).
2. The Permittee shall provide and maintain adequate finance, staff, equipment, and support capabilities necessary to implement the SWMPP and comply with the requirements of this permit.
3. The SWMPP must address the minimum storm water control measures referenced in Part III.B. to include the following:
 - a. A map of the Permittee's MS4 urbanized areas;
 - b. The BMPs that will be implemented for each control measure. Low impact development/green infrastructure shall be considered where feasible. Information on LID/Green Infrastructure is available on the following websites: <http://www.adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf> and <http://epa.gov/polwaste/green/index.cfm>.
 - c. The measureable goals for each of the minimum controls outlined in Part III.B.;
 - d. The proposed schedule—including interim milestones, as appropriate, inspections, and the frequency of actions needed to fully implement each minimum control; and
 - e. The person and/or persons responsible for implementing or coordination the BMPs for each separate minimum control measure.

4. Once the initial SWMPP is acknowledged by ADEM, activities and associated schedules outlined by the SWMPP or updates to the SWMPP are conditions of the permit.
5. Unless otherwise specified in this permit, the Permittee shall be in compliance with the conditions of this permit by the effective date of coverage.

B. Minimum Storm Water Control Measures

1. Public Education and Public Involvement on Storm Water Impacts

- a. The Permittee must develop and implement a public education and outreach program to inform the community about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff to the MEP. The Permittee shall continuously implement this program in the areas served by the MS4. The Permittee shall also comply, at a minimum, with applicable State and local public notice requirements when implementing a public involvement/participation program.
- b. The Permittee shall include within the SWMPP the methods for how it will:
 - i. Seek and consider public input in the development, revision, and implementation of the SWMPP;
 - ii. Identify targeted pollutant sources the Permittee's public education program is intended to address;
 - iii. Specifically address the reduction of litter, floatables and debris from entering the MS4, that may include, but is not limited to:
 1. Establishing a program to support volunteer groups for labeling storm drain inlets and catch basins with "no dumping" message; and
 2. Posting signs referencing local codes that prohibit littering and illegal dumping at selected designated public access points to open channels, creeks, and other relevant waterbodies;
 - iv. Inform and involve individuals and households about the steps they can take to reduce storm water pollution; and
 - v. Inform and involve individuals and groups on how to participate in the storm water program (with activities that may include, but not limited to, local stream and lake restoration activities, storm water stenciling, advisory councils, watershed associations, committees, participation on rate structures, stewardship programs and environmental related activities). The target audiences and subject areas for the education program that are likely to have significant storm water impacts should include, but is not limited to, the following:
 1. General Public
 - a. General impacts litter has on water bodies, how trash is delivered to streams via the MS4 and ways to reduce the litter;

- b. General impacts of storm water flows into surface water from impervious surface; and
 - c. Source control BMPs in areas of pet waste, vehicle maintenance, landscaping and rain water reuse.
 - 2. General Public, Businesses, Including Home-Based and Mobile Businesses
 - a. BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials; and
 - b. Impacts of illicit discharges and how to report them.
 - 3. Homeowners, Landscapers, and Property Managers
 - a. Yard care techniques that protect water quality;
 - b. BMPs for use and storage of pesticides and fertilizers;
 - c. BMPs for carpet cleaning and auto repair and maintenance;
 - d. Runoff reduction techniques, which may include but not limited to site design, pervious paving, retention of forests, and mature trees; and
 - e. Storm water pond maintenance.
 - 4. Engineers, Contractors, Developers, Review Staff and Land Use Planners
 - a. Technical standards for construction site sediment and erosion control;
 - b. Storm water treatment and flow control BMPs;
 - c. Impacts of increased storm water flows into receiving water bodies; and
 - d. Run-off reduction techniques and low impact development (LID)/green infrastructure (GI) practices that may include, but not limited to, site design, pervious pavement, alternative parking lot design, retention of forests and mature trees to assist in storm water treatment and flow control BMPS.
- vi. Evaluation of the effectiveness of the public education and public involvement program.
- c. The Permittee shall report each year in the annual report the following information:
 - i. A description of the activities used to involve groups and/or individuals in the development and implementation of the SWMPP;
 - ii. A description of the individuals and groups targeted and how many groups and/or individuals participated in the programs;
 - iii. A description of the activities used to address the reduction of litter, floatables and debris from entering the MS4 as required in Part III.B.1.b.iii.;

- iv. A description of the communication mechanisms or advertisements used to inform the public and the quantity that were distributed (i.e. number of printed brochures, copies of newspapers, workshops, public service announcements, etc); and
 - v. Results of the evaluation of the public education and public involvement program as required in Part III.B.1.b.vi.
- d. The Permittee shall make their SWMPP and their annual reports required under this permit available to the public when requested. The current SWMPP and the latest annual report should be posted on the Permittee's website, if available.

2. Illicit Discharge Detection and Elimination (IDDE) Program

- a. The Permittee shall implement an ongoing program to detect and eliminate illicit discharges into the MS4, to the maximum extent practicable. The program shall include, at a minimum, the following:
 - i. An initial map shall be provided in the SWMPP with updates, if any, provided each year in the annual report. The map shall include, at a minimum:
 - 1. The latitude/longitude of all known outfalls;
 - 2. The names of all waters of the State that receive discharges from these outfalls; and,
 - 3. Structural BMPs owned, operated, or maintained by the Permittee.
 - ii. To the extent allowable under State law, an ordinance or other regulatory mechanism that effectively prohibits non-storm water discharges to the MS4. The ordinance or other regulatory mechanism shall be reviewed annually and updated as necessary and shall:
 - 1. Include escalating enforcement procedures and actions; and
 - 2. Require the removal of illicit discharges and the immediate cessation of improper disposal practices upon identification of responsible parties. Where the removal of illicit discharge within ten (10) working days is not possible, the ordinance shall require an expeditious schedule for removal of the discharge. In the interim, the ordinance shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.
 - iii. A dry weather screening program designed to detect and address non-storm water discharges to the MS4. This program must address, at a minimum, dry weather screening of fifteen percent (15%) of the outfalls once per year with all (100 percent) screened at least once per five years. Priority areas, as described by the Permittee in the SWMPP, will be dry weather screened on a more frequent schedule as outlined in the SWMPP. If any indication of a suspected illicit discharge, from an unidentified

- source, is observed during the dry weather screening, then the Permittee shall follow the screening protocol as outlined in the SWMPP.
- iv. Procedures for tracing the source of a suspect illicit discharge as outlined in the SWMPP. At a minimum, these procedures will be followed to investigate portions of the MS4 that, based on the results of the field screening or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm water.
 - v. Procedures for eliminating an illicit discharge as outlined in the SWMPP;
 - vi. Procedures to notify ADEM of a suspect illicit discharge entering the Permittee's MS4 from an adjacent MS4 as outlined in the SWMPP;
 - vii. A mechanism for the public to report illicit discharges discovered within the Permittee's MS4 and procedures for appropriate investigation of such reports;
 - viii. A training program for appropriate personnel on identification, reporting, and corrective action of illicit discharges;
 - ix. Address the following categories of non-storm discharges or flows (i.e., illicit discharges) only if the Permittee or the Department identifies them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering run-off, individual residential car washing, flows from riparian habitats and wetlands, discharge or flows from firefighting activities (to include fire hydrant flushing); dechlorinated swimming pool discharges, and residual street wash water, discharge authorized by and in compliance with a separate NPDES permit; and
 - x. The Permittee may also develop a list of other similar occasional incidental non- storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non- storm water discharges must not be reasonably expected (based on information available to the Permittees) to be significant sources of pollutants to the municipal separate storm sewer system, because of either the nature of the discharges or conditions you have established for allowing these discharges to your MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to impaired waterbodies, BMPs on the wash water, etc.). You must document in your SWMPP any local controls or conditions placed on the discharges. The Permittee must include a provision prohibiting any individual non- storm water discharge that is

determined to be contributing significant amounts of pollutants to your MS4.

- b. The Permittee shall report each year in the annual report the following information:
 - i. List of outfalls observed during the dry weather screening;
 - ii. Updated MS4 map(s) unless there are no changes to the map that was previously submitted. When there are no changes to the map, the annual report must state this;
 - iii. Copies of, or a link to, the IDDE ordinance or other regulatory mechanism; and
 - iv. The number of illicit discharges investigated, the screening results, and the summary of corrective actions taken to include dates and timeframe of response.

3. Construction Site Storm Water Runoff Control

- a. The Permittee must develop/revise, implement and enforce an ongoing program to reduce, to the maximum extent practicable, the pollutants in any storm water runoff to the MS4 from qualifying construction sites. The program shall include the following at a minimum:
 - i. Specific procedures for construction site plan (including erosion prevention and sediment controls) review and approval: The MS4 procedures must include an evaluation of plan completeness and overall BMP effectiveness;
 - ii. To the extent allowable under State law, an ordinance or other regulatory mechanism to require erosion and sediment controls, sanctions to ensure compliance, and to provide all other authorities needed to implement the requirements of Part III.B.3 of this permit;
 - iii. A training program for MS4 site inspection staff in the identification of appropriate construction best management practices (example: QCI training in accordance with ADEM Admin Code. R. 335-6-12 or the Alabama Construction Site General Permit);
 - iv. Procedures for the periodic inspection of qualifying construction sites to verify the use of appropriate erosion and sediment control practices that are consistent with the Alabama Handbook for Erosion Control, Sediment Control, And Stormwater Management on Construction Sites and Urban Areas published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook"). The frequency and prioritization of inspection activities shall be documented in the SWMPP and must include a minimum inspection frequency of once each month for priority construction sites;
 - v. Procedures, as outlined in the SWMPP, to notify ADEM of construction sites that do not have a NPDES permit or ineffective BMPs that are discovered during the periodic inspections. The notification must provide,

- at a minimum, the specific location of the construction project, the name and contact information from the owner or operator, and a summary of the site deficiencies; and
- vi. A mechanism for the public to report complaints regarding discharges from qualifying construction sites.
- b. ADEM implements a State-wide NPDES construction storm water regulatory program. As provided by 40 CFR Part 122.35(b), the Permittee may rely on ADEM for the setting of standards for appropriate erosion controls and sediment controls for qualifying construction sites and for enforcement of such controls, and must document this in its SWMPP. If the Permittee elects not to rely on ADEM's program, then the Permittee must include the following, at a minimum, in its SWMPP:
- i. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs consistent with the Alabama Handbook for Erosion Control, Sediment Control, And Stormwater Management on Construction Sites and Urban Areas published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook");
 - ii. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - iii. Development and implementation of an enforcement strategy that includes escalating enforcement remedies to respond to issues of non-compliance;
 - iv. An enforcement tracking system designed to record instances of non-compliance and the MS4's responding actions. The enforcement case documentation should include:
 1. Name of owner/operator
 2. Location of construction project or industrial facility
 3. Description of violations
 4. Required schedule for returning to compliance
 5. Description of enforcement response used, including escalated responses if repeat violation occur or violations are not resolved in a timely manner;
 6. Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violation, etc);
 7. Any referrals to different departments or agencies; and
 8. Date violation was resolved
 - v. The Permittee must keep records of all inspections (i.e. inspection reports) and employee training required by Part III.3.a.
- c. The Permittee shall include within the SWMPP the following information:
- i. Procedures for site plan reviews as required by Part III.B.3.a.i;
 - ii. A copy or link of the ordinance or other regulatory mechanism required by Part III.B.3.a.ii.;

- iii. Plans for the training of MS4 site inspection staff as required by Part III.B.3.a.iii; and
- iv. A site inspection plan meeting the requirements of Part III.B.3.a.iv; and
- d. The Permittee shall maintain the following information and make it available upon request:
 - i. Documentation of all inspections conducted of qualifying construction sites as required by Part III.B.3.a.iv. The inspection documentation shall include, at a minimum, the following:
 - 1. Facility type;
 - 2. Inspection date;
 - 3. Name and signature of inspector;
 - 4. Location of construction project;
 - 5. Owner/operator information (name, address, phone number, email);
 - 6. Description of the storm water BMP condition that may include, but not limited to, the quality of vegetation and soils, inlet and outlet channels and structures, embankments, slopes and safety benches, spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures; and
 - 7. Photographic documentation of any issues and/or concerns.
 - ii. Documentation of referrals of noncompliant construction sites and/or enforcement actions taken at construction sites to include, at a minimum, the following:
 - 1. Name of owner/operator
 - 2. Location of construction project;
 - 3. Description of violation;
 - 4. Required schedule for returning to compliance;
 - 5. Description of enforcement response used, including escalated responses if repeat violations occur; and
 - 6. Accompanying documentation of enforcement responses (e.g. notices of non-compliance, notices of violations, etc).
 - iii. Records of public complaints including:
 - 1. Date, time and description of the complaint;
 - 2. Location of subject construction sites; and
 - 3. Identification of any actions taken (e.g. inspections, enforcement, corrections). Identifying information must be sufficient to cross-reference inspection and enforcement records.
- e. The Permittee shall report each year in the annual report the following information:
 - i. A description of any completed or planned revisions to the ordinance or regulatory mechanism required by Part III.B.3.a.i and the most recent copy, or a link to the ordinance; and
 - ii. List of all active construction sites within the MS4 to include the following summary:

1. Number of construction site inspections;
2. Number of non-compliant construction site referrals and/or enforcement actions and description of violations;
3. Number of construction site runoff complaints received; and
4. Number of MS4 staff/inspectors trained.

4. Post-Construction Storm Water Management in New Development and Redevelopment

- a. Post-construction storm water management refers to the activities that take place after construction occurs, and includes structural and non-structural controls including low-impact development and green infrastructure practices to obtain permanent storm water management over the life of the property's use. These post construction controls should be considered during the initial site development planning phase.
 - i. The Permittee must develop/revise, implement, and enforce a program to address storm water runoff from qualifying new development and redevelopment projects, to the maximum extent practicable. This program shall ensure that controls are in place to prevent or minimize water quality impacts. Specifically, the Permittee shall:
 1. Develop/revise and outline in the SWMPP procedures for the site-plan review and approval process and a required re-approval process when changes to post-construction controls are required; and
 2. Develop/revise and outline in the SWMPP procedures for a post-construction process to demonstrate and document that post-construction storm water measures have been installed per design specifications, which includes enforceable procedures for bringing noncompliant projects into compliance.
 - ii. The Permittee must develop and implement strategies which may include a combination of structural and/or non-structural BMPs designed to ensure, to the maximum extent practicable, that the volume and velocity of pre-construction stormwater runoff is not significantly exceeded. A design rainfall event with an intensity up to that of a 2yr-24hr storm event shall be the basis for the design and implementation of post- construction BMPs.
 - iii. To the extent allowable under State law, the Permittee must develop and institute the use of an ordinance or other regulatory mechanism to address post-construction runoff from qualifying new development and redevelopment projects.
 - iv. The Permittee must require adequate long-term operation and maintenance of BMPs. One or more of the following as applicable:

1. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
 2. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
 3. Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control management practices; and/or
 4. Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.
- v. The Permittee shall perform or require the performance of post-construction inspections, at a minimum of once per year, to confirm that post-construction BMP's are functioning as designed. The Permittee shall include an inspection schedule, to include inspection frequency, within the SWMPP.
 - vi. The Permittee shall maintain or require the developer/owner/operator to keep records of post-construction inspections, maintenance activities and make them available to the Department upon request and require corrective actions to poorly functioning or inadequately maintained post-construction BMP's.
 - vii. The Permittee shall review and evaluate policies and ordinances related to building codes, or other local regulations, with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.
- b. The Permittee shall report each year in the annual report the following information:
 - i. Copies of, or link to, the ordinance or other regulatory mechanism required by Part III.B.4.a.iii;
 - ii. A list of the post-construction structural controls installed and inspected during the permit year;
 - iii. Updated inventory of post-construction structural controls including those owned by the Permittee;
 - iv. Number of inspections performed on post-construction structural controls; and,
 - v. Summary of enforcement actions.

5. Pollution Prevention/Good Housekeeping for Municipal Operations

- a. The Permittee shall develop, implement, and maintain a program that will prevent or reduce the discharge of pollutants in storm water run-off from municipal operations to the maximum extent practicable. The program elements shall include, at a minimum, the following:

- i. An inventory of all municipal facilities, including municipal facilities that have the potential to discharge pollutants via storm water runoff;
 - ii. Strategies for the implementation of BMPs to reduce litter, floatables and debris from entering the MS4 and evaluate those BMPs annually to determine their effectiveness. If a BMP is determined to be ineffective or infeasible, then the BMP must be modified. The Permittee shall also develop a plan to remove litter, floatable and debris material from the MS4, including proper disposal of waste removed from the system;
 - iii. A Standard Operating Procedures (SOP) detailing good housekeeping practices to be employed at appropriate municipal facilities and during municipal operations that may include, but not limited to, the following:
 - 1. Equipment washing;
 - 2. Street sweeping;
 - 3. Maintenance of municipal roads including public streets, roads, and highways, including but not limited to unpaved roads, owned, operated, or under the responsibility of the Permittee;
 - 4. Storage and disposal of chemicals, Pesticide, Herbicide and Fertilizers (PHFs) and waste materials;
 - 5. Vegetation control, cutting, removal, and disposal of the cuttings;
 - 6. Vehicle fleets/equipment maintenance and repair;
 - 7. External Building maintenance; and
 - 8. Materials storage facilities and storage yards.
 - iv. A program for inspecting municipal facilities for good housekeeping practices, including BMPs. The program shall include checklists and procedures for correcting noted deficiencies;
 - v. A training program for municipal facility staff in good housekeeping practices as outlined in the SOP developed pursuant to Part III.B.5.a.iii; and
- b. The Permittee shall include within the SWMPP the following information:
- i. The inventory of municipal facilities required by Part III.B.5.a.i;
 - ii. Schedule for developing the SOP of good housekeeping practices required by Part III.B.5.a.iii;
 - iii. An inspection plan and schedule, including checklists and any other materials needed to comply with Part III.B.5.a.iv; and
 - iv. A description of the training program and training schedule required by Part III.B.5.a.v.
- c. The Permittee shall report each year in the annual report the following information:
- i. Any updates to the municipal facility inventory;
 - ii. An estimated amount of floatable material collected from the MS4 as required by Part III.B.5.a.ii;
 - iii. Any updates to the inspection plan
 - iv. The number of inspections conducted; and
 - v. Any updates to the SOP of good housekeeping practices.

- d. The Permittee shall maintain the following information and make it available upon request:
 - i. Records of inspections and corrective actions, if any; and
 - ii. Training records including the dates of each training activities and names of personnel in attendance.

PART IV Special Conditions

A. Responsibilities of the Permittee

1. If the Permittee is relying on another entity to satisfy one or more requirements of this permit, then the Permittee must note that fact in the SWMPP. The Permittee remains responsible for compliance with all requirements of this permit, except as provided by Part III.B.3.b and reliance on another entity will not be a defense or justification for non-compliance if the entity fails to implement the permit requirements.
2. If the Permittee is relying on the Department for the enforcement of erosion and sediment controls on qualifying construction sites and has included that information in the SWMPP as required by Part III.A.3.e., the Permittee is not responsible for implementing the requirements of Part III.B.3.b of this permit as long as the Department receives notification of non-compliant qualifying constructions sites from the Permittee as required by Part III.B.3.a.v.

B. SWMPP Plan Review and Modification

1. The Permittee shall submit a SWMPP and/or revised SWMPP to the Department as required by Part II.A of the permit. The Permittee shall implement plans to seek and consider public input in the development, revision and implementation of this SWMPP, as required by Part III.B.1.b.i. Thereafter, the Permittee shall perform an annual review of the current SWMPP and must revise the SWMPP, as necessary, to maintain compliance with the permit. Any revisions to the SWMPP shall be submitted to the Department at the time a revision is made for the Department review. Revisions made to the SWMPP may include, but are not limited to, the replacement of ineffective or infeasible BMPs or the addition of components, controls and requirements; and
2. The Permittee shall implement the SWMPP on all new areas added to their municipal separate storm sewer system (or for which they become responsible for implementation of storm water quality controls) as soon as practicable, but not later than one (1) year from addition of the new areas. Implementation of the program in any new area shall consider the plans of the SWMPP of the previous MS4 ownership, if any.

C. Discharge Compliance with Water Quality Standards

This general permit requires, at a minimum, that the Permittee develop, implement and enforce a storm water management program designed to reduce the discharge of pollutants to the

maximum extent practicable. Full implementation of BMPs, using all known, available, and reasonable methods of prevention, control and treatment to prevent and control storm water pollution from entering waters of the State of Alabama is considered an acceptable effort to reduce pollutants from the municipal storm drain system to be the maximum extent practicable.

D. Impaired Waters and Total Maximum Daily Loads (TMDLs)

1. The Permittee must determine whether the discharge from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest §303(d) list or designated by the Department as impaired;
2. If the Permittee's MS4 discharges to a waterbody included on the latest §303(d) or designated by the Department as impaired, it must demonstrate the discharges, as controlled by the Permittee, do not cause or contribute to the impairment. The SWMPP must detail the BMPs that are being utilized to control discharges of pollutants associated with the impairment. If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within six (6) months following the publication of the latest final §303(d) list, Department designation, or the effective date of this permit, submit a revised SWMPP detailing new or modified BMPs. The SWMPP must be revised as directed by the Department and the new or modified BMPs must be implemented within one year from the publication of the latest final §303(d) list or Department designation.
3. Permittees discharging from MS4s into waters with EPA-Approved TMDLs and/or EPA-Established TMDLs
 - a. The Permittee must determine whether its MS4 discharges to a waterbody for which a total maximum daily load (TMDL) has been established or approved by EPA. If an MS4 discharges into a water body with an EPA approved or established TMDL, then the SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If additional BMPs will be necessary to meet the requirements of the TMDL, the SWMPP must include a schedule for installation and/or implementation of such BMPs. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.
 - b. If, during this permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which an MS4 discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the MS4.
 1. If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If existing BMPs are not sufficient, the Permittee must, within six (6)

months following the approval or establishment of the TMDL by EPA, submit a revised SWMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within one year, unless an alternate date is approved by the Department, from the establishment or approval of the TMDL by EPA. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

E. Requiring an Individual Permit

The Department may require any person authorized by this permit to apply for and/or obtain an individual NPDES permit. When the Department requires application for an individual NPDES permit, the Department will notify the Permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form and a statement setting a deadline for the Permittee to file the application.

PART V Monitoring and Reporting

1. If there are no 303(d) listed or TMDL waters located within the Permittee's MS4 area, no monitoring shall be required. The SWMPP shall include a determination stating if monitoring is required.
2. If a waterbody within the MS4 jurisdiction is listed on the latest final §303(d) list, or otherwise designated impaired by the Department, or for which a TMDL is approved or established by EPA, during this permit cycle, then the Permittee must implement a monitoring program, within 6 months, to include monitoring that addresses the impairment or TMDL. A monitoring plan shall be included in the SWMPP and any revisions to the monitoring program shall be documented in the SWMPP and Annual Report.
3. Proposed monitoring locations, and monitoring frequency shall be described in the monitoring plan with actual locations described in the annual report;
4. The Permittee must include in the monitoring program any parameters attributed with the latest final §303(d) list or otherwise designated by the Department as impaired or are included in an EPA-approved or EPA-established TMDL;
5. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved 40 CFR Part 136 does not exist, then a Department approved alternative method may be used;
6. If the Permittee is unable to collect samples due to adverse conditions, the Permittee must submit a description of why samples could not be collected, including available documentation of the event. An adverse climatic condition which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.)

or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.);

7. Monitoring results must be reported with the subsequent Annual Report and shall include the following monitoring information:
 - a. The date, latitude/longitude of location, and time of sampling;
 - b. The name(s) of the individual(s) who performed the sampling;
 - c. The date(s) analysis were performed;
 - d. The name(s) of individuals who performed the analysis;
 - e. The analytical techniques or methods used; and
 - f. The results of such analysis.

PART VI Annual Reporting Requirements

1. The Permittee shall submit to the Department an annual report (1 hardcopy and 1 electronic copy) no later than May 31st of each year. The annual report shall cover the previous April 1 to March 31. If an entity comes under coverage for the first time after the issuance of this permit, then the first annual report should cover the time coverage begins until March 31st of subsequent year.
2. **On or after December 21, 2020, all annual reports shall be submitted to the Department electronically in a prescribed manner acceptable to the Department.**
3. The Permittee shall sign and certify the annual report in accordance with Part VII.G.
4. The annual report shall include the following information, at a minimum, and in addition to those requirements referenced in Part III-V:
 - a. A list of contacts and responsible parties (e.g.: agency, name, phone number, address, & email address) who had input to and are responsible for the preparation of the annual report;
 - b. Overall evaluation of the storm water management program developments and progress for the following:
 - i. Major accomplishments;
 - ii. Overall program strengths/weaknesses;
 - iii. Future direction of the program;
 - iv. Overall determination of the effectiveness of the SWMPP taking into account water quality/watershed improvements;
 - v. Measureable goals that were not performed and reasons why the goals were not accomplished; and
 - vi. If monitoring is required, evaluation of the monitoring data.
 - c. Narrative report of all minimum storm water control measures referenced in Part III.B of this permit. The activities shall be discussed as follows:
 - i. Minimum control measures completed and in progress;
 - ii. Assessment of the controls; and
 - iii. Discussion of proposed BMP revisions or any identified measureable goals that apply to the minimum storm water control measures.

- d. Summary table of the storm water controls that are planned/scheduled for the next reporting cycle;
- e. Results of information collected and analyzed, if any, during the reporting period, including any monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP.
- f. Notice of reliance on another entity to satisfy some of your permit obligations; and
- g. If monitoring is required, all monitoring results collected during the previous year in accordance with Part V, if applicable. The monitoring results shall be submitted in a format acceptable to the Department.

PART VII Standard and General Permit Conditions

A. Duty to Comply

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

B. Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the ADEM Code r. 335-6-6 and remain in force and effect if the Permittee re-applies for coverage as required under Part II of this Permit. Any Permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
2. Issuance of an individual permit for your discharges; or
3. A formal permit decision by the Department not to reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

C. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information

The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or terminating the permit or to determine compliance with the permit. The Permittee shall also furnish to the Director upon request, copies of records required to be kept by the permit.

F. Other Information

If you become aware that you have failed to submit any relevant facts in your Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the Department, you must promptly submit such facts or information.

G. Signatory Requirements

All Notices of Intent, reports, certifications, or information submitted to the Department, or that this permit requires be maintained by you shall be signed and certified as follows:

1. Notice of Intent. All Notices of Intent shall be signed by a responsible official as set forth in ADEM Admin. Code r. 335-6-6-.09.
2. Reports and other information. All reports required by the permit and other information requested by the Department or authorized representative of the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. Signed authorization. The authorization is made in writing by a person described above and submitted to the Department.
 - b. Authorization with specified responsibility. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matters for the regulated entity.
3. Changes to authorization. If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of Part VII.G.2.b. above must be submitted to the Department prior to or together with any reports or information, and to be signed by an authorized representative.
4. Certification. Any person signing documents under Part VII.G.1-2. above shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor it does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

I. Proper Operation and Maintenance

You must at all time properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your SWMPP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary

facilities or similar systems, installed by you only when the operation is necessary to achieve compliance with the conditions of the permit.

J. Inspection and Entry

1. You must allow the Department or an authorized representative upon the presentation of credentials and other documents as may be required by law, to do any of the following:
 - a. Enter your premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
 - b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

K. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

L. Permit Transfers

This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the Act.

M. Anticipated Noncompliance

You must give advance notice to the Department of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

N. Compliance with Statutes and Rules

1. The permit is issued under ADEM Admin. Code r. 335-6-6. All provisions of this chapter that are applicable to this permit are hereby made a part of this permit.
2. This permit does not authorize the noncompliance with or violation of any laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws.

O. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall be affected thereby.

P. Bypass Prohibition

Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against a regulated entity for a bypass; unless:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during the normal periods of equipment downtime. This condition is not satisfied if the regulated entity should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
3. The Permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the Permittee is granted such authorization, and the Permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass.

The Permittee has the burden of establishing that each of the conditions of Part VII.P. have been met to qualify for an exception to the general prohibition against bypassing and an exemption, where applicable, from the discharge specified in this permit.

Q. Upset Conditions

An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a regulated entity shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and the Permittee can identify the specific cause(s) of the upset;
2. The Permittee's facility was being properly operated at the time of the upset; and
3. The Permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.

The Permittee has the burden of establishing that each of the conditions of Part VII.Q. of this permit have been met to qualify for an exemption from the discharge specified in this permit.

R. Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to ADEM Admin. Code r. 335-6-6-.17.

S. Re-opener Clause

If there is evidence indicating potential or realized impacts on water quality due to storm water discharge covered by this permit, the regulated entity may be required to obtain an individual permit or an alternative general permit or the permit may be modified to include different limitations and/or requirements.

T. Retention of Records

1. The Permittee shall retain the storm water quality management program developed in accordance with Part III-V of this permit until at least five years after coverage under this permit terminates.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. The Permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of reports required by this permit, and records of all data used to

complete the application of this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended at the request of the Director at any time.

U. Monitoring Methods

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

V. Additional Monitoring by the Permittee

If the Permittee monitors more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the monitoring report. Such increased monitoring frequency shall also be indicated on the monitoring report.

W. Definitions

1. Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
3. CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
4. Department means the Alabama Department of Environmental Management or an authorized representative.
5. Discharge, when used without a qualifier, refers to "discharge of a pollutant" as defined as ADEM Admin. Code r. 335-6-6-.02(m).
6. Green Infrastructure refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated.
7. Illicit Connection means any man-made conveyance connecting an illicit discharge directly to municipal separate storm sewer.
8. Illicit Discharge is defined at 40 CFR Part 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.
9. Indian Country, as defined in 18 USC 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have

not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

10. **Infiltration** means water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.
11. **Landfill** means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
12. **Large municipal separate storm sewer system** means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 250,000 or more as determined by the latest decennial census.
13. **Low Impact Development (LID)** is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product.
14. **Medium municipal separate storm sewer system** means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 100,000 or more but less than 250,000 as determined by the latest decennial census.
15. **MEP** is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR Part 122.34.
16. **MS4** is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a large, medium, or small municipal separate storm sewer system. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.
17. **Municipal Separate Storm System** is defined at 40 CFR Part 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in ADEM Admin. Code r. 335-6-6-.02(nn).
18. **NOI** is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.
19. **Permittee** means each individual co-applicant for an NPDES permit who is only responsible for permit conditions relating to the discharge that they own or operate.
20. **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.

21. Priority construction site means any qualifying construction site in an area where the MS4 discharges to a waterbody which is listed on the most recently approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation, or sedimentation, and any waterbody assigned specific water quality criteria, such as Outstanding Alabama Water use classification, in accordance with ADEM Admin. Code r. 335-6-10-.09 and any waterbody assigned a special designation in accordance with ADEM Admin. Code r. 335-6-10-.10.
22. Qualifying Construction Site means any construction activity that results in a total land disturbance of one or more acres and activities that disturb less than one acre but are part of a larger common plan of development or sale that would disturb one or more acres. Qualifying construction sites do not include land disturbance conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.
23. Qualifying New Development and Redevelopment means any site that results from the disturbance of one acre or more of land or the disturbance of less than one acre of land if part of a larger common plan of development or sale that is greater than one acre. Qualifying new development and redevelopment does not include land disturbances conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.
24. Small municipal separate storm sewer system is defined at 40 CFR Part 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to water of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
25. Storm water is defined at 40 CFR Part 122.26(b) (13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.
26. Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.
27. SWMP is an acronym for "Storm Water Management Program."
28. Total Maximum Daily Load (TMDL) means the calculated maximum permissible pollutant loading to a waterbody at which water quality standards can be maintained. The sum of wasteload allocations (WLAs) and load allocations (LAs) for any given pollutant.

29. You and Your as used in this permit is intended to refer to the Permittee, the operator, or the discharger as the context indicates and that party's responsibilities (e.g., the city, the country, the flood control district, the U.S. Air Force, etc.).



ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

Gadsden Alabama Urbanized Area
Phase II Small MS4
NPDES General Permit ALR040009

March 2014

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APPENDICES

APPENDIX A – FIGURES

Figure 1 – Gadsden, Alabama Urbanized Area

APPENDIX B – IDDE ORDINANCES

City of Attalla , Ordinance No. 802(08), dated February 19, 2008
City of Gadsden, Ordinance No. O-77-05, dated May 17, 2005
City of Glencoe, Ordinance No. 07-06, dated November 8, 2007
City of Hokes Bluff, Ordinance No. O-2-12-002, dated December 11, 2012
Rainbow City, Ordinance No. 490, dated December 10, 2012
City of Southside, Ordinance No. O-10-2012, dated December 10, 2012

APPENDIX C – FORMS

Drainage Basin Illicit Discharge Potential Worksheet
Outfall Reconnaissance Inventory Field Sheet

APPENDIX D – FLOW CHARTS

When to Sample: ORI Observations and Sampling
Evaluating Analytical Data to Determine Discharge Type

1. INTRODUCTION

S&ME, Inc. has prepared this Illicit Discharge Detection and Elimination Program for the *Gadsden, Alabama Urbanized Area* Phase II Small Municipal Separate Storm Sewer System in accordance with S&ME Proposal No. 13-199, dated September 20, 2013 and authorized by Mr. Sherman Guyton, Mayor of the City of Gadsden, on January 3, 2014.

The Illicit Discharge Detection and Elimination Program is required by Part III.B.3 of National Pollutant Discharge Elimination System (NPDES) General Permit ALR040009 for discharges from regulated small municipal separate storm sewer systems (MS4s), issued to the *Gadsden, Alabama Urbanized Area* by the Alabama Department of Environmental Management (ADEM). The permit is jointly held by the following entities: City of Attalla, City of Gadsden, City of Glencoe, City of Hokes Bluff, Rainbow City, City of Southside, and portions of unincorporated Etowah County.

1.1 Urbanized Area Designation

The Storm Water Phase II Final Rule issued by the United States Environmental Protection Agency (USEPA) in 1999 requires nationwide coverage of all operators of small MS4s located within the boundaries of an “urbanized area” as defined by the latest decennial Census. Based on the results of the 2000 census, the Bureau of the Census has designated portions of the entities listed in Section 1 as the *Gadsden, Alabama Urbanized Area*. The urbanized area incorporates approximately 75 square miles. A map outlining the approximate boundary of the *Gadsden, Alabama Urbanized Area* is included in **Appendix A** as Figure 1.

1.2 Gadsden-Etowah MS4 Area

The Gadsden-Etowah MS4 is defined as the portions of the entities’ systems within the urbanized area boundary.

Table 1. Gadsden-Etowah MS4 Entities

ENTITY NAME	TOTAL ENTITY AREA (SQ MILE)	ENTITY AREA WITHIN THE URBANIZED AREA BOUNDARY (SQ MILE)
City of Attalla	6.98	5.59
City of Gadsden	38.29	31.21
City of Glencoe	17.02	3.73
City of Hokes Bluff	12.11	4.08
City of Rainbow City	25.60	7.60
City of Southside	19.15	10.00
Etowah County	548.42	12.33

1.3 Hydrologic Units in the Urbanized Area

Neely Henry Lake (Coosa River) is the primary receiving water for the Gadsden-Etowah MS4. Other receiving waters include Horton Creek, Black Creek, and Big Wills Creek.

Table 2. Hydrologic Hierarchy

REGION	03	South Atlantic-Gulf
SUBREGION	0315	Alabama River Basin
BASIN	031501	Coosa-Tallapoosa: Above the confluence of and including the Coosa and Tallapoosa River Basins
SUBBASIN	03150106	Middle Coosa

Table 3. Watersheds in the Urbanized Area

WATERSHED	HUC 10 ID
Big Wills Creek	03150106-01
Coosa River-Black Creek	03150106-02
Coosa River-Big Canoe Creek	03150106-03

Table 4. Subwatersheds in the Urbanized Area

SUBWATERSHED	HUC 12 ID	TOTAL AREA (SQ MILES)	TOTAL AREA IN UA (SQ MILES)
Little Wills Creek	03150106-01-06	28.36	2.8
Black Creek	03150106-01-07	63.87	12.7
Horton Creek	03150106-01-08	26.44	15.03
Thorton Lakes - Dry Creek	03150106-02-02	15.27	0.09
Big Cove Creek	03150106-02-03	28.24	3.95
Turkey Town Creek	03150106-02-04	89.67	15.49
Lower Big Canoe Creek	03150106-03-06	52.01	2.16
H. Neely Henry Lake - Coosa River	03150106-03-09	72.53	22.57

1.4 Water Quality Concerns

Section 303(d) of the Clean Water Act (CWA), as amended by the Water Quality Act of 1987, and the USEPA Water Quality Planning and Management Regulations (40CFR130) require states to identify waterbodies not in compliance with the water quality standards applicable to their designated use classifications. Section 303(d) then requires that total maximum daily loads (TMDLs) be determined for all pollutants causing violation of applicable water quality standards in each identified segment.

Neely Henry Lake is the primary receiving water for the Gadsden-Etowah MS4. In 1996, the ADEM identified five of the six reservoirs on the Coosa River within the State of Alabama’s borders as being impaired, including Neely Henry Lake. The following table summarizes the impaired segments of Neely Henry Lake.

Table 5. Impaired Waterbody Segments in the Urbanized Area

ASSESSMENT UNIT ID	WATERBODY NAME	USES	CAUSES	SOURCES
AL03150106-0309-101	Coosa River (Neely Henry Lake)	Swimming Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD)	Industrial Municipal Flow regulation/modification Upstream sources
AL03150106-0309-102	Coosa River (Neely Henry Lake)	Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD)	Industrial Municipal Flow regulation/modification Upstream sources
AL03150106-0104-101	Coosa River (Neely Henry Lake)	Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD) Priority Organics (PCBs)	Industrial Municipal Flow regulation/modification Upstream sources Contaminated sediments
AL03150106-0104-102	Coosa River (Neely Henry Lake)	Public Water Supply Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD) Priority Organics (PCBs)	Industrial Municipal Flow regulation/modification Upstream sources Contaminated sediments

In 2008, the US EPA approved TMDLs for Neely Henry Lake related to Nutrients (Total Phosphorous), pH, and Dissolved Oxygen. The Gadsden-Etowah MS4 is required to achieve a **30% reduction in Total Phosphorus loading.**

1.5 Storm Sewer System

A Municipal Separate Storm System is defined by 40 CFR Part 122.26(b)(8) to be a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is:

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying storm water;

- (iii) Not a combined sewer; and,
- (iv) Not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

1.6 Municipal Separate Storm Sewer Outfalls

An MS4 outfall is defined as a point source where a municipal separate storm sewer discharges to waters of the State. This definition does not include open conveyances connecting two municipal separate storm sewers. Also excluded are pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.

Waters of the State are defined by Chapter 335-6-10-.02(10) of the ADEM Administrative Code as all waters of any river, stream, watercourse, pond, lake, coastal, or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership, or corporation, unless such waters are used in interstate commerce.

1.7 Major and Minor Outfalls

A major outfall is defined by 40 CFR Part 122.26(b)(8) to be a municipal separate storm sewer outfall that discharges from:

- (i) A single pipe with an inside diameter of 36 inches or more;
- (ii) A single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres;
- (iii) A single pipe with an inside diameter of 12 inches or more that receives storm water from lands zoned for industrial activity; or,
- (iv) A single conveyance other than a circular pipe associated with a drainage area of 2 acres or more that receives storm water from lands zoned for industrial activity.

Minor outfalls are smaller than these thresholds. Both major and minor outfalls can be a source of illicit discharges.

1.8 Illicit Discharge Detection and Elimination Program Requirements

Part III.B.3 of the NPDES General Permit requires that the Permittee develop and implement an Illicit Discharge Detection and Elimination (IDDE) Program that includes the following:

- 1) Procedures for locating priority areas likely to have illicit discharges, including at a minimum, evaluating land uses associated with business/industrial activities present, areas where complaints have been registered in the past, and areas with storage of large quantities of materials that could result in spills.
- 2) Field assessment activities, including visual inspections of priority outfalls, during dry weather and for the purpose of verifying the outfall locations, identifying previously unknown outfalls, and detecting illicit discharges.
- 3) Procedures to develop and update a storm water map showing the location of all outfalls, to include the latitude and longitude, and the names and location of all receiving waters.
- 4) Descriptions of the sources of information used for the storm water maps, and how the outfall locations will be verified with field surveys.
- 5) A description of the ordinance or other regulatory mechanism used to effectively prohibit illicit discharges into the MS4 and the reasons for selecting the mechanism.
- 6) The plan to ensure through appropriate enforcement procedures and actions that the illicit discharge ordinance (or other regulatory mechanism) is implemented.
- 7) The plan to detect and address illicit discharges to the system, including discharges from illegal dumping and spills. The plan must include, to the extent practicable, dry weather field screening for non-storm water flows and field tests of chemical parameters selected as indicators of discharge sources. The plan must also address on-site sewage disposal systems that flow into the storm drainage system. The description must address the following, at a minimum:
 - Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches.
 - Procedures for tracing the source of an illicit discharge, including the specific techniques used to detect the location of the source.
 - Procedures for removing the source of the illicit discharge.
 - Procedures for program evaluation and assessment.

- 8) How public employees, businesses, and the general public will be informed of hazards associated with illegal discharges and improper disposal of waste and how this plan will coordinate with the public education minimum measure and the pollution prevention/good housekeeping minimum measure programs.
- 9) The individual responsible for overall management and implementation of the illicit discharge detection and elimination program and, if different, who is responsible for each of the Best Management Practices (BMPs) identified in the program.
- 10) Procedures for evaluating the success of the IDDE program.

2. NON-STORM WATER DISCHARGES

2.1 Rationale Statement

Section 402(p)(3)(B)(ii) of the Clean Water Act of 1987 requires that permits for municipal separate storm sewers include a requirement to effectively prohibit non-storm water discharges into the storm sewers. The Alabama General NPDES Permit authorizes specific non-storm water discharges, provided they do not cause or contribute to a violation of water quality standards and they have been determined not to be substantial contributors of pollutants.

2.2 Authorized Non-Storm Water Discharges

NPDES Permit ALR040009 authorizes the following non-storm water discharges:

1. Water line flushing
2. Landscape irrigation
3. Diverted stream flows
4. Uncontaminated ground water infiltration
5. Uncontaminated pumped groundwater
6. Discharges from potable water sources
7. Foundation drains
8. Air conditioning condensate
9. Irrigation water (not consisting of treated or untreated wastewater)
10. Rising ground water
11. Springs
12. Water from crawl space pumps
13. Footing drains
14. Lawn watering runoff
15. Individual residential car washing
16. Residual street wash water
17. Discharge or flows from firefighting activities (including fire hydrant flushing)
18. Flows from riparian habitats and wetlands

19. De-chlorinated swimming pool discharges, and
20. Discharge authorized by and in compliance with a separate NPDES permit

2.3 Illicit Discharges

An illicit discharge is any direct or indirect non-stormwater discharge to the stormwater drainage system, except as permitted or exempted by the Alabama General NPDES Permit or local ordinances.

Currently, all six municipalities in the Gadsden-Etowah MS4 have adopted an ordinance regulating illicit discharges.

3. IDENTIFYING PRIORITY AREAS

3.1 Rationale Statement

Priority areas within an MS4 are those areas more likely to have illicit discharges. Typically, illicit discharges are not uniformly distributed across a community. Instead, illicit discharges are generally clustered within areas defined by characteristics such as land use or infrastructure age.

Part B.3(a)(iv) of the Permit requires that the MS4 establish procedures for locating priority areas. The procedures must include, at a minimum, and evaluation of the following criteria:

1. Land uses associated with business or industrial activities present
2. Areas where complaints have been registered in the past
3. Areas with storage of large quantities of materials that could result in spills

3.2 Drainage Basins

The urbanized area encompasses approximately 75 square miles and the individual entities range from 7 to 38 square miles in size. To assist with data collection and evaluation, drainage basins will be delineated for the waterbodies included within the Gadsden-Etowah MS4. The drainage basins are intended to divide each entity's jurisdictions into smaller, more manageable areas in order to target mapping and inspection activities.

The initial delineation of the drainage basins will be conducted using the USGS topographic map. As mapping of the storm sewer systems progress, the delineated drainage basins may require adjustment to reflect areas where natural topography has been modified and flow redirected.

Once the drainage basins are delineated, each entity will determine their Priority Areas by assigning each drainage basin an Illicit Discharge Potential (IDP) score. The IDP score will be determined by evaluating each drainage basin based on the following characteristics:

- Zoning / Land use
- Number of past reports or complaints
- Potential generating sites
- Age of development

For those drainage basins which extend beyond the boundaries of the Gadsden-Etowah MS4, or where a drainage basin is shared by more than one MS4 entity, the entire drainage basin will be evaluated to ensure that potential sources of illicit discharges are identified.

Entities may also choose to designate additional priority areas independent of the drainage basin IDP screening, if there are specific concerns or past problems in that area.

3.3 Zoning / Land Use

Commercial sites are frequently a source of illicit discharges, often due to activities such as outdoor washing, vehicle fueling, vehicle repair, or poor dumpster management. Potential illicit discharge generating sites include permitted commercial sites, as well as those that are exempt from regulatory oversight.

For the purpose of assigning an IDP score, the cities will evaluate the zoning districts present in each drainage basin. The County will evaluate the MS4 area within its jurisdiction based on land use. An IDP score will be assigned for each drainage basin based on the following criteria.

Table 6. Zoning / Land Use

ZONING / LAND USE TYPE IN DRAINAGE BASIN	IDP SCORE
RESIDENTIAL	1
BUSINESS	2
INDUSTRIAL	3

3.4 Number of Past Reports or Complaints

Any area with a history of past illicit discharge reports or complaints will be considered to have higher illicit discharge potential. The Gadsden-Etowah MS4 entities will evaluate the delineated drainage basins and assign an IDP score based on the following criteria.

Table 7. Past Illicit Discharge Reports

NUMBER OF REPORTS / COMPLAINTS IN PAST 2 YEARS	IDP SCORE
<5	1
5-25	2
>25	3

3.5 Potential Generating Sites

Areas with storage of large quantities of materials that could result in spills include permitted commercial sites, as well as those that are exempt from regulatory oversight. Activities requiring permitting, reporting, and/or registration include the storage of petroleum products, fertilizers, hazardous waste, use oil, and hazardous materials.

For the purpose of assigning an IDP score, the Gadsden-Etowah MS4 entities will determine the number of registered sites within each drainage basin using data obtained from publicly-available sources such as the Facility Registry System, EPA ECHO Database, and ADEM E-file system. The data sources used will be cited in the Annual Report. An IDP score will be assigned for each drainage basin based on the following criteria.

Table 8. Potential Generating Sites

REGISTERED SITES PER SQUARE MILE	IDP SCORE
<3	1
3-10	2
>10	3

3.6 Age of Development

The *Gadsden, Alabama Urbanized Area* was first settled in the early 1800s. Areas where the average age of development is over 50 years were constructed before the cities established sanitary sewer service, and would have been added to the sewer system when it was first constructed. These areas will be considered to have high illicit discharge potential due to the possibility of leaking pipes, improper connections, or modified connections.

The Gadsden-Etowah MS4 will evaluate the delineated drainage basins and assign an IDP score based on the following criteria.

Table 9. Average Age of Development

AVERAGE AGE OF DEVELOPMENT (YEARS)	IDP SCORE
<10	1
10-50	2
>50	3

3.7 IDP Assessment

The delineated drainage basins will be analyzed each reporting period to determine the priority areas for that period’s dry weather monitoring. Examples of how IDP is assessed are shown in Tables 9 and 10. A worksheet for drainage basin scoring is included in **Appendix C**.

Table 10. IDP Calculation - Example 1

DRAINAGE BASIN CRITERION	RESULTS	IDP SCORE
Zoning / Land Use	Industrial districts	3
Number of IDDE Reports in Past 2 Years	3 (2012) + 16 (2013) = 19	2
Number of Potential Generating Sites	1 site	1
Average Age of Development	75 years	3
TOTAL IDP SCORE – EXAMPLE 1		9

Table 11. IDP Calculation - Example 2

DRAINAGE BASIN CRITERION	RESULTS	IDP SCORE
Zoning / Land Use	Business districts	2
Number of IDDE Reports in Past 2 Years	5 (2012) + 12 (2013) = 17	2
Number of Potential Generating Sites	2 sites	1
Average Age of Development	12 years	2
TOTAL IDP SCORE – EXAMPLE 2		7

Based on the four criteria, the lowest possible IDP score is a 4. The highest possible IDP score is a 12. **Priority Areas are those drainage basins having an IDP score between 9 and 12.** Therefore, the drainage basin in Example 1 would be designated a Priority Area. The drainage basin in Example 2 would not.

4. FIELD ASSESSMENT ACTIVITIES

4.1 Rational Statement

As required by Section III.B.3(iv) of the NPDES General Permit, the Gadsden-Etowah MS4 entities will conduct field assessment activities for the purpose of verifying outfall locations, identifying previously unknown outfalls, and locating, identifying, and correcting illicit discharges to the MS4.

4.2 Outfall Identification

The Gadsden-Etowah MS4 entities will each implement stream-walking programs designed to identify previously unknown outfalls to the MS4. The stream-walking programs should target Priority Areas first. Coordination between entities will be required where a delineated drainage basin crosses a municipal boundary.

Starting at the location where a waterbody exits a delineated drainage basin, field crews will move upstream to identify points where storm water discharged from the MS4 enters the waterbody. Field observation to identify outfalls includes collection of the following data:

1. Outfall coordinates
2. Conveyance type (ditch, culvert, pipe, etc.)
3. Conveyance shape
4. Conveyance size (pipe diameter, ditch width and depth, box culvert dimensions, etc.)
5. Conveyance material (RCP, PVC, CMP, etc.)
6. Outfall condition
7. Outfall elevation
8. Surrounding land use
9. Pictures of the outfall, with outfall identification shown in the picture

The outfall identification data may be recorded on the Outfall Reconnaissance Inventory Field Sheet (located in **Appendix C**) or on a separate form. The forms will be used to add the identified outfalls to the entity's MS4 map. An updated map will be provided with the Annual Report.

Based on the National Hydrography Dataset (NHD), the Gadsden-Etowah MS4 area contains approximately 150 miles of stream length. As streams are mapped by each entity, the total stream lengths may change from those identified in the NHD.

Table 12. NHD Stream Lengths in the MS4

ENTITY	STREAM LENGTH IN REGULATED MS4 AREA (MILES)
Attalla	11.26
Gadsden	53.21
Glencoe	5.63
Hokes Bluff	9.16
Rainbow City	14.41
Southside	18.65
Etowah County	35.16

The entities will walk approximately 20% of their total stream length within the regulated MS4 each reporting period. Based on the stream lengths obtained from the national hydrography dataset, the anticipated date of completion for the initial mapping is **March 31, 2019**.

Outfall identification may also be conducted in conjunction with dry-weather monitoring activities discussed in Section 7 of this plan.

4.3 Outfall Verification

Probable outfalls may be identified during mapping activities, during review of proposed development plans, or through illicit discharge reports. When a probable outfall is identified, it will be added to the storm water system map and labeled as unverified.

The MS4 entities will verify probable outfalls through field observation. Probable outfalls will be verified **within 18 months** of being added to the storm water system map.

Field observation to verify an outfall includes collection and confirmation of the following information:

1. Outfall coordinates
2. Conveyance type (ditch, culvert, pipe, etc.)
3. Conveyance shape
4. Conveyance size (pipe diameter, ditch width and depth, box culvert dimensions, etc.)
5. Conveyance material (RCP, PVC, CMP, etc.)
6. Outfall condition
7. Outfall elevation
8. Pictures of the outfall, with outfall identification shown in the picture

The outfall verification data may be recorded on the Outfall Reconnaissance Inventory Field Sheet (located in **Appendix C**) or on a separate form. The forms will be used to add the identified outfalls to the entity's MS4 map. An updated map will be provided with the Annual Report.

Outfall verification may be conducted in conjunction with dry-weather monitoring activities discussed in Section 7.

4.4 Dry Weather Monitoring

The Gadsden-Etowah MS4 entities will perform dry weather monitoring of known outfalls as detailed in Section 7.

5. STORM WATER MAPPING

5.1 Rationale Statement

Accurate and up-to-date maps of the storm sewer system are critical to the implementation of the IDDE program. Maps are used to direct field crews, locate outfalls, assess illicit discharge potential, track reports, and track corrective actions.

Part III.3(a)(ii) of the Permit requires that the Gadsden-Etowah MS4 develop a map showing:

1. Location of all outfalls;
2. Names and location of all waters of the State that receive discharges from those outfalls;
3. Structural BMPs owned, operated, and maintained by boundaries of the Permittee's watershed;
4. Storm water outfalls which become known;
5. Known connections to the MS4 authorized or allowed by the Permittee after the effective date of permit coverage; and,
6. Any geographic areas which may discharge storm water into the Permittee's MS4, which may not be located within the regulated area boundary.

5.2 Existing Features

Existing storm sewer infrastructure will be mapped to assist with drainage basin delineation, the determination of priority areas, outfall inspections, and IDDE investigations. Mapping should include storm sewer pipes, manholes, inlets, and junction boxes to help identify illicit connections or illicit discharge sources.

Existing storm drain features such as ditches or swales will be mapped using both aerial photography and field observations. Natural drainage features that are mapped using aerial

photography will be verified by municipal or county personnel or contracted crews in conjunction with the stream-walking program.

Each Gadsden-Etowah MS4 entity will continue to update their existing storm sewer maps as storm drain features are identified.

5.3 Future Additions

Proposed additions to the Gadsden-Etowah MS4, including new storm sewers or drainage ditches, will be mapped based on the civil plans provided to the entity in which the project is located. Plans will be provided by developers and the relevant features will be added to the entity's storm sewer map.

The City of Southside will require developers to submit drainage plans in electronic format compatible with the City's mapping system. The City of Southside will also require developers to provide latitude and longitude coordinates of outfalls in decimal degrees.

Outfalls from proposed development will be verified after construction is complete using the procedure outlined in Section 4.2.

5.4 Outfalls

As discussed in Section 4, newly verified or identified outfalls will be added to the storm sewer map, and an updated map will be provided with the Annual Report.

6. IDDE ORDINANCES

6.1 Rationale Statement

The purpose of an illicit discharge ordinance is to provide legal authority to the Gadsden-Etowah MS4 entities to prohibit illicit discharges, investigate suspected illicit discharges, require elimination of illicit discharges, and carry out enforcement actions.

Part III.B.3.(a)(iii) of NPDES Permit ALR040009 requires the entities comprising the Gadsden-Etowah MS4 to effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges into the storm sewer system that are not listed in Part I.B.2 of the Permit, and implement appropriate enforcement procedures and actions.

Currently, the six municipalities in the Gadsden-Etowah MS4 have adopted an illicit discharge ordinance. Copies of the ordinances are included in **Appendix B**.

Table 13. Gadsden-Etowah MS4 IDDE Ordinances

MS4 ENTITY	ORDINANCE NUMBER	DATE ADOPTED
City of Attalla	802(08)	02-19-2008
City of Gadsden	O-77-05	05-17-2005
City of Glencoe	07-06	11-08-2007
City of Hokes Bluff	O-2012-002	12-11-2012
City of Rainbow City	490	12-10-2012
City of Southside	O-10-2012	12-10-2012
Etowah County	NOT APPLICABLE – ORDINANCE PROHIBITED BY STATE LAW	

In the case of Etowah County, home rule is limited by the state constitution. Counties have no general grant of power in the state constitution and must go to the Alabama Legislature for authority to engage in any activity not currently authorized by the State Constitution. Authority may be granted through constitutional amendments or by an act of the legislature known as "local legislation." Etowah County currently does not have the authority to enact an illicit discharge ordinance, and will require action from the Alabama Legislature to gain that ability.

6.2 Prohibit Illicit Discharges and Connections

The IDDE ordinances must explicitly prohibit non-storm water discharges into the storm sewer system, with the exception of those non-storm discharges specifically allowed by NPDES Permit ALR040009. The IDDE ordinances must also explicitly prohibit illicit connections to the storm sewer system. The prohibition of illicit connections should be retroactive, to include connections made in the past, whether or not the connection was permissible at the time.

Sections 108-8, 108-8, 8, and VIII of the Attalla, Gadsden, Glencoe, and Southside ordinances, respectively, specifically define and prohibit illicit discharges and illicit connections. The prohibition of illicit connections is retroactive in all four ordinances.

Rainbow City ordinance 490 and Hokes Bluff ordinance O-2012-002 do not use the term "illicit discharge" or "illicit connection" but Section 11.A of the Rainbow City ordinance and Section 11.1 of the Hokes Bluff ordinance list allowable discharges. Sections 11.B and 11.2 of the Rainbow City and Hokes Bluff ordinances prohibit all discharges not explicitly authorized in the ordinances.

6.3 Enforcement Responsibility

The IDDE ordinances should specify which department or individual within each municipality is responsible for IDDE program enforcement.

Section 108-9(1) of Attalla ordinance 802(08) specifies that the departments of building and public works have the authority to pursue enforcement actions as described in Section 108-9(2).

Section 108-9(1) of Gadsden ordinance O-77-05 specifies that enforcement authority is granted to the departments of planning and engineering, with the available enforcement actions detailed in Section 108-9(2).

Section 9(1) of Glencoe ordinance 07-06 specifies that the departments of building and zoning have the authority to pursue enforcement actions as described in Section 9(2).

Section 11.3 of Hokes Bluff ordinance O-2012-002 specifies that the City of Hokes Bluff intends to rely upon ADEM for enforcement of violations of the ordinance. No enforcement action will be taken by the City of Hokes Bluff if ADEM issues a Notice of Violation or an administrative order, or if ADEM commences administrative or civil action. If a violation is not appropriately corrected or abated following the ADEM enforcement action, then the City will proceed with the enforcement actions authorized in Section 11.8.

Section 11.C of Rainbow City ordinance 490 specifies that Rainbow City intends to rely upon ADEM for enforcement of violations of the ordinance. No enforcement action will be taken by Rainbow City if ADEM issues a Notice of Violation or an administrative order, or if ADEM commences administrative or civil action. If a violation is not appropriately corrected or abated following the ADEM enforcement action, then the City will proceed with the enforcement actions authorized in Section 11.F.

Section IX(1) of Southside ordinance O-10-2012 grants enforcement authority to the departments of planning and engineering and specifies the available enforcement actions in Section IX(2).

6.4 Enforcement Actions

The IDDE ordinances must provide the municipalities with the ability to perform inspections, trace suspected illicit discharges, require elimination of confirmed illicit discharges, and compel compliance with the ordinance.

The IDDE ordinance must describe the enforcement actions available to the municipality. Enforcement actions may include a Warning Notice, a Notice of Violation, suspension of MS4 access, alternative compensatory actions (e.g., storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.), civil penalties, and criminal prosecution.

Sections 108-7(3) of Attalla ordinance 802(08) grants the city the ability to establish inspection programs. Section 108-9 lists the available enforcement actions.

Section 108-7(3) of Gadsden ordinance O-77-05 grants the city the ability to establish inspection programs. Section 108-9 lists the available enforcement actions.

Section 7(3) of Glencoe ordinance 07-06 grants the city the ability to establish inspection programs. Section 9 lists the available enforcement actions.

Section 9.2 of Hokes Bluff ordinance O-2012-002 provides for inspections of properties where Land Disturbing Activities are being conducted or where Post-Construction Strategies have been implemented. Section 11 lists the available enforcement actions.

Section 9.B of Rainbow City ordinance 490 provides for inspections of properties where Land Disturbing Activities are being conducted or where Post-Construction Strategies have been implemented. Section 11 lists the available enforcement actions.

Section VII(3) of Southside ordinance O-10-2012 grants the city the ability to establish inspection programs. Section IX lists the available enforcement actions.

6.5 Evaluation

Each entity's ordinance will be reviewed on an annual basis and updated as needed. The ordinances will be evaluated on their effectiveness in addressing identified illicit discharges and preventing repeat offenders.

7. OUTFALL RECONNAISSANCE INVENTORY

Each Gadsden-Etowah MS4 entity will conduct an Outfall Reconnaissance Inventory (ORI) to visually inspect known outfalls from the regulated portion of its storm water drainage system for the purpose of locating, identifying, and correcting illicit discharges to the MS4.

7.1 Rationale Statement

Visual inspections of outfalls are critical to the identification and elimination of illicit discharges. Indicators of potential illicit discharges include outfalls that are flowing during dry weather, indicating a potential illicit connection, or outfalls that have high turbidity, strong odors, or unusual colors. Where suspect discharges are observed, additional testing can assist in determining the discharge source.

7.2 Prioritization Schedule

The drainage basins designated as Priority Areas using the procedures outlines in Section 3 of this plan will be prioritized for outfall inspection activities. Outfalls located in Priority Areas will be inspected at a greater frequency than outfalls located outside Priority Areas.

The Gadsden-Etowah MS4 is currently in the process of performing the initial delineation and evaluation of Priority Areas. Once the initial IDP assessment is completed and Priority Areas are assigned for the 2014-2015 reporting period, each entity should be able to determine what percentage of outfalls they have the capability to inspect each year.

Following the initial assessment, Priority Areas will be re-evaluated **by April 30 of each year** (e.g., by April 30, 2015 for the April 1, 2015 through March 31, 2016 reporting period). The anticipated inspection schedule for the following reporting period will be included in each Annual Report.

7.3 Responsibility

ORI inspections within the jurisdiction of each Gadsden-Etowah MS4 entity are the responsibility of the entity's **IDDE Program Manager**. Inspections may be performed by municipal staff or by subcontracted crews. All field reports will be received and reviewed by the entity's **IDDE Program Manager**. Table 18 in Section 11.1 of this plan lists the **IDDE Program Manager** for each entity.

7.4 Inspection Conditions

ORI inspections should be conducted when the outfall is accessible, unobstructed, and when there will be no storm water flows.

The preferred conditions for outfall inspections include:

- Dry season (e.g., summer or early fall)
- No rainfall over 0.1 inch in the previous 48 hours
- Recently mowed, low vegetation, or leaf-off conditions
- Due to sample hold time, discharge samples should not be collected on a Friday, Saturday, or Sunday.

Field crews should allow three to four days of an antecedent dry period before starting or resuming inspections after long periods of heavy rain.

7.5 Equipment

Prior to conducting field work, crews should assemble all required equipment listed below and review records from prior inspections in the same area to become familiar with the outfall locations and any potential inspection challenges. Field crews should prepare for consecutive days of field work when possible.

1. Minimum 2 person crew
2. Safety gear (e.g., vest, hard hat, cones)
3. City or County identification
4. Field notebook and pencils
5. Outfall Reconnaissance Inventory Field Sheet
6. Map or aerial photo of inspection area
7. GPS unit with charged battery
8. Cell phone with charged battery
9. Digital camera with charged battery
10. Compass
11. Machete or clippers
12. Flash light or headlamp with charged battery
13. Tape measure
14. Dry erase board and marker (to identify outfall in photos)
15. First aid kit
16. Stopwatch or watch with second hand
17. Clear 1-liter sample bottle to evaluate field parameters
18. Sampling kits (see Section 7.9)
19. Cooler with ice
20. Permanent marker
21. Thermometer
22. pH probe
23. Ammonia test strips
24. Nitrile or latex gloves
25. Wide-mouth container
26. Hand sanitizer

7.6 Safety Considerations

Health and safety considerations for outfall inspection and sampling include, but are not limited to, the potential for contact with:

- Contaminated water
- Sharp debris and objects
- Wild animals
- Landowners
- Confined spaces

Field crews should be comprised of at least two individuals, each equipped with proper footwear (e.g., sturdy waterproof boots or waders) and gloves (e.g., neoprene, latex, or rubber).

Private properties should not be accessed unless proper notification has been provided, preferably in advance. Field crews should carry identification or wear clothing that identifies them as municipal workers or subcontractors.

It is recommended that field crews be vaccinated against Hepatitis B, particularly if the crews will be accessing waters known to be contaminated with illicit sewage discharges.

A confined space refers to a space that has limited openings for entry and exit, unfavorable natural ventilation that could contain or produce hazardous atmospheres, and is not intended for continuous employee occupancy. Examples of confined spaces field crews might encounter are manholes or tunnels. In the event a confined space is encountered during an IDDE investigation, the space will be investigated using cameras. **Under no circumstances should inspection personnel enter a confined space.**

If confined space entry is necessary to complete the IDDE investigation, the **IDDE Program Manager** may coordinate with other municipal departments to locate personnel with the appropriate confined space entry training and equipment. Under no circumstances should any person enter a confined space until all required safeguards have been accomplished and entry permits completed.

7.7 Inspection Procedure

The ORI inspection procedure includes the following activities:

1. Visually inspect the outfall and the immediate surrounding area
2. Photograph the current conditions (using the whiteboard to identify the outfall in the photos)
3. Complete the Outfall Reconnaissance Inventory Field Sheet

If flow is observed continue with steps 4 and 5.

4. Measure observed flow by timing how long it takes to fill a wide-mouth container of known volume
5. Perform field screening of observed flow

Potential illicit discharges are indicated by outfalls that have flow in dry weather and/or foul odors or discolored water in or around the outfall pipe. During field inspections, crews should also note whether outfalls have maintenance issues, such as damaged infrastructure or trash accumulation.

When a potential illicit discharge is identified, field crews will photograph the discharge and outfall, then conduct a brief visual inspection of the surrounding area to identify possible sources of the discharge.

A flow chart outlining the screening and sampling procedure is included in **Appendix D**.

7.8 Visual Inspection

Visual observations are used to observe conditions at the outfall and complete the Outfall Reconnaissance Inventory Field Sheet (see **Appendix C**). Sections 1, 2, and 5 of the Field Sheet require information on outfall location, surroundings, condition, and type. Sections 3 and 4 of the Field Sheet are used to record the following dry-weather flow observations:

- Flow rate
- Color of discharge
- Odor
- Turbidity
- Floatables

7.9 Field Screening

Where dry weather flows are noted, but no obvious illicit discharge is identified, field crews will screen the discharge for indicators of illicit discharges. Field screening will include testing for temperature, pH, and ammonia.

Table 14. Field Screening Values

PARAMETER	UNLIKELY	SUSPECT
Temperature	< 85 °F	> 85 °F
pH	5.5 to 9.0	< 5.5 or > 9.0
Ammonia	< 1 mg/L	> 1 mg/L

Sanitary wastewater and certain industrial discharges can substantially increase outfall discharge temperatures. Elevated discharge temperatures may indicate a sanitary or industrial illicit discharge. Discharge temperatures over 90 °F indicate an obvious illicit discharge, likely due to an industrial source such as cooling water or boiler blowdown.

Extreme pH levels can indicate the presence of an industrial illicit discharge.

Ammonia concentrations in groundwater or tap water are typically low. High ammonia concentrations in dry-weather flows may indicate the discharge of sanitary wastewater or liquid wastes from some industrial sites.

7.10 Discharge Sampling

If a discharge has a severity index of 3 on one or more indicators in Section 4 of the ORI Field Sheet, or if field screening results indicate a suspect discharge, field crews will collect samples to be analyzed for the following parameters:

Table 15. Illicit Discharge Indicators

PARAMETER	INDICATOR
Surfactants	> 0.25 mg/L indicates discharge is contaminated by sewage or washwater
Fluoride	> 0.13 and < 0.6 mg/L indicate tap water source > 0.6 mg/L indicates industrial source
Ammonia (NH ₃)	A/P ratio > 1 indicates sewage; A/P ratio < 1 indicates washwater ≥50 mg/L indicates industrial discharge
Potassium	A/P ratio > 1 indicates sewage; A/P ratio < 1 indicates washwater ≥20 mg/L indicates industrial discharge
Total Phosphorous	> 0.4 mg/L indicates contamination from lawn practices, agriculture, sewage, or washwater

The table below provides the preferred laboratory method, sampling container, required preservative, and analysis hold time for each parameter. The City will use this as a guideline for sampling protocols.

Table 16. Laboratory Analysis

PARAMETER	EPA METHOD	CONTAINER	PRESERVATIVE	HOLD TIME
MBAS (Surfactants)	5540 C-2011	HDPE – 1 L	None	48 hours
Ammonia Nitrogen	350.1	HDPE – 500 mL	Na ₂ S ₂ O ₃ + H ₂ SO ₄	28 days
Fluoride	300.0	HDPE – 125 mL	None	28 days
Total Phosphorous	365.2	HDPE – 250 mL	H ₂ SO ₄	28 days
Potassium	200.7	HDPE – 500 mL	HNO ₃	180 days

7.11 Inspection Reporting

Completed ORI Field Sheets, photos, and additional information collected during the ORI inspection will be submitted to the entity's **IDDE Program Manager** within 48 hours of completion of the inspection.

If the inspection crew encounters a transitory discharge, such as a liquid or oil spill, during inspection activities, the observed spill or environmental hazard will be immediately reported to the entity’s **IDDE Program Manager**.

7.12 Outfall Ranking

Section 6 of the ORI Field Sheet requires the inspector to characterize the observed outfall as having obvious, suspect, possible, or unlikely discharge potential.

Discharges with an “obvious” ranking will be investigated within 10 days of determination, assuming the source was not identified at the time the discharge was observed. Discharges with a “suspect” ranking will be investigated within 30 days. Discharges that have a “potential” ranking will be investigated within 60 days. Discharges with an “unlikely” ranking will be noted for comparison during future inspections. Investigations will generally follow the procedures outlined in Section 8.

Table 17. Outfall Ranking

RESPONSE TIME	RANKING	CHARACTERISTICS
10 days	Obvious	Outfalls where there is an illicit discharge that doesn’t require sample collection for confirmation
30 days	Suspect	Flowing outfalls with high severity (ranking of 3) on one or more physical indicators
60 days	Potential	Flowing or non-flowing outfalls with presence of two or more physical indicators
-	Unlikely	Non-flowing outfalls with no physical indicators of an illicit discharge

8. IDDE INVESTIGATION

Once an illicit discharge is suspected or detected at an outfall or in a stream, one of four types of illicit discharge investigations is triggered to track down the source:

- Storm drain network investigations
- Drainage area investigations
- On-site investigations
- Septic system investigations

When an illegal dumping or other illicit discharge source is directly observed by inspection personnel, it is generally not necessary to follow these investigation procedures, as the source of the problem discharge is already known.

8.1 Storm Drain Network Investigations

Storm sewer investigations use field crews to trace the source of a discharge problem to a single segment of a storm sewer. The investigation starts at the outfall and works progressively up the trunk from the outfall. Common investigative methods include:

- Visual inspection at manholes
- Sandbagging or damming the trunk
- Dye testing
- Smoke testing
- Video testing

8.2 Drainage Area Investigations

Drainage area investigations are initially conducted in the office, and involve a parcel by parcel analysis of potential generating sites within the drainage area of the suspect outfall. Drainage area investigations are appropriate when the flow type in the discharge appears to be specific to a certain type of land use or generating site.

These investigations may include the following techniques:

- Analysis of land use
- Obtaining permit information from EPA and ADEM
- Review of as-built drawings
- Aerial photography analysis
- Infrared aerial photography analysis

8.3 On-site Investigations

On-site investigations are typically performed by dye testing the plumbing systems of households and buildings. Where septic systems are prevalent, inspections of tanks and drain fields may be needed.

8.4 Septic System Investigations

If a septic system is suspected as the source of an illicit discharge, the entity responsible for the investigation will notify the Etowah County Health Department, Environmental Services Division at (256) 439-2586.

Once a complaint is received, the Health Department will visit the property to inspect and verify the complaint. If problems are observed with the septic system, the Health Department will issue a Notice to the property owner requiring corrective actions within a certain timeframe, typically 30 days.

Each entity's **IDDE Program Manager** will be responsible for coordinating with the Etowah County Health Department to confirm that the required corrective actions have been completed.

9. ILLICIT DISCHARGE ELIMINATION

9.1 Rationale Statement

Following the identification of an illicit discharge or connection, the **IDDE Program Manager** for the entity with jurisdiction will first attempt to secure voluntary compliance through education. If corrective actions are not taken, the municipality will respond to identified illicit discharges, illicit connections, or illegal dumping activities using the enforcement actions defined in their illicit discharge ordinance.

As previously discussed, the County does not currently have the ability to enact an illicit discharge ordinance; therefore, identified illicit discharges, connections, or dumping activities will be reported to the ADEM Water Division for enforcement actions.

9.2 Voluntary Compliance

When an illicit discharge or illicit connection is identified, the **IDDE Program Manager** for the entity with jurisdiction will first pursue voluntary compliance through responsible party education. Business operators and property owners may not be aware of illicit connections or illegal discharge activities on their property, or the illicit discharge/connection may have been legal at one time. In these cases, the non-compliance may be adequately addressed by providing information about the connection or operation, the environmental consequences of the illicit discharge, and suggestions on how to remedy the problem.

Property owners and/or operators will be notified that the identified illicit discharge or illicit connection must be corrected in a timely manner and that the **IDDE Program Manager** will conduct a follow-up site visit to verify compliance. Field staff should also provide the property operator with an educational brochure targeting illicit discharge violations and a copy of the IDDE ordinance.

9.3 Enforcement Actions

When voluntary compliance does not produce the desired result, the **IDDE Program Manager** is required to coordinate with the appropriate municipal department to pursue follow-up enforcement action.

The Gadsden, Glencoe, Southside, and Rainbow City ordinances provide for the issuance of a Written Notice specifying the violation and requiring the submission of an explanation for the violation and a plan to correct it and prevent future violations. The response must be submitted to the city issuing the notice within 10 days of the date of the notice.

The Gadsden, Glencoe, and Southside ordinances provide for the issuance of Consent Orders describing the specific actions that must be taken and a specific time frame for completion. The ordinances also allow a violator the opportunity of a Show Cause Hearing to explain why a proposed enforcement action should not be taken against the violator.

The Gadsden, Glencoe, Southside, and Rainbow City ordinances all provide for the issuance of Compliance Orders or Cease and Desist Orders.

9.4 Corrective Action Record Keeping

When a suspect illicit discharge or illicit connection is identified, the entity's **IDDE Program Manager** will open a case log detailing:

- Type of suspected discharge
- Location of suspected discharge
- Copy of the ORI or IDDE report
- IDDE investigation activities and dates
- IDDE investigation results
- Responsible party information
- All communications with the responsible party
- Proof of corrective actions

Throughout the problem investigation and corrective action activities, all information related to the incident or property in question should be documented in the case log.

10. PUBLIC EDUCATION

10.1 Rationale Statement

Part III.B.3(a) of NPDES permit ALR040009 requires that the Gadsden-Etowah MS4 “inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.”

The Gadsden-Etowah MS4 entities have selected outreach activities that educate the public and businesses about their ultimate impact on water quality and its potential impact on them. This measure is intended to reduce pollutants at the source by helping dischargers understand the potential negative consequences of their activities.

10.2 Target Audiences

The primary target audiences within the Gadsden-Etowah MS4 for public education related to the IDDE program are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
 - Responsible for preventing illicit discharges associated with municipal operations
- **General Public** (homeowners and citizens)
 - Potential contributors of illicit discharges from activities such as dumping paint, motor oil, or other chemicals into a storm drain
 - Encouraged to report potential illicit discharges
- **Engineers, Developers, and Contractors**
 - Potential contributors of illicit discharges through dumping of paint, concrete washout water, oil, or construction site sediments into the storm water system
- **Local Businesses**
 - Potential contributors of illicit discharges through unpermitted or facilities
 - Potential contributors of illicit discharges through improper facility operations or lack of best management practices

10.3 Municipal Employees

In coordination with the Pollution Prevention and Good Housekeeping for Municipal Operations control measures discussed in the Storm Water Management Program (SWMP) and most recent Annual Report, municipal and County employees will participate in annual training regarding the prevention of storm water pollution at municipal facilities or related to municipal activities. This training will focus on pollution prevention, good housekeeping measures, and illicit discharge detection. Specific municipal operations such as fueling, vehicle maintenance, vehicle washing, paint and paint waste storage and disposal, and used oil disposal may be addressed.

10.4 General Public

In coordination with the Public Education and Outreach measures discussed in the SWMP and most recent Annual Report, the Gadsden-Etowah MS4 entities will prepare and distribute educational materials at selected public locations and events. The educational materials may include information on proper disposal of hazardous household wastes, pesticide or fertilizer use, vehicle washing, septic tank maintenance, or runoff management.

Each entity will create a reporting and tracking system for illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water

pollution. The selected system will provide for anonymous reporting. The entities will publicize the selected illicit discharge reporting method on the storm water webpage on their respective websites.

10.5 Engineers, Developers, and Contractors

In coordination with the Public Education and Outreach measures discussed in the SWMP and most recent Annual Report, the Gadsden-Etowah MS4 entities will provide educational materials to individuals requesting building or development permits. These materials may include information on construction storm water permitting, erosion and sediment controls, the impacts of sediment on water quality, proper disposal of construction waste, or proper storage and disposal of paints and paint waste.

10.6 Local Businesses

In coordination with the Public Education and Outreach measures discussed in the SWMP and most recent Annual Report, the Gadsden-Etowah MS4 entities will prepare and distribute educational materials at selected public locations. The educational materials may include information on proper disposal of hazardous household wastes, pesticide or fertilizer use, vehicle washing, septic tank maintenance, or runoff management.

The Gadsden-Etowah MS4 will also prepare educational materials for distribution during illicit discharge investigation activities. These materials will provide information on common business-related illicit discharges, NPDES permitting, and the municipal IDDE ordinance.

11. RESPONSIBLE PARTIES

The **IDDE Program Manager** for each entity is responsible for the coordination and implementation of the IDDE Program within their municipality's or County's jurisdiction.

11.1 Coordination Between Entities

Coordination between departments and individuals within the Gadsden-Etowah MS4 is critical to effective implementation of the IDDE Program. The **IDDE Program Manager** for each municipality or County is responsible for overseeing the IDDE Program and coordinating with other municipal or County departments to ensure that outfalls are identified, inspections are conducted, reports are received, data is mapped, and enforcement actions are taken.

The following table lists each entity’s **IDDE Program Manager** and contact information.

Table 18. Contacts for IDDE Program Implementation

MS4 ENTITY	IDDE PROGRAM MANAGER	PHONE	EMAIL
City of Attalla	Jason Nicholson	256-441-9200	j.nicholson@attallacity.com
City of Gadsden	Jeremy Ward	256-549-4527	jward@cityofgadsden.com
City of Glencoe	Bobbi Noah	256-492-1424	bobbinoh@cityofglencoe.net
City of Hokes Bluff	Lisa Johnson	256-492-2414	hbcity@cityofhokesbluff.net
City of Rainbow City	Heath Williamson	256-413-1240	heathw@rbcAlabama.com
City of Southside	Jimmy Whittemore	256-442-9775 Ext. 103	jwhittemore@cityofsouthside.com
Etowah County	Robert Nail	256-549-5358	tgraves@etowahcounty.org

12. PROGRAM EVALUATION

12.1 Rationale Statement

The IDDE program is currently based on assumptions of illicit discharge types and potential. As the program moves forward and more data become available, the IDDE plan will be adapted to reflect the actual scope and nature of illicit discharges within the Gadsden-Etowah MS4.

12.2 IDDE Tracking System

Suspect illicit discharges will be logged in a case file and identified on the storm water system maps. The data collected by the tracking system will be reviewed annually to help identify common illicit discharge types and locations.

As specific illicit discharges are identified, the monitoring results may be used to compile benchmarks for common illicit discharge types. The indicators listed in Section 7.10 may require adjustment for conditions specific to each entity or drainage basin.

Results of the tracking system evaluation and/or indicator benchmark assessment will be discussed in the Annual Report.

12.3 Priority Areas

Currently, priority drainage basins are identified based on land use, number of past illicit discharge reports or complaints, number of potential generating sites, and age of infrastructure. Illicit discharge potential scores are calculated using the methods described in Section 3 of this plan.

The purpose of designating priority areas is to pin-point areas where program funds and efforts can be targeted to the most effect. Too few or too many priority areas are not beneficial to the implementation of the IDDE program; therefore, the methods for determining priority areas will be evaluated annually to ensure that the criteria are not too inclusive or exclusive.

Part III.3(a)(iv) of NPDES Permit ALR040009 requires that the Gadsden-Etowah MS4 evaluate, at a minimum:

- Land uses associated with business/industrial activities present;
- Areas where complaints have been registered in the past; and
- Areas with storage of large quantities of materials that could result in spills.

Possible future criteria for the evaluation of illicit discharge potential include:

- Number of outfalls per stream mile
- Septic system density
- Sanitary sewer condition and age

Additional criteria may be removed or added as necessary. The rationale for eliminating or adding criteria will be discussed in the Annual Report.

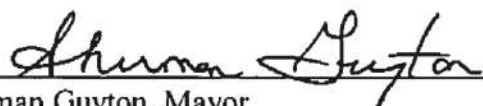
12.4 Field Screening

The field screening values identified in Section 7.9 of this plan are currently based on values obtained by other municipalities in other areas of the state. Once enough data has been collected, the Gadsden-Etowah MS4 will review the results from both unlikely and suspect flows and determine if the screening values should be adjusted.

13. AGENCY CERTIFICATIONS

13.1 City of Gadsden

I certify under penalty of law that this Illicit Discharge Detection and Elimination Program and all attachments pertaining to the City of Gadsden, Alabama Municipal Separate Storm Sewer System were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.




Sherman Guyton, Mayor
City of Gadsden, Alabama

3/28/14
Date

13.2 City of Glencoe

I certify under penalty of law that this Illicit Discharge Detection and Elimination Program and all attachments pertaining to the City of Glencoe, Alabama Municipal Separate Storm Sewer System were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

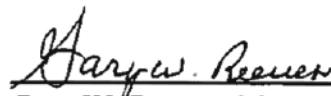


Charles Gilchrist, Mayor
City of Glencoe, Alabama

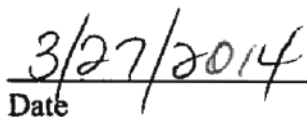
3-28-2014
Date

13.3 City of Hokes Bluff

I certify under penalty of law that this Illicit Discharge Detection and Elimination Program and all attachments pertaining to the City of Hokes Bluff, Alabama Municipal Separate Storm Sewer System were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.




Gary W. Reeves, Mayor
City of Hokes Bluff, Alabama



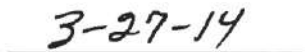
Date

13.4 Rainbow City

I certify under penalty of law that this Illicit Discharge Detection and Elimination Program and all attachments pertaining to the Rainbow City, Alabama Municipal Separate Storm Sewer System were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.



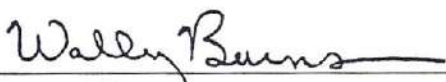
Terry John Calhoun, Mayor
Rainbow City, Alabama



Date

13.5 City of Southside

I certify under penalty of law that this Illicit Discharge Detection and Elimination Program and all attachments pertaining to the City of Southside, Alabama Municipal Separate Storm Sewer System were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.




Wally Burns, Mayor
City of Southside, Alabama

March 28, 2014
Date

13.6 Etowah County

I certify under penalty of law that this Illicit Discharge Detection and Elimination Program and all attachments pertaining to the Etowah County, Alabama Municipal Separate Storm Sewer System were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.




Signature of Etowah County Responsible Official

3/28/14
Date

ROBERT NAIL, ASSISTANT COUNTY ENG.
Print Name and Title

13.7 City of Attalla

I certify under penalty of law that this Illicit Discharge Detection and Elimination Program and all attachments pertaining to the City of Attalla, Alabama Municipal Separate Storm Sewer System were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.



Larry Means, Mayor
City of Attalla, Alabama

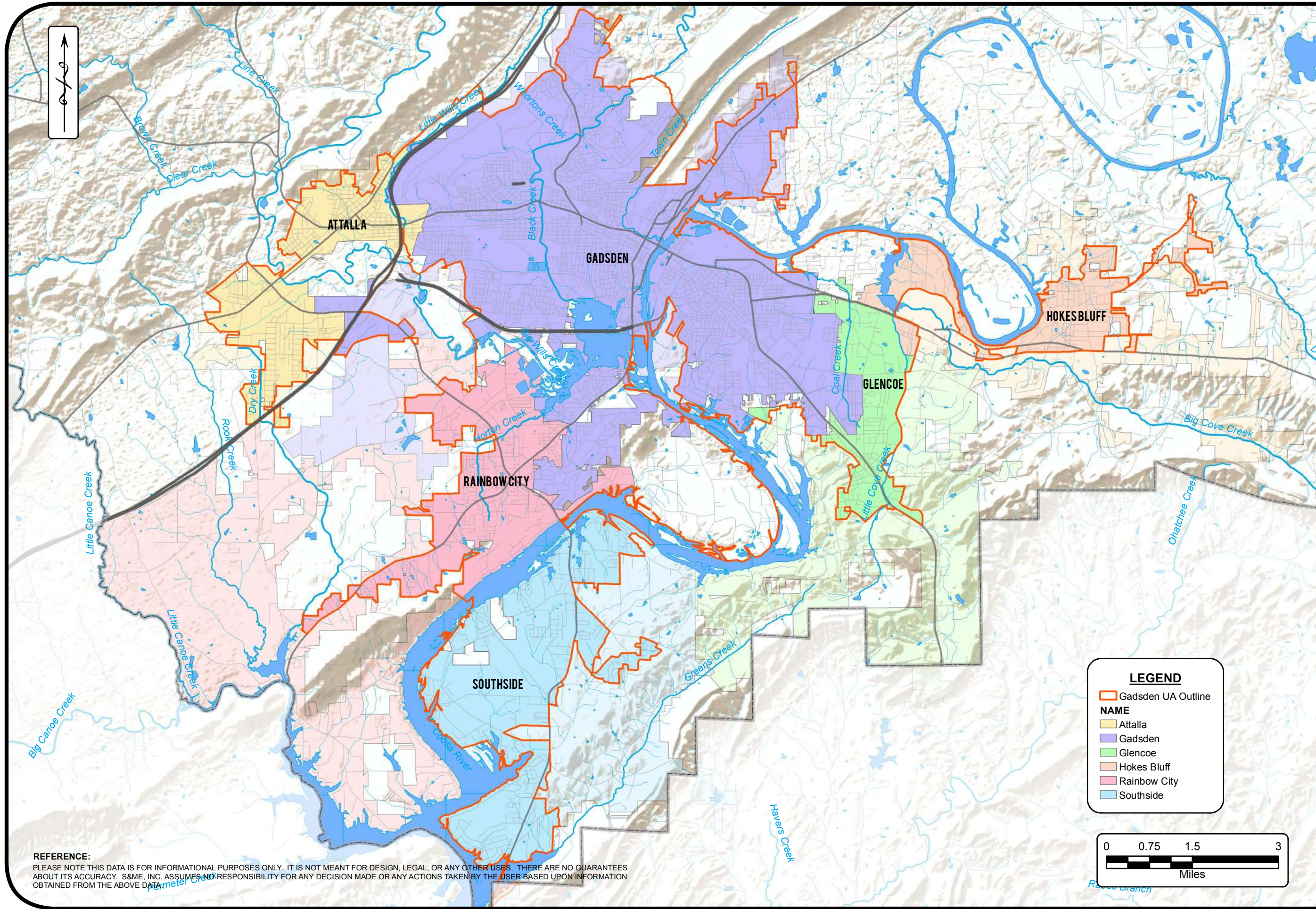
3/27/14
Date

Larry Means Mayor
Print Name and Title

GADSDEN-ETOWAH MS4
ILLCIT DISCHARGE DETECTION AND ELIMINATION PROGRAM
NPDES General Permit ALR040009

APPENDIX A – FIGURES

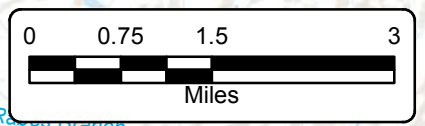
Figure 1 – Gadsden, Alabama Urbanized Area



REFERENCE:
 PLEASE NOTE THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON INFORMATION OBTAINED FROM THE ABOVE DATA.

LEGEND

- Gadsden UA Outline
- NAME**
- Attalla
- Gadsden
- Glencoe
- Hokes Bluff
- Rainbow City
- Southside



SCALE: 1:100,000	DATE: 3/10/14
PROJECT NO: 4482-14-021	DRAWN BY: SLY
NPDES NO: ALG040009	CHECKED BY: CRO

S&ME
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GADSDEN, ALABAMA URBANIZED AREA
 GADSDEN ALABAMA URBANIZED AREA
 PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM

FIGURE NO.
1

GADSDEN-ETOWAH MS4
ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM
NPDES General Permit ALR040009

APPENDIX B – IDDE ORDINANCES

City of Attalla , Ordinance No. 802(08), dated February 19, 2008

City of Gadsden, Ordinance No. O-77-05, dated May 17, 2005

City of Glencoe, Ordinance No. 07-06, dated November 8, 2007

City of Hokes Bluff, Ordinance No. O-2-12-002, dated December 11, 2012

Rainbow City, Ordinance No.490, dated December 10, 2012

City of Southside, Ordinance No. O-10-2012, dated December 10, 2012

ORDINANCE NO. 802(08)

Adopting Stormwater Management Regulations

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATTALLA, ALABAMA as follows:

Section 108-1. General Provisions.

- (1). Purpose. It is the purpose of this ordinance to:
- (a). Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.
 - (b). Enable the city to comply with the National Pollution Discharge System (NPDES) permit and applicable regulations, 40 CFR §122.26 for stormwater discharges.
 - (c). Allow the city to exercise the powers granted in Code of Alabama 1975 §§11-89C-1 et seq., pursuant to Act No. 97-931.
- (2) Administering entity. The departments of building or public works of city or anyone appointed by the mayor shall administer the provisions of this ordinance.

SECTIONS 108-2. Definitions.

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use.

- (1) As built plans means drawings depicting conditions as they were actually construed.
- (2) Best management practices or BMP's are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the city, and that have been incorporated by reference into this ordinance as if fully set out therein.
- (3) Channel means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
- (4) Community water means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the city.
- (5) Contaminant means any physical, chemical, biological, or radiological substance or matter in water.
- (6) Design storm event means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.
- (7) Discharge means dispose, deposit, spill, pour, inject, seep, dump, leak, or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.
- (8) Easement means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.
- (9) Erosion means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

- (10) **Erosion and sediment control plan** means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
- (11) **Hot Spot** (priority area) means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
- (12) **Illicit connection** means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.
- (13) **Illicit discharge** means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under §108-3(3).
- (14) **Land Distributing Activity** means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography on property. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
- (15) **MAINTENANCE** means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.
- (6) **Maintenance agreement** means a document recorded in the land records that acts as a property deed restriction, and which provides for long term maintenance of stormwater management practices.
- (17) **Municipal separate storm sewer system (MS4) (Municipal separate stormwater system)** means the conveyances owned or operated by the city for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basin, curbs gutters, ditches, man-made channels, and storm drains.
- (18) **National pollutant Discharge Elimination System permit or NPDES permit** means a permit issued pursuant to 33 U.S. Code §1342.
- (19) **Off-site facility** means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
- (20) **On-Site facility** means a structural BMP located within the subject property boundary described in the permit application for land development activity.
- (21) **Peak flow** means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- (22) **Person** means any and all persons, natural or artificial, including any individual, firm, or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.
- (23) **Priority area** means a hot spot as defined in §108-2(11)
- (24) **Runoff** means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system.
- (25) **Sediment** means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
- (26) **Sedimentation** means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

- (27) **Soils Report** means a study of soils on a subject property with primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.
- (28) **Stablization** means providing adwquate measures, vegetative and/or structural, that will prevent erosion from occurring.
- (29) **Stormwater** means stormwater runoff, snow melt run off, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.
- (30) **Stormwater Management** means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.
- (31) **Stormwater Management facilities** means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, terated or disposed of.
- (32) **Stormwater Management Plan** means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage system structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.
- (33) **Stormwater runoff** means flow on the surface of the ground, resulting fromprecipitation.
- (34) **Structural BMPs** means devices that are constructed to provide control of stormwater runoff.
- (35) **Surface water** includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
- (36) **Watercourse** means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (37) **Watershed** means all the land area that contributes runoff to a particular point along a waterway.

Section 108-3. Land Disturbance Permits.

- (1) **When required.** Every person will be required to obtain a land disturbance from the city unless the activity disturbs less than on acre of land.
- (2) **Building permit.** No building permit shall be issued until the applicant has obtained a land disurbance permit where the same is required by this ordinance.
- (3) **Exemptions.** The following activities are exempt from the permit requirements.
- (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (b) Existing nursery and agricultural conducted as a permitted main or accessory use.
 - (c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by th Enviromental Protection Agency or the Alabama Department of Environmental Management.
 - (d) Additions or modifications to existing single family structures.
- (4) **Applications for a land disturbance permit.**
- (a) Each application shall include the following:
 - (1) Name of Applicant.

- (2) Business or residence address of applicant;
- (3) Name, address and telephone number of the owner of the property;
- (4) Address and legal description of subject property including the tax reference number and parcel number of the subject property;
- (5) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
- (6) A statement indicting the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the startign and completion dates of the land disturbing activity.
- (7) Where the property includes a sinkhole, the applicant shall obtain from the Alabama Department of Environmental Management appropriate permits.
- (8) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those in the application shall not foreclose the city from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

(B) Each application shall be accompanied by:

- (1) A sediment and erosion control plan as described in §108-5(5).
- (2) A stormwater management plan as described in §108-5(4), providing for stormwater management during the land disturbing activity and after the activity has been completed.
- (3) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit of \$25.00 for the first acre and \$10.00 dollars for each additional acre such other stormwater management fees as may be set by resolution.

(5). Review and approval of application.

(A) The city will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 30 days after receiving an application, the city shall provide one of following responses in writing.

- (1) Approval of the permit application;
- (2) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
- (3) Denial of the permit application, indicating the reason(s) for the denial.

(6) Permit duration.

Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within 180 calendar days of issuance, or is not complete within 18 months from the date of the commencement of construction.

(7) Notice of construction.

The applicant must notify the city ten working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by QCI (Qualified credentialed inspector) provided by the contractor. Erosion control measures shall be inspected according to program requirements after any rainfall event in excess of 3/4 of an inch during a 24-hour period. All inspections shall be documented and written reports prepared that contain the following information.

- (1) The date and location of the inspection;
 - (2) Whether construction is in compliance with the approved stormwater management plan;
 - (3) Variations from the approved construction specifications;
 - (4) Any violations that exist.
- (8). Performance Bonds.
- (a) The city may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structure BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the city. Alternatively the city shall have the right to calculate the cost of construction cost estimates.
 - (b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Alabama that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the city.

SECTIONS 108-4. Waivers.

- (1) General. Every applicant shall provide for stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the city for approval.
- (2) Conditions for waiver. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:
 - (a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter.
 - (b) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.
 - (c) Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
- (3) Downstream damage, etc., prohibited. In order to receive a waiver, the applicant must demonstrate to the satisfaction of city that the waiver will not lead to any of the following conditions downstream:
 - (a) Deterioration of existing culverts, bridges, dams, and other structures.
 - (b) Degradation of biological functions or habitat.
 - (c) Accelerated stream bank or streambed erosion or siltation.
 - (d) Increased threat of flood damage to public health, life or property.
- (4) Land disturbance permit not to be issued where waiver requested. No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

SECTION 108-5. Stormwater System design and management standards.

- (1) Stormwater design or BMP Manual.
 - (a) Adoption. The city adopts as its stormwater design and best management practices (BMP) manual the 2003 Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, prepared by the Alabama Department of Environmental Management. The handbook is incorporated by reference in this chapter as if fully set out herein.
 - (b) This manual includes a list of acceptable BMP's including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the city council upon the recommendation of the chief building official, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.
- (2) General Performance criteria for stormwater management. Unless granted a waiver or judged by the city to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:
 - (a) All sites designs shall controll the peak flow rates of stormwater discharge associated with design storms of two-year, five-year, ten-year, 25-year, 50-year, and 100-year intensity and reduce the generation of post construction stormwater runoff to preconstruction levels. These practices should seek to utilize previous areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
 - (b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.
 - (c) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
 - (d) Stormwater discharges from hot spots may require the application of specific structural BMP's and pollution prevention practices.
 - (e) Prior to or during the site design process, applicants for land disturbance permit shall consult with the city to determine if they are subject to additional stormwater design requirements.
 - (f) The calculations for determining peak flows are found in the BMP manual shall be used for sizing all stormwater facilities.
- (3) Minimum Control Requirements.
 - (a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the BMP manual unless the city has granted the applicant a full or partial waiver for a particular BMP under & 108-4.
 - (b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the city may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
- (4) Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the city to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both peresnt and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

- (a) Topographic Base Map: A scale no greater than one inch equals 100 feet topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development and indicates:
- (1) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
 - (2) Current land use including all existing structures, locations of utilities, roads, and easements;
 - (3) All other existing significant natural and artificial features;
 - (4) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
 - (5) Proposed structural BMP's;
 - (6) A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- (B) Calculations: Hydrallogic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP Manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:
- (1) A description of the design storm frequency, duration, and intensity where applicable;
 - (2) Time of concentration;
 - (3) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - (4) Peak runoff rates and total runoff volumes for each watershed soil moisture conditions;
 - (5) Infiltration rates, where applicable;
 - (6) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - (7) Flow velocities;
 - (8) Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and
 - (9) Documentation of sources for all computation methods and field test results.
- (c) Soil information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (d) Maintenance and Repair Plan: The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be indentified in the plans to assist in the periodic inspection of the facility.
- (e) Landscaping Plan: The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect lincensed in Alabama.

- 204
- (f) **Maintenance Easements:** The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.
- (g) **Maintenance Agreement:**
- (1) The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.
 - (2) The maintenance agreement shall:
 - (a) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
 - (b) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in Alabama who will submit a sealed report in the inspection to the city. It shall also grant permission to the city to enter the property at reasonable times and to submit the stormwater facility to ensure that it is being properly maintained.
 - (c) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs consistent with the needs and standards outlined in the BMP manual.
 - (d) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the city.
 - (e) Provide that if the property is not maintained or repaired within the prescribed schedule, the city shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the city's cost of performing the maintenance shall be a lien against the property.
 - (3) The city shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the city must also meet the city's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.
 - (h) **Sediment and Erosion Control Plans:** The applicant must prepare a sediment and erosion control plan for all construction activities that complies with §108-5(5).
 - (5) Sediment and erosion control plan requirements.

The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer licensed in the State of Alabama. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

 - (1) **Project Description -** Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

- (b) A topographic map with contour intervals of two feet or less showing present conditions and proposed contours resulting from land disturbing activity.
- (c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- (d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.
- (e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
- (f) Approximate limits of proposed clearing, grading and filling.
- (g) Approximate flows of existing stormwater leaving any portion of the site.
- (h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (i) Location, size and layout of proposed stormwater and sedimentation control improvements.
- (j) Proposed drainage network.
- (k) Proposed drain title or water ways sizes.
- (l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site, and what measures, including filtration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off site, etc.
- (m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMP's.
- (n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- (o) Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion road access points; eliminating or keeping soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this chapter.
- (p) Proposed structures, location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
- (q) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

Section 108-6. Post Construction.

- (1) As Built Plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Alabama. A final inspection by the city is required before any performance security or performance bond will be released. The city shall have that discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various states of development. In addition, occupation permits shall not be granted until corrections to all BMP's have been made and accepted by the city.
- (2) Landscaping and Stabilization requirements.
 - (a) Any areal of land from the natural vegetative cover has been either partially or wholly cleared by present or past development activities shall be revegetated according to a schedule approved by the city. The following criteria shall apply to revegetation efforts:
 - (1) All sites shall have at least 10% "green" vegetated areas.
 - (2) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over 90% of the seeded area.
 - (3) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of the cover crop throughout the year immediately following vegetation. Revegetation must be repeated in successive years until the minimum 75% survival for one year is achieved.
 - (b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (3) Inspection Of Stormwater Management Facilities. Periodic inspections of facilities shall be performed as provided for in §108-5(4)(g)(2)(b).
- (4) Records of installation and maintenance activities. Parties responsible for the operations and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 13 years after substantial completion of the stormwater facility. These records shall be made available to the the facility and at other reasonable times upon request.
- (5) Failure To Meet or Maintain Design or Maintenance Standards. If a responsible part fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have fourteen calendar days, or such additional time at the city engineer shall determine to be reasonable necessary to complete the action, to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party.

Section 108-7. Existing Locations and Developments.

- (1). Requirements for all existing locations and developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred subsequent to the enactment of this chapter:
 - (a) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the City.

- (b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
 - (c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
 - (d) Trash, junk, rubbish, etc., shall be cleared from drainage ways.
 - (e) Stormwater runoff shall be controlled to prevent pollution of local waters. Current control measures may include, but are not limited to, the following.
 - (1) Ponds
 - (a) Detention Pond.
 - (b) Extended detention pond.
 - (c) Wet Pond.
 - (d) Alternative storage measures.
 - (2) Constructed wetlands.
 - (3) Infiltration Systems.
 - (a) Infiltration/percolation trench.
 - (b) Infiltration basin.
 - (c) Drainage (recharge) well.
 - (d) Porous Pavement.
 - (4) Filtering Systems.
 - (a) Bio-retention area/rain garden.
 - (b) Catch basin inserts/media filter.
 - (c) Sand filter.
 - (d) Filter/absorption bed.
 - (e) Filter and buffer strips.
 - (5) Open Channel
 - (a) Swale
- (2). Requirements for Existing Problem Locations. When the city becomes aware of a problem location the city shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the action required to correct those problems. The notice shall also specify a reasonable time for compliance.
- (3). Inspection of existing facilities. The city may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, and functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspection of inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMP's.
- (4) Correction Of Problems Subject to Appeal. Corrective measures imposed by the city under this section are subject to appeal under §108-11.

Section 108-8. Illicit Discharges.

- (1). Scope This section shall apply to all water generated on developed or underdeveloped land entering the city's separate storm sewer system.
- (2) Prohibition of Illicit Discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge

that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
- (1) Water line flushing or other potable water sources.
 - (2) Landscape irrigation or lawn watering with potable water,
 - (3) Diverted stream flows,
 - (4) Rising ground water,
 - (5) Groundwater infiltration to storm drains.
 - (6) Pumped groundwater,
 - (7) Foundation or footing drains,
 - (8) Crawl space pumps,
 - (9) Air conditioning condensation,
 - (10) Springs,
 - (11) Non-commercial washing of vehicles,
 - (12) Natural riparian habitat or wet-land flows,
 - (13) Swimming pools (if dechlorinated - typically less than one PPM chlorine),
 - (14) Fire fighting activities, and
 - (15) Any other uncontaminated water source.
- (b) Discharges specified in writing by the city as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge if the city has so specified in writing.
- (3). Prohibition of Illicit Connections.
- (a) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer systems is prohibited.
 - (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (4). Reduction of Stormwater Pollutants by the Use of Best Management Practices.
- Any person responsible for a property or premises, which is, may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section,
- (5) 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 in, or may result in, illicit discharges or pollutants, discharging into stormwater, the municipal separate storm sewer systems, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall notify the city in person or by telephone or facimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 13 years after the release.

Section 108-9. Enforcement

- (1). Enforcement Authority. The departments of building and public works of the city shall have the authority to issue notices of violation and citations and to designate those persons who have enforcement authority.
- (2). Notification of Violation.
 - (a) Written notice. Whenever an authorized employee of the department of building or public works of the city finds that any permittee or any other person discharging stormwater has violated or is violating this chapter or a permit or order issued hereunder, the employee may serve upon such person written notice of the violation. Within ten days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the departments of planning and engineering. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
 - (b) Consent Orders. The authorized employees of the building and public works departments are empowered to enter into consent orders, assurance of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.
 - (c) Show Cause Hearing. An authorized employee of the building or public works departments may order any person who violates this chapter or or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. The notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing.
 - (d). Compliance Order. When an authorized employee of this building and public works department finds that any person has violated or continues to violate this ordinance or a permit issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installations of devices, self-monitoring, and management practices.
 - (e) Cease and Desist Orders. When an authorized employee of the building and public works departments finds that any person has violate this chapter or any permit or order issued hereunder, the employee may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
 - (1) Comply forthwith; or
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (3). Conflicting Standards. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the city under this ordinance, the strictest standard shall prevail.

Section 10. Penalties.

- (1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates

any provisions of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the city, shall be guilty of a criminal offense.

- (2). Penalties. Under the authority provided in Alabama Code §11-45-9, the city declares that any person violating the provisions of this chapter may be fined not less than \$50.00 and not more than \$500.00 per day for each day of violation. Each day of violation shall constitute a separate violation.
- (3) Recovery of damages and costs. The city may recover.
 - (a) all damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violation of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation, and
 - (b) the costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.
- (4) Other Remedies. The city may bring legal action to enjoin the continuing violation of this chapter. The existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (5) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive. It shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.


Section 108-11. Appeals.

Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the city council.

- (1). Appeal to be in writing. The appeal shall be in writing and filed with the city clerk within 15 days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- (2) Public Hearing. Upon receipt of an appeal, the city council shall hold a public hearing within 30 days. Ten days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten days notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the city council shall be final.
- (3). Appealing decisions of the city council. Any alleged violator may contest a decision of the city council pursuant to the provisions of Alabama law and court rules.

I hereby certify that the City Council of the City of Attalla, Alabama, duly adopted this ordinance at a public meeting held on February 19, 2008.


Approved on 19th day of February, 2008.


Charles O'Rear, Mayor

ATTEST:


Sharon Jones, City Clerk

I, Sharon Jones, City clerk of the City of Attalla, Alabama do hereby certify that the foregoing Ordinance No. 802(08) was duly adopted on this the 19th day of February, 2008. The initial posting took place on the 20th day of February, 2008 at the Attalla City Hall, Attalla Library, and the Carnes Recreation Center.


Sharon Jones, City Clerk

Chapter 108 Stormwater Management Regulations

Chapter 108 Stormwater Management Regulations

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Sec. 108-1. General provisions.

(a) *Purpose.* It is the purpose of this chapter to:

- (1) Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.
- (2) Enable the city to comply with the National Pollution Discharge Elimination System (NPDES) permit and applicable regulations, 40 CFR § 122.26, for stormwater discharges.
- (3) Allow the city to exercise the powers granted in Code of Alabama 1975 §§ 11-89C-1 et seq., pursuant to Act No. 97-931.

(b) *Administering entity.* The departments of planning and engineering of the city shall administer the provisions of this chapter.

(Ord. No. O-77-05, § 1, 5-17-2005)

Sec. 108-2. Definitions.

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use.

As built plans means drawings depicting conditions as they were actually constructed.

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Best management practices or *BMPs* are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the city, and that have been incorporated by reference into this chapter as if fully set out therein.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

Community water means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the city.

Contaminant means any physical, chemical, biological, or radiological substance or matter in water.

Design storm event means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

Discharge means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

Easement means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

Erosion means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

Erosion and sediment control plan means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

Hot spot (priority area) means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Illicit connection means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

Illicit discharge means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under [section 108-3\(3\)](#).

Land-disturbing activity means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography on property. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

Maintenance means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

Maintenance agreement means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Municipal separate storm sewer system (MS4) (Municipal separate stormwater system) means the conveyances owned or operated by the city for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, manmade channels, and storm drains.

National Pollutant Discharge Elimination System permit or *NPDES permit* means a permit issued pursuant to 33 U.S.Code § 1342.

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Off-site facility means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

On-site facility means a structural BMP located within the subject property boundary described in the permit application for land development activity.

Peak flow means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

Person means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

Priority area means a hot spot as defined within this [section 108-2](#).

Runoff means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

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

Sedimentation means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

Soils report means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

Stabilization means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

Stormwater means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

Stormwater management means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

Stormwater management facilities means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

Stormwater management plan means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

Stormwater runoff means flow on the surface of the ground, resulting from precipitation.

Structural BMPs means devices that are constructed to provide control of stormwater runoff.

Surface water includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

Watercourse means a permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.

Watershed means all the land area that contributes runoff to a particular point along a waterway.

(Ord. No. O-77-05, § 1, 5-17-2005)

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Sec. 108-3. Land disturbance permits.

- (1) *When required.* Every person will be required to obtain a land disturbance permit from the city unless (a) the activity disturbs less than one acre of land and (b)(i) is outside the Riverfront Development District established by section 30-61 or (ii) is outside a floodway as defined by [section 54-31](#). A land disturbance permit is required for all land disturbance activity, regardless of the size of the area disturbed, which occurs within the Riverfront Development District or within a defined floodway.
- (2) *Building permit.* No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this chapter.
- (3) *Exemptions.* The following activities are exempt from the permit requirement:
 - (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 - (c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the Environmental Protection Agency or the Alabama Department of Environmental Management.
 - (d) Additions or modifications to existing single family structures.
- (4) Application for a land disturbance permit.
 - (a) Each application shall include the following:
 1. Name of applicant;
 2. Business or residence address of applicant;
 3. Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
 4. Address and legal description of subject property including the tax reference number and parcel number of the subject property;
 5. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land-disturbing activity and who shall implement the erosion and sediment control plan;
 6. A statement indicating the nature, extent and purpose of the land-disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land-disturbing activity.
 7. Where the property includes a sinkhole, the applicant shall obtain from the Alabama Department of Environmental Management appropriate permits.
 8. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the city from imposing additional development requirements and conditions, commensurate with this chapter, on the development of property covered by those permits.
 - (b) Each application shall be accompanied by:
 1. A sediment and erosion control plan as described in subsection [108-5\(5\)](#).
 2. A stormwater management plan as described in subsection [108-5\(4\)](#), providing for stormwater management during the land-disturbing activity and after the activity has been completed.

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3. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit of \$25.00 and such other stormwater management fees as may be set by resolution.
- (5) *Review and approval of application.*
- (a) The city will review each application for a land disturbance permit to determine its conformance with the provisions of this chapter. Within 30 days after receiving an application, the city shall provide one of the following responses in writing:
 1. Approval of the permit application;
 2. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this chapter, and issue the permit subject to these conditions; or
 3. Denial of the permit application, indicating the reason(s) for the denial.
 - (b) If the city has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the city. However, the applicant shall be allowed to proceed with his land-disturbing activity so long as it conforms to conditions established by the city.
 - (c) No development plans will be released until the land disturbance permit has been approved.
- (6) *Permit duration.* Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within 180 calendar days of issuance, or is not complete within 18 months from the date of the commencement of construction.
- (7) *Notice of construction.* The applicant must notify the city ten working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by a QCI (qualified credentialed inspector) provided by the contractor. Erosion control measures shall be inspected according to program requirements after any rainfall event in excess of $\frac{3}{4}$ of an inch during a 24-hour period. All inspections shall be documented and written reports prepared that contain the following information:
1. The date and location of the inspection;
 2. Whether construction is in compliance with the approved stormwater management plan;
 3. Variations from the approved construction specifications;
 4. Any violations that exist.
- (8) *Performance bonds.*
- (a) The city may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the city. Alternatively the city shall have the right to calculate the cost of construction cost estimates.
 - (b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Alabama that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this chapter. The city will make a final inspection of the

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structural BMP to ensure that it is in compliance with the approved plan and the provisions of this chapter. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the city.

(Ord. No. O-77-05, § 1, 5-17-2005)

Sec. 108-4. Waivers.

- (1) *General.* Every applicant shall provide for stormwater management as required by this chapter, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the city for approval.
- (2) *Conditions for waiver.* The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:
 - (a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter.
 - (b) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.
 - (c) Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
- (3) *Downstream damage, etc. prohibited.* In order to receive a waiver, the applicant must demonstrate to the satisfaction of the city that the waiver will not lead to any of the following conditions downstream:
 - (a) Deterioration of existing culverts, bridges, dams, and other structures;
 - (b) Degradation of biological functions or habitat;
 - (c) Accelerated stream bank or streambed erosion or siltation;
 - (d) Increased threat of flood damage to public health, life or property.
- (4) *Land disturbance permit not to be issued where waiver requested.* No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

(Ord. No. O-77-05, § 1, 5-17-2005)

Sec. 108-5. Stormwater system design and management standards.

- (1) *Stormwater design or BMP manual.*
 - (a) *Adoption.* The city adopts as its stormwater design and best management practices (BMP) manual the 2003 Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, prepared by the Alabama Department of Environmental Management. The handbook is incorporated by reference in this chapter as if fully set out herein.
 - (b) This manual includes a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the city council, upon the

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recommendation of the chief building official, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

- (2) *General performance criteria for stormwater management.* Unless granted a waiver or judged by the city to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:
- (a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms of two-year, five-year, ten-year, 25-year, 50-year and 100-year intensity and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
 - (b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.
 - (c) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
 - (d) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices.
 - (e) Prior to or during the site design process, applicants for land disturbance permits shall consult with the city to determine if they are subject to additional stormwater design requirements.
 - (f) The calculations for determining peak flows as found in the BMP manual shall be used for sizing all stormwater facilities.
- (3) *Minimum control requirements.*
- (a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the BMP manual unless the city has granted the applicant a full or partial waiver for a particular BMP under [section 108-4](#)
 - (b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the city may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
- (4) *Stormwater management plan requirements.* The stormwater management plan shall include sufficient information to allow the city to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:
- (a) Topographic base map: A scale no greater than one inch equals 100 feet topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development and indicates:
 - 1. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
 - 2. Current land use including all existing structures, locations of utilities, roads, and easements;

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3. All other existing significant natural and artificial features;
 4. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
 5. Proposed structural BMPs;
 6. A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- (b) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the BMP manual. Such calculations shall include:
1. A description of the design storm frequency, duration, and intensity where applicable;
 2. Time of concentration;
 3. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 4. Peak runoff rates and total runoff volumes for each watershed area;
 5. Infiltration rates, where applicable;
 6. Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 7. Flow velocities;
 8. Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and
 9. Documentation of sources for all computation methods and field test results.
- (c) Soils information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (d) Maintenance and repair plan: The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.
- (e) Landscaping plan: The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Alabama.
- (f) Maintenance easements: The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

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- (g) Maintenance agreement:
1. The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.
 2. The maintenance agreement shall:
 - a. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
 - b. Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this chapter. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in Alabama who will submit a sealed report of the inspection to the city. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
 - c. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.
 - d. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the city.
 - e. Provide that if the property is not maintained or repaired within the prescribed schedule, the city shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the city's cost of performing the maintenance shall be a lien against the property.
 3. The city shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this chapter, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the city must also meet the city's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.
- (h) Sediment and erosion control plans: The applicant must prepare a sediment and erosion control plan for all construction activities that complies with subsection [108-5\(5\)](#).
- (5) *Sediment and erosion control plan requirements.* The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land-disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer licensed in the State of Alabama. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:
- (a) Project description—Briefly describe the intended project and proposed land-disturbing activity including number of units and structures to be constructed and infrastructure required.
 - (b) A topographic map with contour intervals of two feet or less showing present conditions and proposed contours resulting from land-disturbing activity.

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- (c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- (d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.
- (e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
- (f) Approximate limits of proposed clearing, grading and filling.
- (g) Approximate flows of existing stormwater leaving any portion of the site.
- (h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (i) Location, size and layout of proposed stormwater and sedimentation control improvements.
- (j) Proposed drainage network.
- (k) Proposed drain tile or waterway sizes.
- (l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
- (m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.
- (n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- (o) Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this chapter.
- (p) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
- (q) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

(Ord. No. O-77-05, § 1, 5-17-2005)

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Sec. 108-6. Post construction.

- (1) *As built plans.* All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Alabama. A final inspection by the city is required before any performance security or performance bond will be released. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city.
- (2) *Landscaping and stabilization requirements.*
 - (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by present or past development activities shall be revegetated according to a schedule approved by the city. The following criteria shall apply to revegetation efforts:
 1. All sites shall have at least ten percent "green" vegetated areas.
 2. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over 90 percent of the seeded area.
 3. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
 4. Any area of revegetation must exhibit survival of a minimum of 75 percent of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum 75 percent survival for one year is achieved.
 - (b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (3) *Inspection of stormwater management facilities.* Periodic inspections of facilities shall be performed as provided for in subsections [108-5\(4\)\(g\)\(2\)\(b\)](#).
- (4) *Records of installation and maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 13 years after substantial completion of the stormwater facility. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.
- (5) *Failure to meet or maintain design or maintenance standards.* If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 14 calendar days, or such additional time as the city engineer shall determine to be reasonably necessary to complete the action, to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party.

(Ord. No. O-77-05, § 1, 5-17-2005)

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Sec. 108-7. Existing locations and developments.

- (1) *Requirements for all existing locations and developments.* The following requirements shall apply to all locations and development at which land-disturbing activities have occurred subsequent to the enactment of this chapter:
 - (a) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the city.
 - (b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
 - (c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
 - (d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
 - (e) Stormwater runoff shall be controlled to prevent pollution of local waters. Current control measures may include, but are not limited to, the following:
 1. Ponds;
 - a. Detention pond.
 - b. Extended detention pond.
 - c. Wet pond.
 - d. Alternative storage measures.
 2. Constructed wetlands.
 3. Infiltration systems.
 - a. Infiltration/percolation trench.
 - b. Infiltration basin.
 - c. Drainage (recharge) well.
 - d. Porous pavement.
 4. Filtering systems;
 - a. Bio-retention area/rain garden.
 - b. Catch basin inserts/media filter.
 - c. Sand filter.
 - d. Filter/absorption bed.
 - e. Filter and buffer strips.
 5. Open channel;
 - a. Swale.
- (2) *Requirements for existing problem locations.* When the city becomes aware of a problem location, the city shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the action required to correct those problems. The notice shall also specify a reasonable time for compliance.
- (3) *Inspection of existing facilities.* The city may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this chapter, are functioning within design limits. These

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inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

- (4) *Correction of problems subject to appeal.* Corrective measures imposed by the city under this section are subject to appeal under [section 108-11](#)

(Ord. No. O-77-05, § 1, 5-17-2005)

Sec. 108-8. Illicit discharges.

- (1) *Scope.* This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.

- (2) *Prohibition of illicit discharges.* No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:

1. Water line flushing or other potable water sources,
2. Landscape irrigation or lawn watering with potable water,
3. Diverted stream flows,
4. Rising ground water,
5. Groundwater infiltration to storm drains,
6. Pumped groundwater,
7. Foundation or footing drains,
8. Crawl space pumps,
9. Air conditioning condensation,
10. Springs,
11. Non-commercial washing of vehicles,
12. Natural riparian habitat or wet-land flows,
13. Swimming pools (if dechlorinated - typically less than one PPM chlorine),
14. Fire fighting activities, and
15. Any other uncontaminated water source.

- (b) Discharges specified in writing by the city as being necessary to protect public health and safety.

- (c) Dye testing is an allowable discharge if the city has so specified in writing.

- (3) *Prohibition of illicit connections.*

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- (a) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
 - (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (4) *Reduction of stormwater pollutants by the use of best management practices.* Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- (5) *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 in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 13 years after the release.

(Ord. No. O-77-05, § 1, 5-17-2005)

Sec. 108-9. Enforcement.

- (1) *Enforcement authority.* The departments of planning and engineering of the city shall have the authority to issue notices of violation and citations and to designate those persons who have enforcement authority.
- (2) *Notification of violation.*
 - (a) *Written notice.* Whenever an authorized employee of the departments of planning and engineering of the city finds that any permittee or any other person discharging stormwater has violated or is violating this chapter or a permit or order issued hereunder, the employee may serve upon such person written notice of the violation. Within ten days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the departments of planning and engineering. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
 - (b) *Consent orders.* The authorized employees of the planning and engineering departments are empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

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- (c) *Show cause hearing.* An authorized employee of the planning and engineering departments may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing.
 - (d) *Compliance order.* When an authorized employee of the planning and engineering departments finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
 - (e) *Cease and desist orders.* When an authorized employee of the planning and engineering departments finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the employee may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
 - 1. Comply forthwith; or
 - 2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (3) *Conflicting standards.* Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the city under this chapter, the strictest standard shall prevail.

(Ord. No. O-77-05, § 1, 5-17-2005)

Sec. 108-10. Penalties.

- (1) *Violations.* Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the city, shall be guilty of a criminal offense.
- (2) *Penalties.* Under the authority provided in Alabama Code § 11-45-9, the city declares that any person violating the provisions of this chapter may be fined not less than \$50.00 and not more than \$500.00 per day for each day of violation. Each day of violation shall constitute a separate violation.
- (3) *Recovery of damages and costs.* The city may recover:
 - (a) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation, and
 - (b) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.
- (4) *Other remedies.* The city may bring legal action to enjoin the continuing violation of this chapter. The existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (5) *Remedies cumulative.* The remedies set forth in this section shall be cumulative, not exclusive. It shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

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(Ord. No. O-77-05, § 1, 5-17-2005)

Sec. 108-11. Appeals.

Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the city council.

- (1) *Appeals to be in writing.* The appeal shall be in writing and filed with the city clerk within 15 days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- (2) *Public hearing.* Upon receipt of an appeal, the city council shall hold a public hearing within 30 days. Ten days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten days' notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the city council shall be final.
- (3) *Appealing decisions of the city council.* Any alleged violator may contest a decision of the city council pursuant to the provisions of Alabama law and court rules.

(Ord. No. O-77-05, § 1, 5-17-2005)

ORDINANCE NO. 07-06

(Adopted November 8, 2007)

Adopting Storm Water Management Regulations;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENCOE, ALABAMA, as follows:

Section 1. General Provisions.

- (1). Purpose. It is the purpose of this ordinance to:
 - (a) Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's storm water system and to maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.
 - (b) Enable the city to comply with the National Pollution Discharge Elimination System (NPDES) permit and applicable regulations, 40 CFR §122.26, for storm water discharges.
 - (c) Allow the city to exercise the powers granted in Code of Alabama 1975 §§11-89C-1 et seq., pursuant to Act No. 97-931.
- (2). Administering entity. The departments of building and zoning of the city, or anyone appointed by the mayor, shall administer the provisions of this ordinance
- (3) (a) Applicability. Any person, firm, corporation, or business proposing to construct buildings or develop land within the City of Glencoe shall apply to the building department for approval of a "Storm water Management Plan". No building permit shall be issued or land developed except upon approval of such plan.

Section 2. Definitions.

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use.

- (1) *As built plans* means drawings depicting conditions as they were actually constructed.
- (2) *Best management practices* or *BMPs* are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the city, and that have been incorporated by reference into this ordinance as if fully set out therein.
- (3) *Channel* means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

- (4) *Community water* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the city.
- (5) *Contaminant* means any physical, chemical, biological, or radiological substance or matter in water.
- (6) *Design storm event* means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.
- (7) *Discharge* means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.
- (8) *Easement* means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.
- (9) *Erosion* means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
- (10) *Erosion and sediment control plan* means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
- (11) *Hot spot (priority area)* means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.
- (12) *Illicit connection* means illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system.
- (13) *Illicit discharge* means any discharge to the municipal separate storm sewer system that is not composed entirely of storm water and not specifically exempted under §315-3(3).
- (14) *Land disturbing activity* means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography on property. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
- (15) *Maintenance* means any activity that is necessary to keep a storm water facility in good working order so as to function as designed. Maintenance

shall include complete reconstruction of a storm water facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the storm water facility.

- (16) *Maintenance agreement* means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.
- (17) *Municipal separate storm sewer system (MS4) (Municipal separate storm water system)* means the conveyances owned or operated by the city for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.
- (18) *National Pollutant Discharge Elimination System permit or NPDES permit* means a permit issued pursuant to 33 U.S. Code §1342.
- (19) *Off-site facility* means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
- (20) *On-site facility* means a structural BMP located within the subject property boundary described in the permit application for land development activity.
- (21) *Peak flow* means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- (22) *Person* means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.
- (23) *Priority area* means a hot spot as defined in §315-2(11).
- (24) *Runoff* means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system.
- (25) *Sediment* means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
- (26) *Sedimentation* means soil particles suspended in storm water that can settle in stream beds and disrupt the natural flow of the stream.
- (27) *Soils Report* means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.
- (28) *Stabilization* means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

- (29) *Storm water* means storm water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.
- (30) *Storm water management* means the programs to maintain quality and quantity of storm water runoff to pre-development levels.
- (31) *Storm water management facilities* means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.
- (32) *Storm water management plan* means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels.
- (33) *Storm water runoff* means flow on the surface of the ground, resulting from precipitation.
- (34) *Structural BMPs* means devices that are constructed to provide control of storm water runoff.
- (35) *Surface water* includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
- (36) *Watercourse* means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (37) *Watershed* means all the land area that contributes runoff to a particular point along a waterway.

Section 3. Land disturbance permits.

- (1). When required. Every person will be required to obtain a land disturbance permit from the city when
 - (a) The activity adjoins a river or stream that has running water.
 - (b) The activity disturbs more than one acre of land.
- (2). Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.
- (3). Exemptions. The following activities are exempt from the permit requirement:
 - (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 - (c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the Environmental Protection Agency or the Alabama Department of Environmental Management.

- (d) Additions or modifications to existing single family structures.
- (4). Application for a land disturbance permit.
 - (a) Each application shall include the following:
 - (1) Name of applicant;
 - (2) Business or residence address of applicant;
 - (3) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
 - (4) Address and legal description of subject property including the tax reference number and parcel number of the subject property;
 - (5) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
 - (6) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
 - (7) Where the property includes a sinkhole, the applicant shall obtain from the Alabama Department of Environmental Management appropriate permits.
 - (8) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the city from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.
 - (b) Each application shall be accompanied by:
 - (1) A sediment and erosion control plan as described in §315-5(5).
 - (2) A storm water management plan as described in §315-5(4), providing for storm water management during the land disturbing activity and after the activity has been completed.
 - (3) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit of \$25.00 for first acre and 10 dollars for each additional acre. Other storm water management fees as may be set by resolution.
- (5). Review and approval of application.
 - (a) The city will review each application for a land disturbance permit to

determine its conformance with the provisions of this ordinance. Within 30days after receiving an application, the city shall provide one of the following responses in writing:

- (1) Approval of the permit application;
- (2) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
- (3) Denial of the permit application, indicating the reason(s) for the denial.

- (b) If the city has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the city. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the city.
- (c) No development plans will be released until the land disturbance permit has been approved.

(6). Permit duration.

Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within 180 calendar days of issuance, or is not complete within 18 months from the date of the commencement of construction.

(7). Notice of construction.

The applicant must notify the city ten working days in advance of the commencement of construction. Regular inspections of the storm water management system construction shall be conducted by a QCI (qualified credentialed inspector) provided by the contractor. Erosion control measures shall be inspected according to program requirements after any rainfall event in excess of $\frac{3}{4}$ of an inch during a 24-hour period. All inspections shall be documented and written reports prepared that contain the following information:

- (1) The date and location of the inspection;
- (2) Whether construction is in compliance with the approved storm water management plan;
- (3) Variations from the approved construction specifications;
- (4) Any violations that exist.

(8). Performance bonds.

- (a) The city may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the storm water practices are installed by the permit holder as required by the approved storm water management plan. The amount of the installation performance security or performance bond shall be the total

estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the storm water management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the city. Alternatively the city shall have the right to calculate the cost of construction cost estimates.

- (b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Alabama that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The city will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the city.

Section 4. Waivers.

- (1). General. Every applicant shall provide for storm water management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the storm water management plan requirements shall be submitted to the city for approval.
- (2). Conditions for waiver. The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:
 - (a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter.
 - (b) Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the city.
 - (c) Provisions are made to manage storm water by an off-site facility. The off-site facility must be in place and designed to provide the level of storm water control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
- (3). Downstream damage, etc. prohibited. In order to receive a waiver, the applicant must demonstrate to the satisfaction of the city that the waiver will not lead to any of the following conditions downstream:

- (a) Deterioration of existing culverts, bridges, dams, and other structures;
 - (b) Degradation of biological functions or habitat;
 - (c) Accelerated stream bank or streambed erosion or siltation;
 - (d) Increased threat of flood damage to public health, life or property.
- (4). Land disturbance permit not to be issued where waiver requested. No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a storm water management plan.

Section 5. Storm water system design and management standards.

- (1) Storm water design or BMP manual.
- (a) Adoption. The city adopts as its storm water design and best management practices (BMP) manual the 2003 Alabama Handbook for Erosion Control, Sediment Control, and Storm water Management on Construction Sites and Urban Areas, prepared by the Alabama Department of Environmental Management. The Handbook is incorporated by reference in this chapter as if fully set out herein.
 - (b) This manual includes a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each storm water practice. The manual may be updated and expanded from time to time, at the discretion of the city council, upon the recommendation of the chief building official, based on improvements in engineering, science, monitoring and local maintenance experience. Storm water facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.
- (2). General performance criteria for storm water management. Unless granted a waiver or judged by the city to be exempt, the following performance criteria shall be addressed for storm water management at all sites:
- (a) All site designs shall control the peak flow rates of storm water discharge associated with design storms of two-year, five-year, ten-year, 25-year, 50-year intensity and reduce the generation of post construction storm water runoff to pre-construction levels. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
 - (b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.
 - (c) Storm water discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water

supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.

- (d) Storm water discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices.
- (e) Prior to or during the site design process, applicants for land disturbance permits shall consult with the city to determine if they are subject to additional storm water design requirements.
- (f) The calculations for determining peak flows as found in the BMP manual shall be used for sizing all storm water facilities.

(3). Minimum control requirements.

- (a) Storm water designs shall meet the multi-stage storm frequency storage requirements as identified in the BMP manual unless the city has granted the applicant a full or partial waiver for a particular BMP under §315-4.
- (b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the city may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(4). Storm water management plan requirements. The storm water management plan shall include sufficient information to allow the city to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. To accomplish this goal the storm water management plan shall include the following:

- (a) Topographic Base Map: A scale no greater than one inch equals 100 feet topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development and indicates:
 - (1) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
 - (2) Current land use including all existing structures, locations of utilities, roads, and easements;
 - (3) All other existing significant natural and artificial features;
 - (4) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
 - (5) Proposed structural BMPs;

- (6) A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- (b) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:
- (1) A description of the design storm frequency, duration, and intensity where applicable;
 - (2) Time of concentration;
 - (3) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - (4) Peak runoff rates and total runoff volumes for each watershed area;
 - (5) Infiltration rates, where applicable;
 - (6) Culvert, storm water sewer, ditch and/or other storm water conveyance capacities;
 - (7) Flow velocities;
 - (8) Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and
 - (9) Documentation of sources for all computation methods and field test results.
- (c) Soils Information: If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (d) Maintenance and Repair Plan: The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

- (e) Landscaping Plan: The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Alabama.
- (f) Maintenance Easements: The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.
- (g) Maintenance Agreement:
 - (1) The owner of property to be served by an on-site storm water management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.
 - (2) The maintenance agreement shall:
 - (a) Assign responsibility for the maintenance and repair of the storm water facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
 - (b) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in Alabama who will submit a sealed report of the inspection to the city. It shall also grant permission to the city to enter the property at reasonable times and to inspect the storm water facility to ensure that it is being properly maintained.
 - (c) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other storm water facilities. It shall also provide that the

property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.

(d) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the city.

(e) Provide that if the property is not maintained or repaired within the prescribed schedule, the city shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the city's cost of performing the maintenance shall be a lien against the property.

(3) The city shall have the discretion to accept the dedication of any existing or future storm water management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any storm water facility accepted by the city must also meet the city's construction standards and any other standards and specifications that apply to the particular storm water facility in question.

(h) Sediment and Erosion Control Plans: The applicant must prepare a sediment and erosion control plan for all construction activities that complies with §315-5(5).

(5). Sediment and erosion control plan requirements. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer licensed in the state of Alabama. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

(a) Project Description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of two feet or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include

any designated floodways or flood plains.

- (d) A general description of existing land covers. Individual trees and shrubs do not need to be identified.
- (e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
- (f) Approximate limits of proposed clearing, grading and filling.
- (g) Approximate flows of existing storm water leaving any portion of the site.
- (h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (I) Location, size and layout of proposed storm water and sedimentation control improvements.
- (j) Proposed drainage network.
- (k) Proposed drain tile or waterway sizes.
- (l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting storm water off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
- (m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.
- (n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the

plan.

- (o) Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this chapter.
- (p) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
- (q) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

Section 6. Post Construction.

(1). As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be sealed by a registered professional engineer licensed to practice in Alabama. A final inspection by the city is required before any performance security or performance bond will be released. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city.

(2). Landscaping and stabilization requirements.

- (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by present or past development activities shall be re-vegetated according to a schedule approved by the city. The following criteria shall apply to re-vegetation efforts:
 - (1) All sites shall have at least 10% “green” vegetated areas.
 - (2) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over 90% of the seeded area.
 - (3) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling

erosion.

- (4) Any area of re-vegetation must exhibit survival of a minimum of 75% of the cover crop throughout the year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum 75% survival for one year is achieved.
- (b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (3). Inspection of storm water management facilities. Periodic inspections of facilities shall be performed as provided for in §315-5(4)(g)(2)(b).
- (4). Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation of the storm water facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 13 years after substantial completion of the storm water facility. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.
- (5). Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for storm water facilities under this ordinance, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible person shall have fourteen calendar days, or such additional time as the city engineer shall determine to be reasonably necessary to complete the action, to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party.

Section 7. Existing locations and developments.

- (1). Requirements for all existing locations and developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred subsequent to the enactment of this chapter:
 - (a) Denuded areas must be vegetated or covered under the standards and

guidelines specified in the BMP manual and on a schedule acceptable to the city.

- (b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- (c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
- (d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- (e) Storm water runoff shall be controlled to prevent pollution of local waters. Current control measures may include, but are not limited to, the following:

(1) Ponds

- (a) Detention pond
- (b) Extended detention pond
- (c) Wet pond
- (d) Alternative storage measures

(2) Constructed wetlands

(3) Infiltration systems

- (a) Infiltration/percolation trench
- (b) Infiltration basin
- (c) Drainage (recharge) well
- (d) Porous pavement

(4) Filtering systems

- (a) Bio-retention area/rain garden
- (b) Catch basin inserts/media filter
- (c) Sand filter
- (d) Filter/absorption bed
- (e) Filter and buffer strips

(5) Open channel

- (a) Swale

(2). Requirements for existing problem locations. When the city becomes aware of a problem location, the city shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the action required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3). Inspection of existing facilities. The city may, to the extent authorized by state and federal law, establish inspection programs to verify that all storm water management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher

than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

- (4). Correction of problems subject to appeal. Corrective measures imposed by the city under this section are subject to appeal under §315-11.

Section 8. Illicit discharges.

- (1). Scope. This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.
- (2). Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water. The commencement, conduct or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited except as described as follows:
 - (a) Uncontaminated discharges from the following sources:
 - (1) Water line flushing or other potable water sources,
 - (2) Landscape irrigation or lawn watering with potable water,
 - (3) Diverted stream flows,
 - (4) Rising ground water,
 - (5) Groundwater infiltration to storm drains,
 - (6) Pumped groundwater,
 - (7) Foundation or footing drains,
 - (8) Crawl space pumps,
 - (9) Air conditioning condensation,
 - (10) Springs,
 - (11) Non-commercial washing of vehicles,
 - (12) Natural riparian habitat or wet-land flows,
 - (13) Swimming pools (if de-chlorinated - typically less than one PPM chlorine),
 - (14) Fire fighting activities, and
 - (15) Any other uncontaminated water source.
 - (b) Discharges specified in writing by the city as being necessary to protect public health and safety.
 - (c) Dye testing is an allowable discharge if the city has so specified in writing.
- (3). Prohibition of illicit connections.

- (a) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
 - (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (4). Reduction of storm water pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- (5). 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 in, or may result in, illicit discharges or pollutants discharging into storm water, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 13 years after the release.

Section 9. Enforcement

- (1). Enforcement authority. The departments of building and zoning of the city shall have the authority to issue notices of violation and citations.
- (2). Notification of violation.
- (a) Written Notice. Whenever an authorized employee of the departments of building and zoning of the city finds that any permitted or any other person discharging storm water has violated or is violating this chapter or a permit or order issued hereunder, the employee may serve upon such person written notice of the violation. Within ten days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to

include specific required actions, shall be submitted to the departments of building and zoning. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

- (b) Consent Orders. The authorized employees of the building and zoning departments are empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.
- (c) Show Cause Hearing. An authorized employee of the building and zoning departments may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing.
- (d) Compliance Order. When an authorized employee of the building and zoning departments finds that any person has violated or continues to violate this ordinance or a permit or order issued hereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- (e) Cease and Desist Orders. When an authorized employee of the building and zoning departments finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the employee may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
 - (1) Comply forthwith; or
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

- (3). Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the city under this ordinance, the strictest standard shall prevail.

Section 10. Penalties.

- (1). Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the city, shall be guilty of a criminal offense.
- (2). Penalties. Under the authority provided in Alabama Code § 11-45-9, the city declares that any person violating the provisions of this chapter may be fined not less than \$50.00 and not more than \$500.00 per day for each day of violation. Each day of violation shall constitute a separate violation.
- (3). Recovery of damages and costs. The city may recover:
- (a) all damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation, and
 - (b) The costs of the city's maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this chapter.
- (4). Other remedies. The city may bring legal action to enjoin the continuing violation of this chapter. The existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (5). Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive. It shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

Section 11. Appeals.

Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the circuit court.

- (1). Appeals to be in writing. The appeal shall be in writing and filed with the city clerk within 15 days after the civil penalty and/or damage assessment is served in any manner authorized by law.

ADOPTED AND APPROVED by the Glencoe Council on this _____ day of _____, 2007.

Charles C. Gilchrist, Mayor

Bren Riley, Council Member

Chris Sims, Council Member

Danny Wagnon, Council Member

Dewayne Hare, Council Member

Wayne Farley, Council Member

ATTEST:

Susan Casey, City Clerk

STATE OF ALABAMA }
City of Hokes Bluff }
ETOWAH COUNTY }

ORDINANCE NO. HB-2012- 002

**An Ordinance To Provide For Storm Water Control
For Hokes Bluff, Alabama, a Phase II MS4 Municipality**

Section 1. Purpose.

As required by Hokes Bluff, Alabama's (hereinafter referred to as the "City") Phase II municipal separate storm sewer (MS4) National Pollutant Discharge Elimination System (NPDES) Permit, issued by the Alabama Department of Environmental Management (ADEM), the City must develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from its MS4 to the "maximum extent practicable," to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act (CWA). This ordinance is therefore enacted to preserve, protect and promote the health, safety and welfare of the citizens of Hokes Bluff, Alabama, through the reduction, control and prevention of the discharge of pollutants from newly developed and redeveloped sites to the MS4. It is the expressed intent of the city council in enacting this ordinance to provide for and promote compliance by the City with federal and state laws governing the discharge of pollutants from the MS4 and to provide for and promote compliance with the City's NPDES permit, issued by ADEM pursuant to its authority under the CWA.

Section 2. Definitions.

For the purposes of this ordinance, the following terms shall have the meanings established in this section.

2.1. Accidental Discharge – A discharge prohibited by this ordinance into the municipal separate storm sewer system that occurs by chance and without planning or consideration prior to occurrence.

2.2. ADEM – The Alabama Department of Environmental Management. The State of Alabama's regulatory agency created under Code of Alabama 1975, §§ 22-22A-1, *et seq.*, responsible for administering and enforcing the stormwater laws of the United States of America and the State of Alabama.

2.3. Adverse Impact – Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness, for human or natural uses which are or may be potentially harmful or injurious to human health, welfare, safety or property or to biological productivity, diversity or stability, or which would unreasonably interfere with the enjoyment of life or property.

2.4. Agriculture – Activities undertaken on land for the production of plants, crops, and animals that are useful to man.

2.5. Alabama Handbook – The most recent edition of the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas authored by the Alabama Soil and Water Conservation Committee, Montgomery, Alabama.

2.6. Applicant – Any individual, partnership, syndicate, joint venture, group, firm, company, association, trust, public or private corporation, business, estate, commission, board, utility, cooperative, county, city or other political subdivision, or any entity recognized by law including but not limited to any duly authorized agent, or any combination of the foregoing, that executes the necessary forms to procure an effective, issued permit to discharge under the NPDES.

2.7. Authority – The City of Hokes Bluff, Alabama and its authorized representatives.

2.8. AWPCA – The Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1, *et seq.*, and the Alabama Environmental Management Act, Code of Ala. 1975, §§ 22-22A-1, *et seq.*, both as amended, and regulations promulgated thereunder.

2.9. BMPs – Best Management Practices. Activities, prohibitions of practices, maintenance procedures and management practices, designed and implemented to prevent or reduce the discharge of pollutants to the MS4. Nonstructural BMPs are strategies implemented to control stormwater runoff that focus on pollution prevention such as alternative site design, zoning and ordinances, education, and good housekeeping measures. Structural BMPs are engineered devices to control, treat, or prevent stormwater runoff pollution. BMPs also include treatment requirements, operating procedures, and practices, to control facility site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage and construction sites.

2.10. BMP Plan – Best Management Practices Plan. A set of drawings and/or other documents submitted by the Applicant to the Authority as a prerequisite to obtaining approval to commence construction activities at a development site falling partially or entirely within the Authority's territorial jurisdiction. The site specific BMP Plan contains all of the information and specifications pertaining to the BMPs the Applicant will use to control erosion and sedimentation for its development.

2.11. Clearing – The removal of trees, shrubs, grass, brush and/or other varied ground cover and vegetation from the land, which, in its undisturbed state, is useful for windbreaks, water retention and the maintenance of topsoil. This definition does not include the ordinary mowing of grass or the maintenance of previously cleared land.

2.12. Contour – A line of equal elevation above a specified datum, usually mean sea level.

2.13. CWA – The federal Clean Water Act, 33 U.S.C. § 1251, *et seq.*, which was formerly referred to as the Federal Water Pollution Control Act and Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 6-483 and Public Law 97-117, 33 U.S.C. § 1251-1387.

2.14. Discharge – shall have the meaning set out in Alabama Administrative Code Section 335-6-6-.02.

2.15. Drainage – The removal of surface water from a given area either by gravity or by pumping; commonly applied to surface water and groundwater.

2.16. Drainage Area – The area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line; the area of a Drainage basin or watershed, expressed in acres, square miles or other units of area.

2.17. Engineer – A person currently licensed by the Alabama State Board of Registration for Professional Engineers and Land Surveyors.

2.18. EPA – The Environmental Protection Agency.

2.19. Erosion – Process by which land surface is worn away by the action of wind or water.

2.20. Erosion and Sediment Controls – The application of measures to reduce Erosion of land surfaces and Discharges of sediment from a development site.

2.21. Grading – Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, or filled, or any combination thereof.

2.22. Land Disturbing Activities – Activities that include any land change, which may result in Erosion and the movement of sediment to the MS4, including but not limited to the Clearing, dredging, Grading, excavation, transporting, and filling of land.

2.23. MS4 – Municipal separate storm sewer system, which is comprised of a system of man-made conveyances designed or used for collecting or conveying stormwater, including roads with Drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains which are owned and operated by a city, town, county or other public body created by or pursuant to State Law. An MS4 does not include a publicly owned treatment works (POTW) or a combined sewer.

2.24. NOI – Notice of Intent. The application that must be submitted to ADEM to obtain coverage under the agency's general permit regulating Land Disturbing Activities, applicable to Discharges from sites that result in total land disturbance of one acre or greater and sites less than one acre but are part of a common plan of development or sale.

2.25. NPDES – National Pollutant Discharge Elimination System. NPDES shall mean the national program of issuing, modifying, revoking, etc., permits under Sections 307, 318, 402, and 405 of the CWA, as well as the state permitting program implemented under the CWA and the AWPCA.

2.26. Outfall – A point source (meaning 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, but not including return flows from Agriculture or agricultural water runoff) at the point of a Discharge to waters of the United States of America.

2.27. Permit – Any permit issued pursuant to this ordinance, permitting Discharges to the MS4 under the NPDES.

2.28. Permittee – Any Applicant that receives a Permit to Discharge under the NPDES.

2.29. Pollutant – Includes but is not limited to, the pollutants specified in § 22-22-1(b)(3) of the AWPCA and any other effluent characteristics specified in a Permit.

2.30. Post-Construction Strategies –BMPs and other measures for activities that take place after construction occurs, including structural and non-structural controls to obtain permanent stormwater management over the life of the property's use.

2.31. PSC – Alabama Public Service Commission. The State of Alabama's regulatory agency created under Code of Alabama 1975, §§ 37-1-1, *et seq.*, responsible for the regulation of utilities including but not limited to those providing electricity, gas, water, and steam.

2.32. QCP – Qualified Credentialed Professional, which can be a professional engineer (PE), an Alabama Natural Resources Conservation Service professional designated by the State of Alabama's Conservationist, a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc., other registered or certified professionals such as a registered landscape architect, registered land surveyor, registered geologist, registered forester, a Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or a Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other ADEM accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that enable recognized individuals to prepare BMP Plans, to make sound professional judgments regarding Alabama NPDES rules, the requirements of Alabama Administrative Code Chapter 335-6-12, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite Pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated Land Disturbing Activities, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements Chapter 335-6-12. The QCP shall be in good standing with the authority granting the registration or designation.

2.33. Sediment – Solid material settled from suspension in a liquid that has been transported and deposited from its site of origin by air, water, ice or gravity as a product of Erosion and has come to rest on the Earth's surface either above or below a water surface, usually inorganic or organic particles originating from weathering, chemical precipitation or biological activity.

2.34. Sedimentation – Process by which eroded material is transported and deposited by action of water, wind, ice and gravity.

2.35. Silviculture – The care and cultivation of forest trees, including site preparation, planting, pruning, thinning and harvesting.

2.36. Site – Any tract, lot, or parcel of land or combination of contiguous tracts, lots or parcels of land to be developed as a unit, subdivision or project.

2.37. Stabilization – The prevention of soil movement by any of various vegetative and/or structural means.

2.38. Stormwater – The excess water running off from the surface of a Drainage Area during and immediately after a period of rain or snow melt. It is that portion of the surface flow that is in excess of that which can be absorbed through the infiltration capacity of the surface of the basin.

2.39. Stormwater Management – The incorporation of a variety of activities and equipment into a plan to address concerns associated with Stormwater for the purpose of preventing pollution, improving water quality, keeping Pollutants out of the runoff, and the implementation of BMPs.

2.40. Variance – The modification of the minimum Stormwater Management requirements in situations in which exceptional circumstances, applicable to the Site with respect to which the variance is requested, exist so that strict adherence to the provisions of this ordinance would result in unnecessary hardship and the granting of such modification would not result in a condition contrary to the intent of this ordinance.

2.41. Vegetative Control Measures – The establishment of vegetative ground cover that shields the soil surface from raindrop impact and the scouring effects of overland Stormwater flow.

Section 3. Administration.

The Authority will enforce the provisions of this ordinance throughout its jurisdiction.

Section 4. Permits.

4.1. No Land Disturbing Activities that disturb either (i) greater than or equal to one acre; or (ii) less than one acre but whose activity is part of a larger common plan of development or sale that disturbs one acre or more, other than those Land Disturbing Activities exempted from the provisions of this ordinance as set out in Section 5, shall be conducted within the jurisdiction of the City without first obtaining the necessary permit(s) from the Authority.

4.2. Before the commencement of any Land Disturbing Activities, the Applicant must file with the Authority an application for a Permit. All applications for such a Permit must include, at a minimum, the following information:

- a. Name, address, telephone number, and email address of the Applicant;

- b. If the Applicant is not the owner of the project and/or property, the name, address, telephone number, and email address of the owner of the project, the owner of the property on which the project is to be located, and the ground lessee of the property, if any, on which the Land Disturbing Activities are to be conducted;
- c. General description of the construction activity for which coverage is desired, along with the address, if any, or latitude and longitude to the nearest second of the entrance to the Site upon which the Land Disturbing Activities are to be conducted; and
- d. A map or a plot of the land on which the Land Disturbing Activities will be conducted and any other information that is required under the provisions of Section 6 of this ordinance.

4.3. Multiple operators conducting Land Disturbing Activities in a common plan of development may jointly submit an application and be covered by the same Permit. An application requesting coverage for multiple operators must include a Site plan clearly describing each operator's area(s) of operational control.

4.4. Each application for the issuance of a Permit shall be accompanied by a nonrefundable fee of \$ 50.00, for Land Disturbing Activities associated with individual single family residences and \$ 50.00, for all other types of Land Disturbing Activities. The Applicant must submit its BMP Plan with its application and fee to the Authority.

4.5. The Authority may require the Applicant to post a bond in the form of a government security, cash, irrevocable letter of credit, or any combination thereof up to but not exceeding \$ 5,000 per acre of the proposed Land Disturbing Activities. If the Applicant fails to comply with the conditions of the Permit, the bond may be called by the Authority and used to bring the Site into compliance.

4.6. An Applicant's BMP Plan will either be approved or disapproved by the Authority within 14 days of the day a complete application, BMP Plan, applicable fee, and bonding requirement, if any, are filed with the Authority.

4.7. If the BMP Plan is disapproved, the Authority will inform the Applicant, in writing, of the reasons for its disapproval. If the Applicant, on one or more occasions, revises the BMP Plan or submits to the Authority additional documents or information in connection with the BMP Plan, the Authority will make a written response to the Applicant with respect to whether such revised BMP Plan and/or additional documents and information have been approved or disapproved by the Authority. All such additional responses will be made by the Authority to the Applicant within 14 days of the day such revised BMP Plan or additional documents or information are submitted to the Authority.

4.8. Should the Authority fail to approve or disapprove any initial or revised BMP Plans within 14 days of the day said BMP Plans are submitted to the Authority, the BMP Plan shall be deemed approved and the Applicant may commence Land Disturbing Activities.

4.9. All BMP Plans certified by a QCP shall be deemed approved by the Authority, which shall allow the Applicant to immediately commence Land Disturbing Activities upon submission

of a complete application, BMP Plan, applicable fee, and bonding requirement, if any, to the Authority.

4.10. Payment of the applicable fee and bonding requirement, if any, by the Applicant, coupled with the Authority's approval of the application and BMP Plan, shall result in issuance of a Permit to the Applicant.

4.11. The Authority must be notified immediately upon any change in ownership of property for which a BMP Plan has been registered, and/or any change in the person or persons responsible for ensuring compliance with the provisions of this ordinance.

4.12. A Permit may be amended upon filing with the Authority an amended or restated Permit application containing all changes from the original application; provided, that the holder of the Permit shows to the reasonable satisfaction of the Authority that there are no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If an amended or restated application is filed with the Authority with respect to Land Disturbing Activities for which a Permit has been issued, such existing Permit shall continue in effect, and the Permittee may continue to operate under it unless and until an amended Permit is issued, at which time the original Permit shall expire and all Land Disturbing Activities must be conducted in accordance with the amended Permit.

4.13. A Permit may be transferred with the payment of an additional fee of \$ 50.00 upon filing with the Authority an application for transfer; provided, that the current Permittee and proposed transferee of the Permit show to the reasonable satisfaction of the Authority that, upon or following the transfer, there will be no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If the Authority is not satisfied with any such showing by the current Permittee and proposed transferee, the new owner or operator must apply for a new Permit prior to participating in the operation of such project.

4.14. All applications and correspondence required by this ordinance to be submitted to the Authority must be signed by an individual with adequate legal authority to act for or on behalf of the Applicant or Permittee. Any person signing any application, correspondence or other documentation required by this ordinance must make the following certification:

"I certify, under penalty of law, that this document and any attachments were prepared under my direction or supervision and that I have personally examined, and I am familiar with, the information in this document and any such attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty."

4.15. The issuance of a Permit shall not excuse the owner from the need to obtain other required state and local permits or licenses.

Section 5. Exceptions.

5.1. The following Land Disturbing Activities are excluded from the requirements of this ordinance:

- a. Any land change on property about which the owner of the property has submitted information to the Authority proving, to the satisfaction of the Authority, that such property does not Discharge to the MS4.**
- b. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources. Immediately upon completion of emergency activity the responsible party shall install all control measures and initiate restoration/cleanup activities as required by this ordinance.**
- c. Agriculture.**
- d. Silviculture.**
- e. Such minor Land Disturbing Activities as home gardens, landscaping, home repairs, home maintenance work, minor additions to houses, the construction, maintenance or repair of accessory structures and other related activities which result in minor Erosion.**
- f. Minor Land Disturbing Activities, such as minor Grading for driveways, yard areas and sidewalks, or individual connections for sewer services for single or two-family residences.**
- g. The construction, repair or rebuilding of railroad tracks.**
- h. Minor subsurface exploratory excavations under the direction of soils engineers, engineering geologists, or soil scientists.**
- i. The opening of individual burial sites in property which has been approved for such use by all necessary governmental authorities.**
- j. The construction of water wells or environmental monitoring wells.**
- k. Any and all Land Disturbing Activities conducted by entities under the jurisdiction and supervision of the PSC.**

5.2. Although not required to obtain a Permit, persons engaged in excepted activities shall remain responsible for otherwise conducting such activities in accordance with the provisions of this ordinance and any other applicable regulation or permit(s), including the proper control of Sediment and Discharges to the MS4.

Section 6. Construction Best Management Practices Plan (BMP Plan).

6.1. Hokes Bluff, Alabama's Phase II MS4 NPDES Permit allows the Authority to rely upon ADEM for the setting of standards for appropriate Erosion and Sediment Controls. The Authority hereby expresses its intent to rely upon the aforementioned standards established by ADEM and

requires any BMP Plan filed with the Authority to be in a format acceptable to ADEM and contain all necessary information and details required by ADEM's applicable regulations and NPDES construction Stormwater permit.

6.2. The BMP Plan shall be updated as necessary to address changes in the construction activity, Site weather patterns, new TMDLs established or approved by EPA, new 303(d) listings approved by EPA, manufacturer specifications for specific control technologies, or as otherwise required by ADEM.

6.3. The BMP Plan shall be amended if inspections or investigations by federal, state or Authority officials determine that the existing Erosion and Sediment Controls or other Site management practices are ineffective or do not meet the requirements of applicable permits. All necessary modifications to the BMP Plan shall be made within seven (7) calendar days following notification of the inspection findings unless granted an extension of time.

6.4. If existing Erosion and Sediment Controls or other Site management practices prove ineffective in protecting water quality or need to be modified; or if additional Erosion and Sediment Controls or other Site management practices are necessary, implementation shall be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, then new Land Disturbing Activities must cease until the modified or additional controls can be implemented.

6.5. Whenever the Authority determines that a BMP Plan does not comply with this ordinance, it will notify the Applicant in writing of the ways in which the BMP Plan does not comply with this ordinance.

Section 7. Post-Construction Requirements for New Development and Redevelopment

7.1. The Permittee shall develop and implement Post-Construction Strategies for new development and redevelopment that include, at a minimum, a combination of structural and/or non-structural BMPs designed to require, to the maximum extent practicable, that the volume and velocity of pre-construction Stormwater runoff is not significantly exceeded, as determined by the Authority. Said combination of Post-Construction Strategies shall be designed to function during a rainfall with intensity up to that of a 2 year-24 hour storm event.

7.2. Post-Construction Strategies may be incorporated into Permittee's BMP Plan filed with the Authority or in a separate document. Said Post-Construction Strategies shall be reviewed, approved, and updated pursuant to the same requirements as those of the Permittee's BMP Plan.

7.3. Permittee's Post-Construction Strategies must show proposed final site conditions and describe how the volume and velocity of Stormwater leaving the site will be managed after construction is complete to require, to the maximum extent practicable, that it does not significantly exceed the volume and velocity of pre-construction Stormwater runoff.

7.4. Upon completion, Permittee shall file with the Authority a certified copy of as-built drawings of any Post-Construction Strategies implemented at the site. Such filing shall

demonstrate, to the maximum extent practicable, that final post-construction site conditions comply with this section of this ordinance.

7.5. The Authority reserves the right to inspect Post-Construction Strategies following implementation by Permittee and require documentation allocating responsibilities for long-term operation and maintenance of Post-Construction Strategies, as it deems necessary. The Authority may also require Permittee to provide a method of funding to be established or provided to ensure the long term maintenance of any post-construction BMPs.

Section 8. Responsibilities of the Permittee, Property Owner and/or Developer.

8.1. Once received from the Authority, the BMP Plan bearing the stamp of approval of the Authority, along with the Permittee's NOI, ADEM NPDES permit, any necessary building or other permits, and/or other required documentation shall be maintained at the Site during the progress of the work and until a notice of termination has been filed with ADEM, unless impracticable. If impracticable, the aforementioned records may be maintained at another reasonable location, so long as they can be produced to the Authority within forty-eight (48) hours of a request for said records.

8.2. The Permittee, or an agent, contractor or other representative of same, shall notify the Authority at least two (2) working days before the start of construction, unless good cause exists for contacting the Authority within a lesser time frame.

8.3. Clearing, except that necessary to establish Erosion and Sediment Controls, shall not begin until all Erosion and Sediment Controls have been installed and have been stabilized.

8.4. The person engaged in or conducting Land Disturbing Activities shall be responsible for maintaining all temporary and permanent Erosion and Sediment Controls during the development of a Site. Grading, and Erosion and Sediment Controls shall meet the design criteria set forth in the most recent version of the Alabama Handbook.

8.5. To the maximum extent practicable, Pollutants in runoff water must be minimized by using appropriate BMPs.

8.6. Grading and Erosion and Sediment Controls shall be designed and maintained to minimize Erosion and the Discharge of Pollutants to the MS4 to the maximum extent practicable.

8.7. Adequate protective measures shall be provided for the containment of hazardous substances and any other materials which may pollute the MS4, including petroleum products, lubricants and paint.

8.8. When Land Disturbing Activities are finished and stable Vegetative Control Measures or other permanent controls have been established on all remaining exposed soil, the Permittee shall notify the Authority and request a final inspection. The Authority will inspect the Site within five (5) working days after receipt of the notice, and may require additional measures to stabilize the soil and control Erosion and Sedimentation. If additional measures are required by the Authority

written notice of such additional measures will be delivered to the Permittee, and the Permittee shall continue to be covered by the Permit until a final and complete inspection is made and the Authority approves the project as having been satisfactorily completed.

Section 9. Inspections.

9.1. The Permittee must carry out all applicable inspection requirements set out in ADEM's applicable regulations and NPDES Construction General Permit.

9.2. The Authority or its designated agent retains the right to enter property upon which any Land Disturbing Activities are being conducted to carry out its own inspections, investigations, monitoring, observations, sampling, enforcement, and/or to address any complaint. Furthermore, the Authority or its designated agent retains the right to enter property upon which any Post-Construction Strategies have been implemented pursuant to the requirements of this ordinance to carry out its own inspections, investigations, monitoring, observations, sampling, enforcement, and/or to address any complaint. Prior to conducting any of the aforementioned activities, the representative(s) of the Authority will notify the Permittee, or an authorized representative at the Site, of their presence and anticipated activities on the Site. The Authority will conduct any such inspection activities at reasonable times, provided however that if the Authority has reasonable cause to believe that Discharges from Land Disturbing Activities to the MS4 may cause an imminent threat to human health or the environment, inspection of a Site may take place at any time and without notice to the Permittee, or an authorized representative at the Site.

9.3. Whenever information from a Permittee, Site owner, and/or an authorized representative at a Site is requested by the Authority, said parties may identify certain documents, materials, and/or processes that contain trade secret(s), the inspection of which could potentially jeopardize such trade secret. If the Authority has no clear and convincing reason to question the proprietary assertion, omission of such materials, documents and/or processes will be noted by the Authority. To the extent practicable, the Authority will protect all information which is designated as a trade secret by the Permittee, Site owner or an authorized representative.

9.4. The Authority may seek appropriate legal remedies from any court with competent jurisdiction over the Site for any wrongful refusal by a Permittee, Site owner, and/or authorized representative to allow the Authority to enter and/or continue an inspection on a Site. If a court grants a remedy to the Authority, the Site owner must reimburse the City all costs and expenses incurred in obtaining such a remedy.

Section 10. Corrective Action.

10.1. Any poorly functioning Erosion and Sediment Controls, Post-Construction Strategies, non-compliant Discharges, or any other deficiencies observed during inspections conducted pursuant to Section 8 of this ordinance shall be corrected as soon as possible, but not to exceed five (5) days of the inspection, unless impracticable.

10.2. The Permittee shall take all reasonable steps to remove, to the maximum extent

practicable, Pollutants deposited offsite or in any MS4 conveyance structure.

Section 11. Enforcement.

11.1. This ordinance authorizes the following Stormwater and non-Stormwater Discharges: Discharges authorized by, and in compliance with, any separate NPDES permit, discharges from fire-fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water including uncontaminated water line flushings not associated with hydrostatic testing; routine external building wash down associated with construction that does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensate associated with temporary office trailers and other similar buildings; uncontaminated ground water or spring water; foundation or footing drains where flows are not contaminated with process materials such as solvents; and landscape irrigation.

11.2. All Discharges not explicitly authorized by this ordinance are prohibited. Any Discharge to the MS4 made in violation of this ordinance or of any condition of a Permit issued pursuant to this ordinance shall be subject to correction and/or abatement in accordance with applicable law.

11.3. Hokes Bluff, Alabama's Phase II MS4 NPDES Permit allows the Authority to rely upon ADEM for the enforcement of certain violations of this ordinance. The Authority hereby expresses its intent to rely upon ADEM for enforcement of violations of this ordinance, as allowed Hokes Bluff, Alabama's Phase II MS4 NPDES Permit, and agrees to promptly notify ADEM upon observing evidence of any known or suspected violations. Furthermore, no enforcement action will be taken by the Authority for a violation of the terms of this ordinance if any of the following has occurred:

- a. ADEM has issued a notice of violation with respect to the same alleged violation and is proceeding with an enforcement action with respect to such alleged violation;
- b. ADEM has issued an administrative order with respect to the same alleged violation and is proceeding with an enforcement action with respect to such violation; or
- c. ADEM has commenced, and is proceeding with, an enforcement action, or has completed any other type of administrative or civil action, with respect to such alleged violation.

11.4. Any determination or resolution made by ADEM with respect to an alleged violation shall be final, and the alleged violation will not be made the subject of any additional enforcement action by the Authority for any alleged violations of this ordinance and/or provisions of any Permit issued pursuant to this ordinance. However, for violations that have not been appropriately corrected and/or abated pursuant to ADEM's enforcement action, an enforcement action may be pursued by the Authority.

11.5. Notwithstanding any other provision in this ordinance to the contrary, in the event of an immediate threat to the public health or welfare, the Authority may take all appropriate measures

to remove or alleviate such threat.

11.6. In the event of any Accidental Discharge of a hazardous substance or a significant spill of a hazardous substance to the MS4 which could constitute a threat to human health or the environment, the Permittee of the Site shall give notice to the Authority and the local Emergency Management Authority in the same manner and within the same time as is required by State regulations for notice to ADEM.

11.7. Absent a compelling public interest to the contrary, it shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the business or activity of the Site, or any project or facility thereon, to maintain water quality and minimize any Adverse Impact that the Discharge may cause.

11.8. Whenever the Authority finds that any person is in violation of any provision of this ordinance, or any order issued hereunder, the Authority may serve upon such person a written notice of the violation. Within ten (10) calendar days of the date of such notice, unless an alternate date is approved by the Authority, an explanation of the violation and a plan for the satisfactory correction and future prevention thereof, including specific required actions, shall be submitted to the Authority. Submission of such plan shall in no way relieve such person in violation of this ordinance of liability for any violations occurring before or after receipt of the notice of violation. If the person fails to respond within the required time frame and/or fails to take corrective action within the specified time, the Authority may proceed with the following enforcement action:

- a. **Compliance Order:** When the Authority finds that any person has violated, or continues to violate, this ordinance, it may issue a compliance order to the violator, directing that, within a specified time period, adequate structures and devices be installed, or procedures implemented, and properly operated, or other action be taken, to remedy such violation. Compliance orders may also contain such other requirements as may be reasonably necessary and appropriate to address such violation, including the construction of appropriate structures, installation of devices and self-monitoring and management practices.
- b. **Cease and Desist Orders:** When the Authority finds that any person has violated, or continues to violate, this ordinance or any order issued under this ordinance in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood or development Site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; the Authority may issue an order to such person to cease and desist all Land Disturbance Activities immediately, and direct such person in violation of this ordinance to:
 - (i). comply with this ordinance forthwith; or
 - (ii). take such appropriate remedial or preventive action as may be required to address properly a continuing or threatened violation of this ordinance.

11.9. It shall be unlawful for any person to:

- a. Violate any provision of this ordinance;

- b. Violate the provisions of any Permit issued pursuant to this ordinance; or
- c. Fail or refuse to comply with any lawful notice to abate or take corrective action issued by the Authority.

11.10. Such person shall be guilty of a criminal offense; and each day of such violation, failure or refusal to comply with this ordinance shall be deemed a separate offense and punishable accordingly. Any person found to be in violation of any of the provisions of this ordinance may be punished by a fine of not more than \$500.00 and/or up to 180 days in jail.

11.11. The Authority may initiate proceedings in any court of competent jurisdiction against any person who has, or who, the Authority has reason to believe, is about to:

- a. Violate any provision of this ordinance;
- b. Violate any provision of a Permit; or
- c. Fail or refuse to comply with any lawful order issued by the Authority.

11.12. The Authority may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to public Stormwater facilities by any person, and may seek injunctive or other equitable relief to enforce compliance with the provisions of this ordinance or to force compliance with any lawful orders of the Authority.

Section 12. Variances and Appeals.

The Authority may grant a Variance from the requirements of this ordinance if there exist exceptional circumstances applicable to a Site such that strict adherence to the provisions of this ordinance will result in unintended consequences. The Applicant shall prepare a written request for a Variance stating the specific Variance sought and the reasons, with supporting data, for granting such Variance. This request shall include descriptions, drawings, calculations, and any other information necessary to evaluate the proposed Variance. The Authority will review the submitted material and make a written determination to approve or disapprove the Variance within ten (10) working days after receipt of such a request. There shall be no appeal process for the Variance request. The Authority is the final arbiter of the Variance request.

Section 13. Liability.

13.1. Neither the issuance of a Permit pursuant to this ordinance, nor compliance with the provisions of this ordinance, shall relieve any person of the responsibility for damage to any person or property otherwise imposed by law.

13.2. Nothing herein shall be construed to require the City or its officials, employees, agents or attorneys to restore or cause the restoration of property damaged by Erosion or Sedimentation in violation of this ordinance or to otherwise seek or assist others in seeking compensation to private property owners for any such damage caused by a violation of this ordinance. The City and its officials, employees, agents and attorneys shall not be liable for any condition or damages that

result from any failure to observe or recognize a hazardous condition, any failure of an approved plan to prevent Erosion or Sedimentation, or any failure of the City to cause owners and builders to adhere to the terms of this ordinance. Nothing herein shall be construed to expand the liability of the City or its officials, employees, agents or attorneys nor shall it create any additional, further, different or expanded claim or cause of action.

13.3. Nothing in this ordinance shall be construed to limit the Authority to enforce rules and regulations regarding: (a) charges, limits and restrictions on the Discharge of waste into the sanitary sewerage system of the City ; (b) health or sanitation ordinances of the City enforced by the Etowah County Health Department; or (c) ordinances governing the sanitation of premises where animals are kept. This ordinance shall be cumulative to and in furtherance of any statutory, common law, or other legal right, duty, power, or authority possessed by the City. Compliance with this ordinance shall not excuse any person from compliance with any other federal, state or local law, ordinance, regulation, rule or order.

13.4. It shall be unlawful for any person to provide false information to the Authority when such person knows or has reason to know that the information provided is false, whether such information is required by this ordinance or any approval granted under this ordinance.

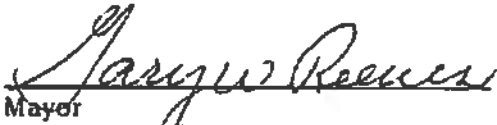
Section 14. Severability.

The provisions of this ordinance are declared to be severable, and if any provision of this ordinance is declared to be invalid by a court of competent jurisdiction, this determination shall not affect, impair, or invalidate the remainder of this ordinance, but shall be confined in its operation to the section, paragraph, subparagraph, clause or phrase of this ordinance in which such determination shall have been made.

Section 15. Effective Date.

The effective date of this Ordinance shall be the 11 day of December, 2012.

ORDAINED by the Mayor and Council of the City of Hokes Bluff, Alabama this 11 day of December, 2012.

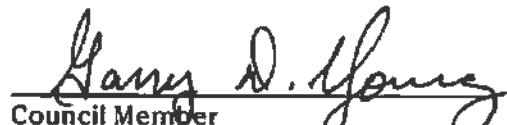


Mayor

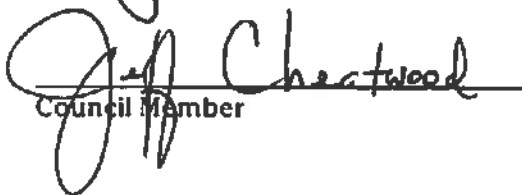
Council Member



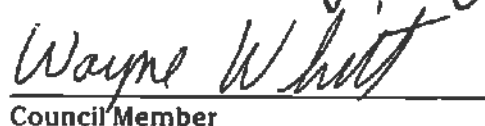
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Council Member

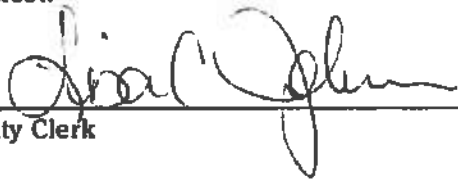


Council Member



Council Member

Attest:



City Clerk

10

MODEL STORMWATER CONTROL ORDINANCE
FOR PHASE II MS4 MUNICIPALITIES

ORDINANCE RESENDING AND REVOKING ORDINANCE 455 OF THE CITY OF RAINBOW CITY, ALABAMA, HERETOFORE ADOPTED ON THE 29TH DAY OF OCTOBER, 2007, AND AN ORDINANCE ADOPTING A STORMWATER CONTROL ORDINANCE FOR PHASE II MS4 MUNICIPALITIES.

BE IT ORDAINED by the City Council of the City of Rainbow City, Alabama as follows:

Section 1. Purpose.

As required by City of Rainbow City's, Alabama's Phase II municipal separate storm sewer (MS4) National Pollutant Discharge Elimination System (NPDES) Permit, issued by the Alabama Department of Environmental Management (ADEM), the [City/County] must develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from its MS4 to the "maximum extent practicable," to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act (CWA). This article is therefore enacted to preserve, protect and promote the health, safety and welfare of the citizens of City of Rainbow City, Alabama, through the reduction, control and prevention of the discharge of pollutants from newly developed and redeveloped sites to the MS4. It is the expressed intent of the [governing body] in enacting this article to provide for and promote compliance by the [City/County] with federal and state laws governing the discharge of pollutants from the MS4 and to provide for and promote compliance with the [City/County]'s NPDES permit, issued by ADEM pursuant to its authority under the CWA.

Section 2. Definitions. For the purposes of this article, the following terms shall have the meanings established in this section.

Accidental Discharge – A discharge prohibited by this article into the municipal separate storm sewer system that occurs by chance and without planning or consideration prior to occurrence.

ADEM – The Alabama Department of Environmental Management. The State of Alabama's regulatory agency created under Code of Alabama 1975, §§ 22-22A-1, *et seq.*, responsible for administering and enforcing the stormwater laws of the United States of America and the State of Alabama.

Adverse Impact – Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness, for human or natural uses which are or may be potentially harmful or injurious to human health, welfare, safety or property or to biological productivity, diversity or stability, or which would unreasonably interfere with the enjoyment of life or property.

Agriculture – Activities undertaken on land for the production of plants, crops, and animals that are useful to man.

Alabama Handbook – The most recent edition of the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas authored by the Alabama Soil and Water Conservation Committee, Montgomery, Alabama.

Applicant – Any individual, partnership, syndicate, joint venture, group, firm, company, association, trust, public or private corporation, business, estate, commission, board, utility, cooperative, county, city or other political subdivision, or any entity recognized by law including but not limited to any duly authorized agent, or any combination of the foregoing, that executes the necessary forms to procure an effective, issued permit to discharge under the NPDES.

Authority – The City of Rainbow City, Etowah County, Alabama, and its authorized representatives.

AWPCA – The Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1, *et seq.*, and the Alabama Environmental Management Act, Code of Ala. 1975, §§ 22-22A-1, *et seq.*, both as amended, and regulations promulgated thereunder.

BMPs – Best Management Practices. Activities, prohibitions of practices, maintenance procedures and management practices, designed and implemented to prevent or reduce the discharge of pollutants to the MS4. Nonstructural BMPs are strategies implemented to control stormwater runoff that focus on pollution prevention such as alternative site design, zoning and ordinances, education, and good housekeeping measures. Structural BMPs are engineered devices to control, treat, or prevent stormwater runoff pollution. BMPs also include treatment requirements, operating procedures, and practices, to control facility site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage and construction sites.

BMP Plan – Best Management Practices Plan. A set of drawings and/or other documents submitted by the Applicant to the Authority as a prerequisite to obtaining approval to commence construction activities at a development site falling partially or entirely within the Authority's territorial jurisdiction. The site specific BMP Plan contains all of the information and specifications pertaining to the BMPs the Applicant will use to control erosion and sedimentation for its development.

Clearing – The removal of trees, shrubs, grass, brush and/or other varied ground cover and vegetation from the land, which, in its undisturbed state, is useful for windbreaks, water retention and the maintenance of topsoil. This definition does not include the ordinary mowing of grass or the maintenance of previously cleared land.

Contour – A line of equal elevation above a specified datum, usually mean sea level.

CWA – The federal Clean Water Act, 33 U.S.C. § 1251, *et seq.*, which was formerly referred to as the Federal Water Pollution Control Act and Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 6-483 and Public Law 97-117, 33 U.S.C. § 1251-1387.

Discharge – shall have the meaning set out in Alabama Administrative Code Section 335-6-6-.02.

Drainage – The removal of surface water from a given area either by gravity or by pumping; commonly applied to surface water and groundwater.

Drainage Area – The area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline; the area of a Drainage basin or watershed, expressed in acres, square miles or other units of area.

Engineer – A person currently licensed by the Alabama State Board of Registration for Professional Engineers and Land Surveyors.

EPA – The Environmental Protection Agency.

Erosion – Process by which land surface is worn away by the action of wind or water.

Erosion and Sediment Controls – The application of measures to reduce Erosion of land surfaces and Discharges of sediment from a development site.

Grading – Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, or filled, or any combination thereof.

Land Disturbing Activities – Activities that include any land change, which may result in Erosion and the movement of sediment to the MS4, including but not limited to the Clearing, dredging, Grading, excavation, transporting, and filling of land.

MS4 – Municipal separate storm sewer system, which is comprised of a system of man-made conveyances designed or used for collecting or conveying stormwater, including roads with Drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains which are owned and operated by a city, town, county or other public body created by or pursuant to State Law. An MS4 does not include a publicly owned treatment works (POTW) or a combined sewer.

NOI – Notice of Intent. The application that must be submitted to ADEM to obtain coverage under the agency's general permit regulating Land Disturbing Activities, applicable to Discharges from sites that result in total land disturbance of one acre or greater and sites less than one acre but are part of a common plan of development or sale.

NPDES – National Pollutant Discharge Elimination System. NPDES shall mean the national program of issuing, modifying, revoking, etc., permits under Sections 307, 318, 402, and 405 of the CWA, as well as the state permitting program implemented under the CWA and the AWPCA.

Outfall – A point source (meaning 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, but not including return flows from Agriculture or agricultural water runoff) at the point of a Discharge to waters of the United States of America.

Permit – Any permit issued pursuant to this article, permitting Discharges to the MS4 under the NPDES.

Permittee – Any Applicant that receives a Permit to Discharge under the NPDES.

Pollutant – Includes but is not limited to, the pollutants specified in § 22-22-1(b)(3) of the AWPCA and any other effluent characteristics specified in a Permit.

Post-Construction Strategies –BMPs and other measures for activities that take place after construction occurs, including structural and non-structural controls to obtain permanent stormwater management over the life of the property's use.

PSC – Alabama Public Service Commission. The State of Alabama's regulatory agency created under Code of Alabama 1975, §§ 37-1-1, *et seq.*, responsible for the regulation of utilities including but not limited to those providing electricity, gas, water, and steam.

QCP – Qualified Credentialed Professional, which can be a professional engineer (PE), an Alabama Natural Resources Conservation Service professional designated by the State of Alabama's Conservationist, a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc., other registered or certified professionals such as a registered landscape architect, registered land surveyor, registered geologist, registered forester, a Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or a Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other ADEM accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that enable recognized individuals to prepare BMP Plans, to make sound professional judgments regarding Alabama NPDES rules, the requirements of Alabama Administrative Code Chapter 335-6-12, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite Pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated Land Disturbing Activities, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements Chapter 335-6-12. The QCP shall be in good standing with the authority granting the registration or designation.

Sediment – Solid material settled from suspension in a liquid that has been transported and deposited from its site of origin by air, water, ice or gravity as a product of Erosion and has come to rest on the Earth's surface either above or below a water surface, usually inorganic or organic particles originating from weathering, chemical precipitation or biological activity.

Sedimentation – Process by which eroded material is transported and deposited by action of water, wind, ice and gravity.

Silviculture – The care and cultivation of forest trees, including site preparation, planting, pruning, thinning and harvesting.

Site – Any tract, lot, or parcel of land or combination of contiguous tracts, lots or parcels of land to be developed as a unit, subdivision or project.

Stabilization – The prevention of soil movement by any of various vegetative and/or structural means.

Stormwater – The excess water running off from the surface of a Drainage Area during and immediately after a period of rain or snow melt. It is that portion of the surface flow that is in excess of that which can be absorbed through the infiltration capacity of the surface of the basin.

Stormwater Management – The incorporation of a variety of activities and equipment into a plan to address concerns associated with Stormwater for the purpose of preventing pollution, improving water quality, keeping Pollutants out of the runoff, and the implementation of BMPs.

Variance – The modification of the minimum Stormwater Management requirements in situations in which exceptional circumstances, applicable to the Site with respect to which the variance is requested, exist so that strict adherence to the provisions of this article would result in unnecessary hardship and the granting of such modification would not result in a condition contrary to the intent of this article.

Vegetative Control Measures – The establishment of vegetative ground cover that shields the soil surface from raindrop impact and the scouring effects of overland Stormwater flow.

Section 3. Administration.

The Authority will enforce the provisions of this article throughout its jurisdiction.

Section 4. Permits.

A. No Land Disturbing Activities that disturb either (i) greater than or equal to one acre; or (ii) less than one acre but whose activity is part of a larger common plan of development or sale that disturbs one acre or more, other than those Land Disturbing Activities exempted from the provisions of this article as set out in Section 5, shall be conducted within the City of Rainbow City, Etowah County, Alabama, without first obtaining the necessary permit(s) from the Authority.

Before the commencement of any Land Disturbing Activities, the Applicant must file with the Authority an application for a Permit. All applications for such a Permit must include, at a minimum, the following information:

1. Name, address, telephone number, and email address of the Applicant;
2. If the Applicant is not the owner of the project and/or property, the name, address, telephone number, and email address of the owner of the project, the owner of the property on which the project is to be located, and the ground lessee of the property, if any, on which the Land Disturbing Activities are to be conducted;

3. General description of the construction activity for which coverage is desired, along with the address, if any, or latitude and longitude to the nearest second of the entrance to the Site upon which the Land Disturbing Activities are to be conducted;
 4. A map or a plot of the land on which the Land Disturbing Activities will be conducted and any other information that is required under the provisions of Section 6 of this article.
- B. Multiple operators conducting Land Disturbing Activities in a common plan of development may jointly submit an application and be covered by the same Permit. An application requesting coverage for multiple operators must include a Site plan clearly describing each operator's area(s) of operational control.
 - C. Each application for the issuance of a Permit shall be accompanied by a nonrefundable fee of (\$25.00), for Land Disturbing Activities associated with individual single family residences and (\$100.00), for all other types of Land Disturbing Activities. The Applicant must submit its BMP Plan with its application and fee to the Authority.
 - D. The Authority may require the Applicant to post a bond in the form of a government security, cash, irrevocable letter of credit, or any combination thereof up to but not exceeding \$1,000.00 per acre of the proposed Land Disturbing Activities. If the Applicant fails to comply with the conditions of the Permit, the bond may be called by the Authority and used to bring the Site into compliance.
 - E. An Applicant's BMP Plan will either be approved or disapproved by the Authority within 14 days of the day a complete application, BMP Plan, applicable fee, and bonding requirement, if any, are filed with the Authority.

If the BMP Plan is disapproved, the Authority will inform the Applicant, in writing, of the reasons for its disapproval. If the Applicant, on one or more occasions, revises the BMP Plan or submits to the Authority additional documents or information in connection with the BMP Plan, the Authority will make a written response to the Applicant with respect to whether such revised BMP Plan and/or additional documents and information have been approved or disapproved by the Authority. All such additional responses will be made by the Authority to the Applicant within 7 days of the day such revised BMP Plan or additional documents or information are submitted to the Authority.

Should the Authority fail to approve or disapprove any initial or revised BMP Plans within 30 days of the day said BMP Plans are submitted to the Authority, the BMP Plan shall be deemed approved and the Applicant may commence Land Disturbing Activities.

All BMP Plans certified by a QCP shall be deemed approved by the Authority, which shall allow the Applicant to immediately commence Land Disturbing Activities upon submission of a complete application, BMP Plan, applicable fee, and bonding requirement, if any, to the Authority.

Payment of the applicable fee and bonding requirement, if any, by the Applicant, coupled with the Authority's approval of the application and BMP Plan, shall result in issuance of a Permit to the Applicant.

- F. The Authority must be notified immediately upon any change in ownership of property for which a BMP Plan has been registered, and/or any change in the person or persons responsible for ensuring compliance with the provisions of this article.

A Permit may be amended [*with/without*] the payment of an additional fee upon filing with the Authority an amended or restated Permit application containing all changes from the original application; provided, that the holder of the Permit shows to the reasonable satisfaction of the Authority that there are no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If an amended or

restated application is filed with the Authority with respect to Land Disturbing Activities for which a Permit has been issued, such existing Permit shall continue in effect, and the Permittee may continue to operate under it unless and until an amended Permit is issued, at which time the original Permit shall expire and all Land Disturbing Activities must be conducted in accordance with the amended Permit.

A Permit may be transferred [with/without] the payment of an additional fee upon filing with the Authority an application for transfer; provided, that the current Permittee and proposed transferee of the Permit show to the reasonable satisfaction of the Authority that, upon or following the transfer, there will be no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If the Authority is not satisfied with any such showing by the current Permittee and proposed transferee, the new owner or operator must apply for a new Permit prior to participating in the operation of such project.

- G. All applications and correspondence required by this article to be submitted to the Authority must be signed by an individual with adequate legal authority to act for or on behalf of the Applicant or Permittee. Any person signing any application, correspondence or other documentation required by this article must make the following certification:

"I certify, under penalty of law, that this document and any attachments were prepared under my direction or supervision and that I have personally examined, and I am familiar with, the information in this document and any such attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty."

- H. The issuance of a Permit shall not excuse the owner from the need to obtain other required state and local permits or licenses.

Section 5. Exceptions.

- A. The following Land Disturbing Activities are excluded from the requirements of this article:

1. Any land change on property about which the owner of the property has submitted information to the Authority proving, to the satisfaction of the Authority, that such property does not Discharge to the MS4.
2. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources. Immediately upon completion of emergency activity the responsible party shall install all control measures and initiate restoration/cleanup activities as required by this article.
3. Agriculture
4. Silviculture
5. Such minor Land Disturbing Activities as home gardens, landscaping, home repairs, home maintenance work, minor additions to houses, the construction, maintenance or repair of accessory structures and other related activities which result in minor Erosion.
6. Minor Land Disturbing Activities, such as minor Grading for driveways, yard areas and sidewalks, or individual connections for sewer services for single or two-family residences.
7. The construction, repair or rebuilding of railroad tracks.
8. Minor subsurface exploratory excavations under the direction of soils engineers, engineering geologists, or soil scientists.

9. The opening of individual burial sites in property which has been approved for such use by all necessary governmental authorities.
 10. The construction of water wells or environmental monitoring wells.
 11. Any and all Land Disturbing Activities conducted by entities under the jurisdiction and supervision of the PSC.
- B. Although not required to obtain a Permit, persons engaged in excepted activities shall remain responsible for otherwise conducting such activities in accordance with the provisions of this article and any other applicable regulation or permit(s), including the proper control of Sediment and Discharges to the MS4.

Section 6. Construction Best Management Practices Plan (BMP Plan).

- A. City of Rainbow City, Alabama's Phase II MS4 NPDES Permit allows the Authority to rely upon ADEM for the setting of standards for appropriate Erosion and Sediment Controls. The Authority hereby expresses its intent to rely upon the aforementioned standards established by ADEM and requires any BMP Plan filed with the Authority to be in a format acceptable to ADEM and contain all necessary information and details required by ADEM's applicable regulations and NPDES construction Stormwater permit.
- B. The BMP Plan shall be updated as necessary to address changes in the construction activity, Site weather patterns, new TMDLs established or approved by EPA, new 303(d) listings approved by EPA, manufacturer specifications for specific control technologies, or as otherwise required by ADEM.

The BMP Plan shall be amended if inspections or investigations by federal, state or Authority officials determine that the existing Erosion and Sediment Controls or other Site management practices are ineffective or do not meet the requirements of applicable permits. All necessary modifications to the BMP Plan shall be made within seven (7) calendar days following notification of the inspection findings unless granted an extension of time.

If existing Erosion and Sediment Controls or other Site management practices prove ineffective in protecting water quality or need to be modified; or if additional Erosion and Sediment Controls or other Site management practices are necessary, implementation shall be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, then new Land Disturbing Activities must cease until the modified or additional controls can be implemented.

- C. Whenever the Authority determines that a BMP Plan does not comply with this article, it will notify the Applicant in writing of the ways in which the BMP Plan does not comply with this article.

Section 7. Post-Construction Requirements for New Development and Redevelopment

- A. The Permittee shall develop and implement Post-Construction Strategies for new development and redevelopment that include, at a minimum, a combination of structural and/or non-structural BMPs designed to require, to the maximum extent practicable, that the volume and velocity of pre-construction Stormwater runoff is not exceeded, as determined by the Authority. Said combination of Post-Construction Strategies shall be designed to function during a rainfall with intensity up to that of a 25 year-24 hour storm event. Should the permit site be located in a flood plain, the post-construction strategy shall be designed to also function during a rainfall intensity up to that of a 100 year-24 hour storm event.
- B. Post-Construction Strategies may be incorporated into Permittee's BMP Plan filed with the Authority or in a separate document. Said Post-Construction Strategies shall be reviewed, approved, and updated pursuant to the same requirements as those of the Permittee's BMP Plan.

- C. Permittee's Post-Construction Strategies must show proposed final site conditions and describe how the volume and velocity of Stormwater leaving the site will be managed after construction is complete to require, to the maximum extent practicable, that it does not exceed the volume and velocity of pre-construction Stormwater runoff.
- D. Upon completion, Permittee shall file with the Authority a certified copy of as-built drawings of any Post-Construction Strategies implemented at the site. Such filing shall demonstrate, to the maximum extent practicable, that final post-construction site conditions comply with subsection A, above.
- E. The Authority reserves the right to inspect Post-Construction Strategies following implementation by Permittee and require documentation allocating responsibilities for long-term operation and maintenance of Post-Construction Strategies, as it deems necessary. The Authority may also require Permittee to provide a method of funding to be established or provided to ensure the long term maintenance of any post-construction BMPs.

Section 3. Responsibilities of the Permittee, Property Owner and/or Developer.

- A. Once received from the Authority, the BMP Plan bearing the stamp of approval of the Authority, along with the Permittee's NOI, ADEM NPDES permit, any necessary building or other permits, and/or other required documentation shall be maintained at the Site during the progress of the work and until a notice of termination has been filed with ADEM, unless impracticable. If impracticable, the aforementioned records may be maintained at another reasonable location, so long as they can be produced to the Authority within forty-eight (48) hours of a request for said records.
- B. The Permittee, or an agent, contractor or other representative of same, shall notify the Authority at least two (2) working days before the start of construction, unless good cause exists for contacting the Authority within a lesser timeframe.
- C. Clearing, except that necessary to establish Erosion and Sediment Controls, shall not begin until all Erosion and Sediment Controls have been installed and have been stabilized.
- D. The person engaged in or conducting Land Disturbing Activities shall be responsible for maintaining all temporary and permanent Erosion and Sediment Controls during the development of a Site. Grading, and Erosion and Sediment Controls shall meet the design criteria set forth in the most recent version of the Alabama Handbook.
- E. To the maximum extent practicable, Pollutants in runoff water must be minimized by using appropriate BMPs.
- F. Grading and Erosion and Sediment Controls shall be designed and maintained to minimize Erosion and the Discharge of Pollutants to the MS4 to the maximum extent practicable.
- G. Adequate protective measures shall be provided for the containment of hazardous substances and any other materials which may pollute the MS4, including petroleum products, lubricants and paint.
- H. When Land Disturbing Activities are finished and stable Vegetative Control Measures or other permanent controls have been established on all remaining exposed soil, the Permittee shall notify the Authority and request a final inspection. The Authority will inspect the Site within five (5) working days after receipt of the notice, and may require additional measures to stabilize the soil and control Erosion and Sedimentation. If additional measures are required by the Authority written notice of such additional measures will be delivered to the Permittee, and the Permittee shall continue to be covered by the Permit until a final and complete inspection is made and the Authority approves the project as having been satisfactorily completed.

Section 9. Inspections.

- A. The Permittee must carry out all applicable inspection requirements set out in ADEM's applicable regulations and NPDES Construction General Permit.
- B. The Authority or its designated agent retains the right to enter property upon which any Land Disturbing Activities are being conducted to carry out its own inspections, investigations, monitoring, observations, sampling, enforcement, and/or to address any complaint. Furthermore, the Authority or its designated agent retains the right to enter property upon which any Post-Construction Strategies have been implemented pursuant to the requirements of this ordinance to carry out its own inspections, investigations, monitoring, observations, sampling, enforcement, and/or to address any complaint. Prior to conducting any of the aforementioned activities, the representative(s) of the Authority will notify the Permittee, or an authorized representative at the Site, of their presence and anticipated activities on the Site. The Authority will conduct any such inspection activities at reasonable times, provided however that if the Authority has reasonable cause to believe that Discharges from Land Disturbing Activities to the MS4 may cause an imminent threat to human health or the environment, inspection of a Site may take place at any time and without notice to the Permittee, or an authorized representative at the Site.

Whenever information from a Permittee, Site owner, and/or an authorized representative at a Site is requested by the Authority, said parties may identify certain documents, materials, and/or processes that contain trade secret(s), the inspection of which could potentially jeopardize such trade secret. If the Authority has no clear and convincing reason to question the proprietary assertion, omission of such materials, documents and/or processes will be noted by the Authority. To the extent practicable, the Authority will protect all information which is designated as a trade secret by the Permittee, Site owner or an authorized representative.

- C. The Authority may seek appropriate legal remedies from any court with competent jurisdiction over the Site for any wrongful refusal by a Permittee, Site owner, and/or authorized representative to allow the Authority to enter and/or continue an inspection on a Site. If a court grants a remedy to the Authority, the Site owner must reimburse the City of Rainbow City, Alabama, all costs and expenses incurred in obtaining such a remedy.

Section 10. Corrective Action.

- A. Any poorly functioning Erosion and Sediment Controls, Post-Construction Strategies, non-compliant Discharges, or any other deficiencies observed during inspections conducted pursuant to Section 8 of this article shall be corrected as soon as possible, but not to exceed five (5) days of the inspection, unless impracticable.
- B. The Permittee shall take all reasonable steps to remove, to the maximum extent practicable, Pollutants deposited offsite or in any MS4 conveyance structure.

Section 11. Enforcement.

- A. This article authorizes the following Stormwater and non-Stormwater Discharges: Discharges authorized by, and in compliance with, any separate NPDES permit, discharges from fire-fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water including uncontaminated water line flushings not associated with hydrostatic testing; routine external building wash down associated with construction that does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensate associated with temporary office trailers and other similar buildings; uncontaminated ground water or spring water; foundation or footing drains where flows are not contaminated with process materials such as solvents; and landscape irrigation.

- B. All Discharges not explicitly authorized by this article are prohibited. Any Discharge to the MS4 made in violation of this article or of any condition of a Permit issued pursuant to this article shall be subject to correction and/or abatement in accordance with applicable law.
- C. City of Rainbow City, Alabama's Phase II MS4 NPDES Permit allows the Authority to rely upon ADEM for the enforcement of certain violations of this article. The Authority hereby expresses its intent to rely upon ADEM for enforcement of violations of this article, as allowed City of Rainbow City, Alabama's Phase II MS4 NPDES Permit, and agrees to promptly notify ADEM upon observing evidence of any known or suspected violations. Furthermore, no enforcement action will be taken by the Authority for a violation of the terms of this article if any of the following has occurred:
1. ADEM has issued a notice of violation with respect to the same alleged violation and is proceeding with an enforcement action with respect to such alleged violation;
 2. ADEM has issued an administrative order with respect to the same alleged violation and is proceeding with an enforcement action with respect to such violation; or
 3. ADEM has commenced, and is proceeding with, an enforcement action, or has completed any other type of administrative or civil action, with respect to such alleged violation.

Any determination or resolution made by ADEM with respect to an alleged violation shall be final, and the alleged violation will not be made the subject of any additional enforcement action by the Authority for any alleged violations of this article and/or provisions of any Permit issued pursuant to this article. However, for violations that have not been appropriately corrected and/or abated pursuant to ADEM's enforcement action, an enforcement action may be pursued by the Authority.

- D. Notwithstanding any other provision in this article to the contrary, in the event of an immediate threat to the public health or welfare, the Authority may take all appropriate measures to remove or alleviate such threat.
- E. In the event of any Accidental Discharge of a hazardous substance or a significant spill of a hazardous substance to the MS4 which could constitute a threat to human health or the environment, the Permittee of the Site shall give notice to the Authority and the local Emergency Management Authority in the same manner and within the same time as is required by State regulations for notice to ADEM.

Absent a compelling public interest to the contrary, it shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the business or activity of the Site, or any project or facility thereon, to maintain water quality and minimize any Adverse Impact that the Discharge may cause.

- F. Whenever the Authority finds that any person is in violation of any provision of this article, or any order issued hereunder, the Authority may serve upon such person a written notice of the violation. Within ten (10) calendar days of the date of such notice, unless an alternate date is approved by the Authority, an explanation of the violation and a plan for the satisfactory correction and future prevention thereof, including specific required actions, shall be submitted to the Authority. Submission of such plan shall in no way relieve such person in violation of this article of liability for any violations occurring before or after receipt of the notice of violation. If the person fails to respond within the required timeframe and/or fails to take corrective action within the specified time, the Authority may proceed with the following enforcement action:
1. Compliance Order: When the Authority finds that any person has violated, or continues to violate, this article, it may issue a compliance order to the violator,

directing that, within a specified time period, adequate structures and devices be installed, or procedures implemented, and properly operated, or other action be taken, to remedy such violation. Compliance orders may also contain such other requirements as may be reasonably necessary and appropriate to address such violation, including the construction of appropriate structures, installation of devices and self-monitoring and management practices.

2. Cease and Desist Orders: When the Authority finds that any person has violated, or continues to violate, this article or any order issued under this article in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood or development Site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; the Authority may issue an order to such person to cease and desist all Land Disturbance Activities immediately, and direct such person in violation of this article to:

- a. comply with this article forthwith; or
- b. take such appropriate remedial or preventive action as may be required to address properly a continuing or threatened violation of this article.

G. It shall be unlawful for any person to:

1. Violate any provision of this article;
2. Violate the provisions of any Permit issued pursuant to this article; or
3. Fail or refuse to comply with any lawful notice to abate or take corrective action issued by the Authority.

Such person shall be guilty of a criminal offense; and each day of such violation, failure or refusal to comply with this article shall be deemed a separate offense and punishable accordingly. Any person found to be in violation of any of the provisions of this article may be punished by a fine of not more than \$500.00 and/or up to 180 days in jail.

H. The Authority may initiate proceedings in any court of competent jurisdiction against any person who has, or who, the Authority has reason to believe, is about to:

1. Violate any provision of this article;
2. Violate any provision of a Permit; or
3. Fail or refuse to comply with any lawful order issued by the Authority.

The Authority may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to public Stormwater facilities by any person, and may seek injunctive or other equitable relief to enforce compliance with the provisions of this article or to force compliance with any lawful orders of the Authority.

Section 12. Variances and Appeals.

The Authority may grant a Variance from the requirements of this article if there exist exceptional circumstances applicable to a Site such that strict adherence to the provisions of this article will result in unintended consequences. The Applicant shall prepare a written request for a Variance stating the specific Variance sought and the reasons, with supporting data, for granting such Variance. This request shall include descriptions, drawings, calculations, and any other information necessary to evaluate the proposed Variance. The Authority will review the submitted material and make a written determination to approve or disapprove the Variance within ten (10) working days after receipt of such a request. There shall be no appeal process for the Variance request. The Authority is the final arbiter of the Variance request.

Section 13. Liability.

Neither the issuance of a Permit pursuant to this article, nor compliance with the provisions of this article, shall relieve any person of the responsibility for damage to any person or property otherwise imposed by law.

Nothing herein shall be construed to require the [City/County] or its officials, employees, agents or attorneys to restore or cause the restoration of property damaged by Erosion or Sedimentation in violation of this article or to otherwise seek or assist others in seeking compensation to private property owners for any such damage caused by a violation of this article. The [City/County] and its officials, employees, agents and attorneys shall not be liable for any condition or damages that result from any failure to observe or recognize a hazardous condition, any failure of an approved plan to prevent Erosion or Sedimentation, or any failure of the [City/County] to cause owners and builders to adhere to the terms of this article. Nothing herein shall be construed to expand the liability of the [City/County] or its officials, employees, agents or attorneys nor shall it create any additional, further, different or expanded claim or cause of action.

Nothing in this article shall be construed to limit the Authority to enforce rules and regulations regarding: (a) charges, limits and restrictions on the Discharge of waste into the sanitary sewerage system of the City of Rainbow City, Alabama; (b) health or sanitation ordinances of the City of Rainbow City, Alabama, enforced by the Etowah County Health Department; or (c) ordinances governing the sanitation of premises where animals are kept. This article shall be cumulative to and in furtherance of any statutory, common law, or other legal right, duty, power, or authority possessed by the City of Rainbow City, Alabama. Compliance with this article shall not excuse any person from compliance with any other federal, state or local law, ordinance, regulation, rule or order.

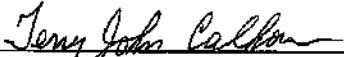
It shall be unlawful for any person to provide false information to the Authority when such person knows or has reason to know that the information provided is false, whether such information is required by this article or any approval granted under this article.

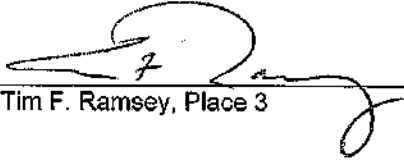
Section 14. Severability.

The provisions of this article are declared to be severable, and if any provision of this article is declared to be invalid by a court of competent jurisdiction, this determination shall not affect, impair, or invalidate the remainder of this article, but shall be confined in its operation to the section, paragraph, subparagraph, clause or phrase of this article in which such determination shall have been made.

This Ordinance shall become effective upon its approval by the City Council of the City of Rainbow City, Alabama.

ADOPTED AND APPROVED by the City Council of the City of Rainbow City, on this the 10th day of December, 2012.



Terry John Calhoun, Mayor
City of Rainbow City


Tim F. Ramsey, Place 3


Anita Bedwell, Place 1

Larry Keenum, Place 4

Robert "Bobby" McCartney Jr., Place 2


Rick Hill, Place 5

Attest:


Barbara T. Wester, City Clerk

I, Barbara T. Wester, City Clerk/Treasurer of the City of Rainbow City, Alabama, do hereby certify that the foregoing Ordinance No. 390 was duly posted at Rainbow City Municipal Building, Food World Post Office, and Winn Dixie.

Barbara T. Wester, City Clerk/Treasurer

ORDINANCE NO.0-10-2012

CITY OF SOUTHSIDE
COUNTY OF ETOWAH
STATE OF ALABAMA

AN ORDINANCE ADOPTING STORMWATER
MANAGEMENT REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHSIDE as follows:

Section -I. General provisions.

- (1). Purpose. It is the purpose of this ordinance to:
 - (a) Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.
 - (b) Enable the city to comply with the National Pollution Discharge Elimination System (NPDES) permit and applicable regulations, 40 CFR §122.26, for stormwater discharges.
 - (c) Allow the city to exercise the powers granted in Code of Alabama 1975 §§11-89C-1 et seq., pursuant to Act No. 97-931.
- (2). Administering entity. The departments of building, zoning and engineering of the city shall administer the provisions of this ordinance.

Section II. Definitions.

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use.

- (1) *As built plans* means drawings depicting conditions as they were actually constructed.
- (2) *Best management practices* or *BMPs* are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the city, and that have been incorporated by reference into this ordinance as if fully set out therein.
- (3) *Channel* means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
- (4) *Community water* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of

surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the city.

- (5) *Contaminant* means any physical, chemical, biological, or radiological substance or matter in water.
- (6) *Design storm event* means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.
- (7) *Discharge* means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.
- (8) *Easement* means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.
- (9) *Erosion* means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
- (10) *Erosion and sediment control plan* means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
- (11) *Hot spot (priority area)* means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
- (12) *Illicit connection* means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.
- (13) *Illicit discharge* means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under Section III (3).
- (14) *Land disturbing activity* means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography on property. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
- (15) *Maintenance* means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.
- (16) *Maintenance agreement* means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

- (17) *Municipal separate storm sewer system (MS4) (Municipal separate stormwater system)* means the conveyances owned or operated by the city for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.
- (18) *National Pollutant Discharge Elimination System permit or NPDES permit* means a permit issued pursuant to 33 U.S.Code §1342.
- (19) *Off-site facility* means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
- (20) *On-site facility* means a structural BMP located within the subject property boundary described in the permit application for land development activity.
- (21) *Peak flow* means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- (22) *Person* means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.
- (23) *Priority area* means a hot spot as defined in Section II (11).
- (24) *Runoff* means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.
- (25) *Sediment* means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
- (26) *Sedimentation* means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.
- (27) *Soils Report* means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.
- (28) *Stabilization* means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
- (29) *Stormwater* means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.
- (30) *Stormwater management* means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.
- (31) *Stormwater management facilities* means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
- (32) *Stormwater management plan* means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

- (33) *Stormwater runoff* means flow on the surface of the ground, resulting from precipitation.
- (34) *Structural BMPs* means devices that are constructed to provide control of stormwater runoff.
- (35) *Surface water* includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
- (36) *Watercourse* means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (37) *Watershed* means all the land area that contributes runoff to a particular point along a waterway.

Section III. Land disturbance permits.

- (1). When required. Every person will be required to obtain a land disturbance permit from the city unless (a) the activity disturbs less than one acre of land. A land disturbance permit is required for all land disturbance activity, regardless of the size of the area disturbed, which occurs within a subdivision development with water front property or within a defined floodway.
- (2). Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.
- (3). Exemptions. The following activities are exempt from the permit requirement:
 - (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 - (c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the Environmental Protection Agency or the Alabama Department of Environmental Management.
 - (d) Additions or modifications to existing single family structures.
- (4). Application for a land disturbance permit.
 - (a) Each application shall include the following:
 - (1) Name of applicant;
 - (2) Business or residence address of applicant;
 - (3) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
 - (4) Address and legal description of subject property including the tax reference number and parcel number of the subject property;
 - (5) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
 - (6) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the

permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.

(7) Where the property includes a sinkhole, the applicant shall obtain from the Alabama Department of Environmental Management appropriate permits.

(8) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the city from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

(b) Each application shall be accompanied by:

(1) A sediment and erosion control plan as described in Section V (5).

(2) A stormwater management plan as described in Section V (4), providing for stormwater management during the land disturbing activity and after the activity has been completed.

(3) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit of \$25.00 and such other stormwater management fees as may be set by resolution.

(5). Review and approval of application.

(a) The city will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 30 days after receiving an application, the city shall provide one of the following responses in writing:

(1) Approval of the permit application;

(2) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or

(3) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the city has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the city. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the city.

(c) No development plans will be released until the land disturbance permit has been approved.

(6). Permit duration.

Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within 180 calendar days of issuance, or is not complete within 18 months from the date of the commencement of construction.

(7). Notice of construction.

The applicant must notify the city ten working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by a QCI (qualified credentialed inspector) provided by the contractor. Erosion control measures shall be inspected according to program requirements after any rainfall event in excess of $\frac{3}{4}$ of an inch during a 24-hour period. All inspections shall be documented and written reports prepared that contain the following information:

- (1) The date and location of the inspection;
- (2) Whether construction is in compliance with the approved stormwater management plan;
- (3) Variations from the approved construction specifications;
- (4) Any violations that exist.

(8). Performance bonds.

- (a) The city may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the city. Alternatively the city shall have the right to calculate the cost of construction cost estimates.
- (b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Alabama that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The city will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the city.

Section IV. Waivers.

- (1). General. Every applicant shall provide for stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the city for approval.

- (2). Conditions for waiver. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:
 - (a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter.
 - (b) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.
 - (c) Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
- (3). Downstream damage, etc. prohibited. In order to receive a waiver, the applicant must demonstrate to the satisfaction of the city that the waiver will not lead to any of the following conditions downstream:
 - (a) Deterioration of existing culverts, bridges, dams, and other structures;
 - (b) Degradation of biological functions or habitat;
 - (c) Accelerated stream bank or streambed erosion or siltation;
 - (d) Increased threat of flood damage to public health, life or property.
- (4). Land disturbance permit not to be issued where waiver requested. No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

Section V. Stormwater system design and management standards.

- (1) Stormwater design or BMP manual.
 - (a) Adoption. The city adopts as its stormwater design and best management practices (BMP) manual the 2009 Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, prepared by the Alabama Department of Environmental Management. The Handbook is incorporated by reference in this chapter as if fully set out herein.
 - (b) This manual includes a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the city council, upon the recommendation of the chief building official, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.
- (2). General performance criteria for stormwater management. Unless granted a waiver or judged by the city to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:

- (a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms of two-year, five-year, ten-year, 25-year, 50-year and 100-year intensity and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- (b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.
- (c) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- (d) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices.
- (e) Prior to or during the site design process, applicants for land disturbance permits shall consult with the city to determine if they are subject to additional stormwater design requirements.
- (f) The calculations for determining peak flows as found in the BMP manual shall be used for sizing all stormwater facilities.

(3). Minimum control requirements.

- (a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the BMP manual unless the city has granted the applicant a full or partial waiver for a particular BMP under Section IV.
- (b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the city may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(4). Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the city to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

- (a) Topographic Base Map: A scale no greater than one inch equals 100 feet topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development and indicates:
 - (1) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
 - (2) Current land use including all existing structures, locations of utilities, roads, and easements;

- (3) All other existing significant natural and artificial features;
 - (4) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
 - (5) Proposed structural BMPs;
 - (6) A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- (b) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:
- (1) A description of the design storm frequency, duration, and intensity where applicable;
 - (2) Time of concentration;
 - (3) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - (4) Peak runoff rates and total runoff volumes for each watershed area;
 - (5) Infiltration rates, where applicable;
 - (6) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - (7) Flow velocities;
 - (8) Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and
 - (9) Documentation of sources for all computation methods and field test results.
- (c) Soils Information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (d) Maintenance and Repair Plan: The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A

permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

- (e) **Landscaping Plan:** The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Alabama.
- (f) **Maintenance Easements:** The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.
- (g) **Maintenance Agreement:**
 - (1) The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.
 - (2) The maintenance agreement shall:
 - (a) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
 - (b) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in Alabama who will submit a sealed report of the inspection to the city. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
 - (c) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.

- (d) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the city.
 - (e) Provide that if the property is not maintained or repaired within the prescribed schedule, the city shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the city's cost of performing the maintenance shall be a lien against the property.
- (3) The city shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the city must also meet the city's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.
- (h) Sediment and Erosion Control Plans: The applicant must prepare a sediment and erosion control plan for all construction activities that complies with Section V (5).
- (5). Sediment and erosion control plan requirements. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer licensed in the state of Alabama. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:
 - (a) Project Description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
 - (b) A topographic map with contour intervals of two feet or less showing present conditions and proposed contours resulting from land disturbing activity.
 - (c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
 - (d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.
 - (e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans

may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

- (f) Approximate limits of proposed clearing, grading and filling.
- (g) Approximate flows of existing stormwater leaving any portion of the site.
- (h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (i) Location, size and layout of proposed stormwater and sedimentation control improvements.
- (j) Proposed drainage network.
- (k) Proposed drain tile or waterway sizes.
- (l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
- (m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.
- (n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- (o) Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this chapter.
- (p) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
- (q) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

Section VI. Post Construction.

- (1). As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Alabama. A final inspection by the city is required before any performance security or performance bond will be released. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city.
- (2). Landscaping and stabilization requirements.
 - (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by present or past development activities shall be revegetated according to a schedule approved by the city. The following criteria shall apply to revegetation efforts:
 - (1) All sites shall have at least 10% "green" vegetated areas.
 - (2) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over 90% of the seeded area.
 - (3) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
 - (4) Any area of revegetation must exhibit survival of a minimum of 75% of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum 75% survival for one year is achieved.
 - (b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (3). Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for in Section V (4) (g) (2) (b).
- (4). Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 13 years after substantial completion of the stormwater facility. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.

- (5). Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have fourteen calendar days, or such additional time as the city engineer shall determine to be reasonably necessary to complete the action, to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party.

Section VII. Existing locations and developments.

- (1). Requirements for all existing locations and developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred subsequent to the enactment of this chapter:
- (a) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the city.
 - (b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
 - (c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
 - (d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
 - (e) Stormwater runoff shall be controlled to prevent pollution of local waters. Current control measures may include, but are not limited to, the following:
 - (1) Ponds
 - (a) Detention pond
 - (b) Extended detention pond
 - (c) Wet pond
 - (d) Alternative storage measures
 - (2) Constructed wetlands
 - (3) Infiltration systems
 - (a) Infiltration/percolation trench
 - (b) Infiltration basin
 - (c) Drainage (recharge) well
 - (d) Porous pavement
 - (4) Filtering systems
 - (a) Bio-retention area/rain garden
 - (b) Catch basin inserts/media filter
 - (c) Sand filter

- (d) Filter/absorption bed
 - (e) Filter and buffer strips
 - (5) Open channel
 - (a) Swale
- (2). Requirements for existing problem locations. When the city becomes aware of a problem location, the city shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the action required to correct those problems. The notice shall also specify a reasonable time for compliance.
- (3). Inspection of existing facilities. The city may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.
- (4). Correction of problems subject to appeal. Corrective measures imposed by the city under this section are subject to appeal under Section XI.

Section VIII. Illicit discharges.

- (1). Scope. This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.
- (2). Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:
- (a) Uncontaminated discharges from the following sources:
 - (1) Water line flushing or other potable water sources,
 - (2) Landscape irrigation or lawn watering with potable water,
 - (3) Diverted stream flows,
 - (4) Rising ground water,
 - (5) Groundwater infiltration to storm drains,
 - (6) Pumped groundwater,
 - (7) Foundation or footing drains,

- (8) Crawl space pumps,
 - (9) Air conditioning condensation,
 - (10) Springs,
 - (11) Non-commercial washing of vehicles,
 - (12) Natural riparian habitat or wet-land flows,
 - (13) Swimming pools (if dechlorinated - typically less than one PPM chlorine),
 - (14) Fire fighting activities, and
 - (15) Any other uncontaminated water source.
- (b) Discharges specified in writing by the city as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge if the city has so specified in writing.
- (3). Prohibition of illicit connections.
- (a) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
 - (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (4). Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- (5). 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 in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 13 years after the release.

Section IX. Enforcement

- (1). Enforcement authority. The departments of building, zoning, and engineering of the city shall have the authority to issue notices of violation and citations and to designate those persons who have enforcement authority.
- (2). Notification of violation.
 - (a) Written Notice. Whenever an authorized employee of the departments of building, zoning and engineering of the city finds that any permittee or any other person discharging stormwater has violated or is violating this chapter or a permit or order issued hereunder, the employee may serve upon such person written notice of the violation. Within ten days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the departments of building, zoning and engineering. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
 - (b) Consent Orders. The authorized employees of the planning and engineering departments are empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.
 - (c) Show Cause Hearing. An authorized employee of the building, zoning and engineering departments may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing.
 - (d) Compliance Order. When an authorized employee of the building, zoning and engineering departments finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
 - (e) Cease and Desist Orders. When an authorized employee of the building, zoning and engineering departments finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the employee may

issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith; or
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (3). Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the city under this ordinance, the strictest standard shall prevail.

Section X. Penalties.

- (1). Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the city, shall be guilty of a criminal offense.
- (2). Penalties. Under the authority provided in Alabama Code § 11-45-9, the city declares that any person violating the provisions of this chapter may be fined not less than \$50.00 and not more than \$500.00 per day for each day of violation. Each day of violation shall constitute a separate violation.
- (3). Recovery of damages and costs. The city may recover:
 - (a) all damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation, and
 - (b) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.
- (4). Other remedies. The city may bring legal action to enjoin the continuing violation of this chapter. The existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (5). Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive. It shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

Section XI. Appeals.

Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the city council.

- (1). Appeals to be in writing. The appeal shall be in writing and filed with the city clerk within 15 days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- (2). Public hearing. Upon receipt of an appeal, the city council shall hold a public hearing within 30 days. Ten days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten days notice by registered

mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the city council shall be final.

- (3). Appealing decisions of the city council. Any alleged violator may contest a decision of the city council pursuant to the provisions of Alabama law and court rules.


SECTION XII.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION XIII.

The effective date of this ordinance is December 15, 2012.

NOW THEREFORE BE IT ORDAINED this ordinance is hereby adopted this the 10th day of December, 2012 by the Southside City Council.


Wally Burns, Mayor


Joey Jones, Council Member


Kevin Stephens, Council Member


Don Steward, Council Member


John Hatley, Council Member

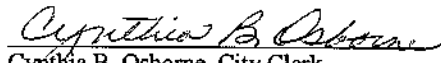

Randall Tallent, Council Member

ATTEST:


Cynthia B. Osborne, City Clerk

CERTIFICATION OF ADOPTION

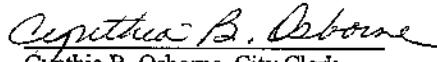
I hereby certify that the attached ordinance was duly adopted by the Southside City Council in regular session assembled on the 10th day of December 2012, and is recorded in the official minutes of the Southside City Council.


Cynthia B. Osborne, City Clerk

CERTIFICATION OF PUBLICATION

I, Cynthia B. Osborne, City Clerk for the City of Southside, Alabama, do hereby certify that this Ordinance was posted in three public places within the city of Southside and at the Southside City Hall beginning on the 11th day of December, 2012, in accordance with the provisions of Code of Alabama, 1975, Section 11-45-8.

Date: 12/11/12


Cynthia B. Osborne, City Clerk

GADSDEN-ETOWAH MS4
ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM
NPDES General Permit ALR040009

APPENDIX C – FORMS

Drainage Basin Illicit Discharge Potential Worksheet

Outfall Reconnaissance Inventory Field Sheet

ILLICIT DISCHARGE POTENTIAL WORKSHEET

SUBWATERSHED: _____

DATE OF EVALUATION: _____

COMMENTS: _____

		IDP RANKING VALUES				
	CRITERION	RESULT	1	2	3	IDP SCORE
1	LAND USE / ZONING		Residential	Business	Industrial	
2	# OF ILLICIT DISCHARGE REPORTS IN PAST 2 YEARS		< 5 reports	5 - 25 reports	> 25 reports	
3	# OF POTENTIAL GENERATING SITES		< 3 sites	3-10 sites	> 10 sites	
4	AVERAGE AGE OF DEVELOPMENT		< 10 years	10-50 years	> 50 years	
					TOTAL IDP	

TOTAL IDP > 9 = PRIORITY AREA

OUTFALL RECONNAISSANCE INVENTORY FIELD SHEET

Section 1: Background Data

Drainage Basin:		Outfall ID:	
Today's Date:		Time (Military):	
Investigators:		Form completed by:	
Temperature (°F):	Rainfall (in.):	Last 24 hours:	Last 48 hours:
Latitude:	Longitude:	GPS Unit:	GPS LMK #:
Camera:		Photo #s:	
Land Use in Outfall Drainage Area (Check all that apply):			
<input type="checkbox"/> Industrial		<input type="checkbox"/> Open Space	
<input type="checkbox"/> Urban Residential		<input type="checkbox"/> Institutional	
<input type="checkbox"/> Suburban Residential		Other: _____	
<input type="checkbox"/> Commercial		Known Industries: _____	
Notes (e.g., origin of outfall, if known):			

Section 2: Outfall Description

LOCATION	MATERIAL	SHAPE	DIMENSIONS (IN.)	SUBMERGED
<input type="checkbox"/> Closed Pipe	<input type="checkbox"/> RCP <input type="checkbox"/> CMP <input type="checkbox"/> PVC <input type="checkbox"/> HDPE <input type="checkbox"/> Steel <input type="checkbox"/> Other: _____	<input type="checkbox"/> Circular <input type="checkbox"/> Single <input type="checkbox"/> Elliptical <input type="checkbox"/> Double <input type="checkbox"/> Box <input type="checkbox"/> Triple <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____	Diameter/Dimensions: _____ _____	In Water: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully With Sediment: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully
<input type="checkbox"/> Open drainage	<input type="checkbox"/> Concrete <input type="checkbox"/> Earthen <input type="checkbox"/> Rip-rap <input type="checkbox"/> Other: _____	<input type="checkbox"/> Trapezoid <input type="checkbox"/> Parabolic <input type="checkbox"/> Other: _____	Depth: _____ Top Width: _____ Bottom Width: _____	
<input type="checkbox"/> In-Stream	(applicable when collecting samples)			
Flow Present?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If No, Skip to Section 5</i>			
Flow Description (if present)	<input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial			

Section 3: Quantitative Characterization

FIELD DATA FOR FLOWING OUTFALLS				
PARAMETER	RESULT	UNIT	EQUIPMENT	
<input type="checkbox"/> Flow Method #1	Volume		Liter	Bottle
	Time to fill		Seconds	Stop watch
<input type="checkbox"/> Flow Method #2	Flow depth		Inches	Tape measure
	Flow width	____', ____"	Ft, In	Tape measure
	Measured length	____', ____"	Ft, In	Tape measure
	Time of travel		Seconds	Stop watch
Temperature		°F	Thermometer	
pH		pH Standard Units	Test strip / probe	
Ammonia		mg/L	Test strip	

OUTFALL RECONNAISSANCE INVENTORY FIELD SHEET (CONTINUED)

Section 4: Physical Indicators for Flowing Outfalls Only

Are Any Physical Indicators Present in the flow? Yes No (If No, Skip to Section 5)

INDICATOR	CHECK if Present	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
Odor	<input type="checkbox"/>	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/sour <input type="checkbox"/> Petroleum/gas <input type="checkbox"/> Sulfide <input type="checkbox"/> Other:	<input type="checkbox"/> 1 – Faint	<input type="checkbox"/> 2 – Easily detected	<input type="checkbox"/> 3 – Noticeable from a distance
Color	<input type="checkbox"/>	<input type="checkbox"/> Clear <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Orange <input type="checkbox"/> Red <input type="checkbox"/> Other:	<input type="checkbox"/> 1 – Faint colors in sample bottle	<input type="checkbox"/> 2 – Clearly visible in sample bottle	<input type="checkbox"/> 3 – Clearly visible in outfall flow
Turbidity	<input type="checkbox"/>	See severity	<input type="checkbox"/> 1 – Slight cloudiness	<input type="checkbox"/> 2 – Cloudy	<input type="checkbox"/> 3 – Opaque
Floatables -Does Not Include Trash!!	<input type="checkbox"/>	<input type="checkbox"/> Sewage (toilet paper, etc.) <input type="checkbox"/> Suds <input type="checkbox"/> Petroleum (oil sheen) <input type="checkbox"/> Other:	<input type="checkbox"/> 1 – Few/slight; Origin not obvious	<input type="checkbox"/> 2 – Some; Indications of origin (e.g., possible suds or oil sheen)	<input type="checkbox"/> 3 – Some; Origin clear (e.g., obvious oil sheen, suds, or floating sanitary materials)

Section 5: Physical Indicators for Both Flowing and Non-Flowing Outfalls

Are physical indicators that are not related to flow present? Yes No (If No, Skip to Section 6)

INDICATOR	CHECK if Present	DESCRIPTION	COMMENTS
Outfall Damage	<input type="checkbox"/>	<input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion	
Deposits/Stains	<input type="checkbox"/>	<input type="checkbox"/> Oil <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other:	
Abnormal Vegetation	<input type="checkbox"/>	<input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited	
Poor pool quality	<input type="checkbox"/>	<input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other:	
Pipe benthic growth	<input type="checkbox"/>	<input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other:	

Section 6: Overall Outfall Characterization

<input type="checkbox"/> Unlikely <input type="checkbox"/> Potential (presence of two or more indicators) <input type="checkbox"/> Suspect (one or more indicators with a severity of 3) <input type="checkbox"/> Obvious

Section 7: Data Collection

1. Sample for the lab?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, what time was the sample collected?
2. If yes, collected from:	<input type="checkbox"/> Flow <input type="checkbox"/> Pool	
3. Intermittent flow trap set?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, type: <input type="checkbox"/> OBM <input type="checkbox"/> Caulk dam

Section 8: Any Non-Illicit Discharge Concerns (e.g., trash or needed infrastructure repairs)?

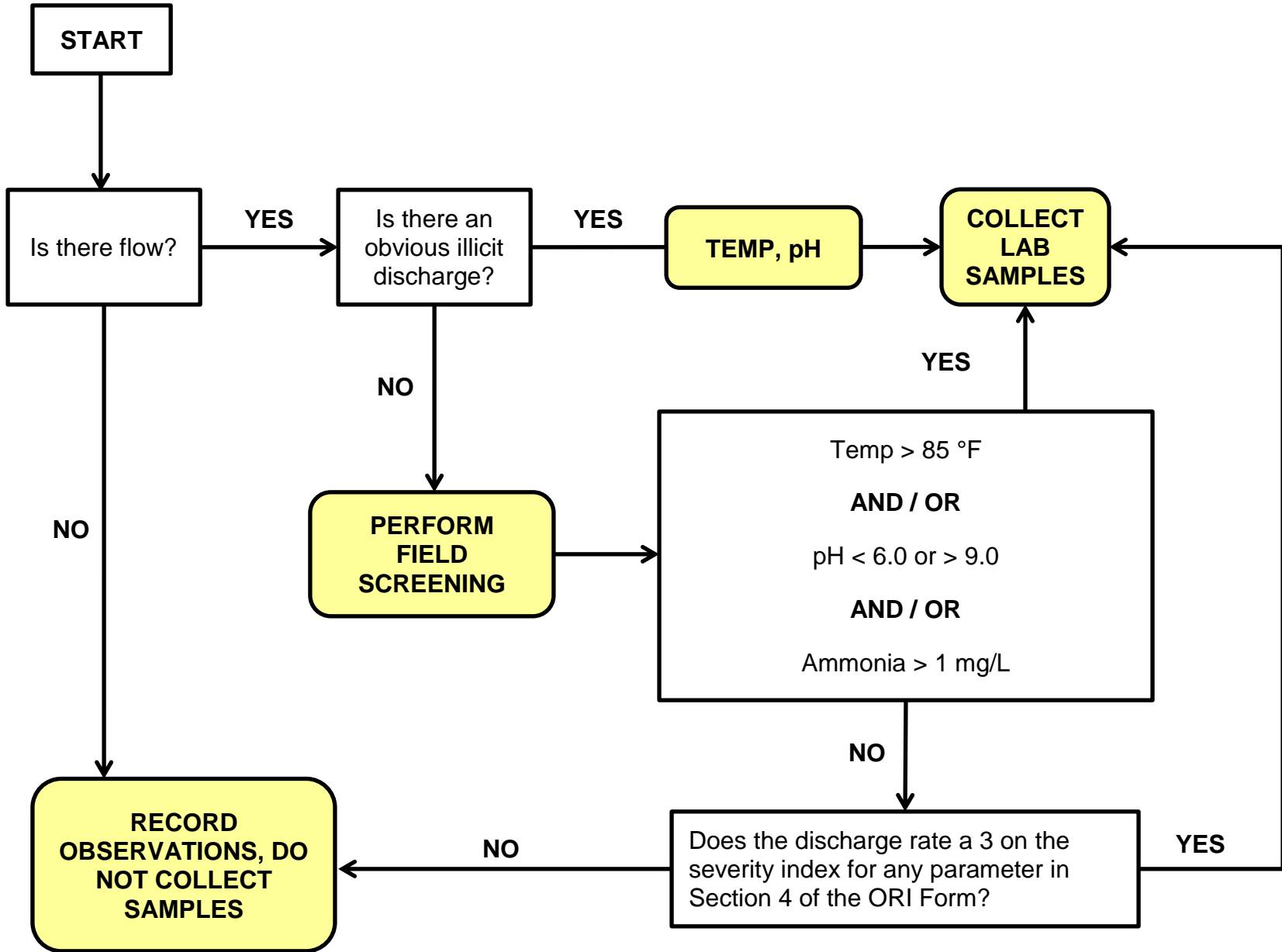
GADSDEN-ETOWAH MS4
ILLCIT DISCHARGE DETECTION AND ELIMINATION PROGRAM
NPDES General Permit ALR040009

APPENDIX D – FLOW CHARTS

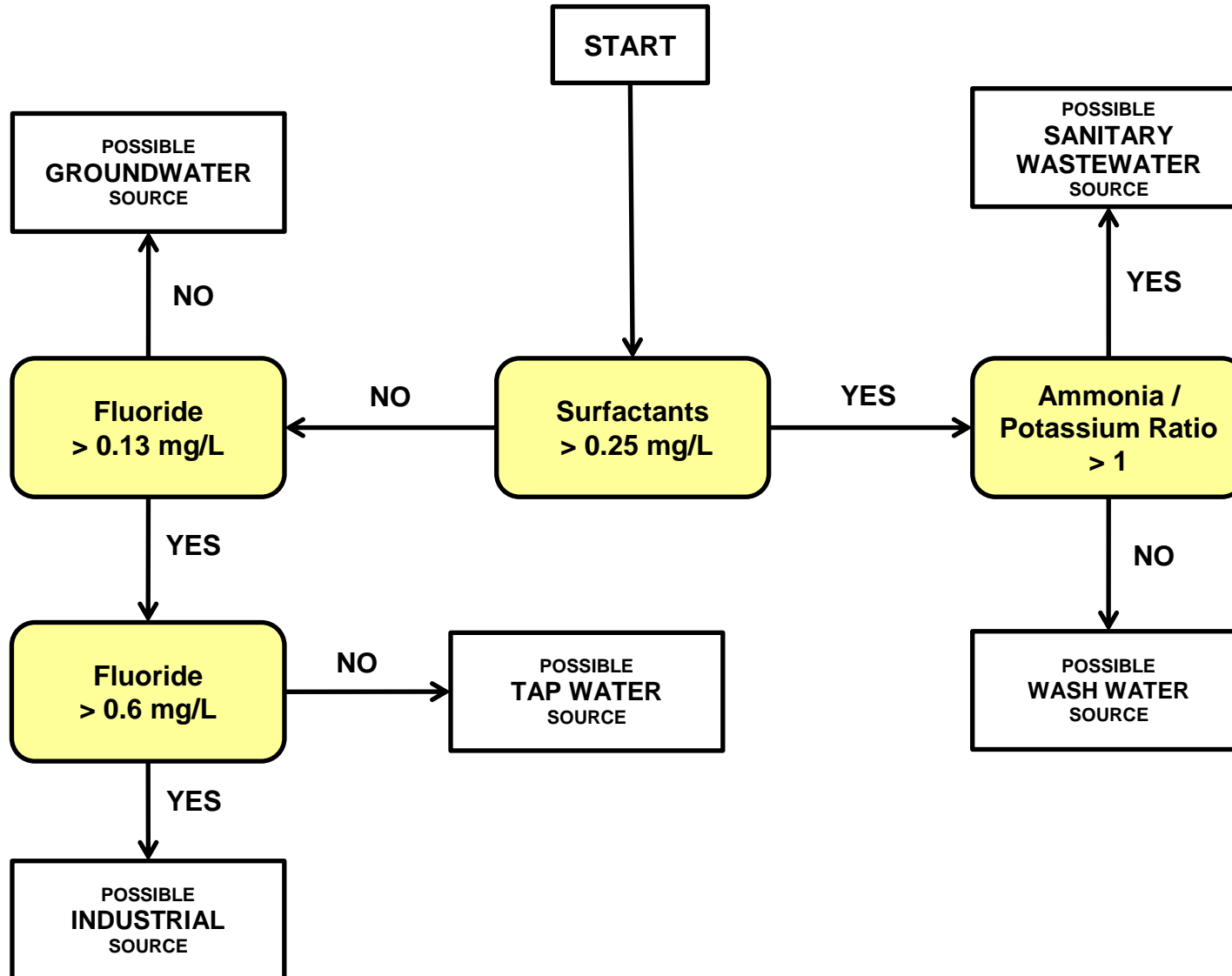
When to Sample: ORI Observations and Sampling

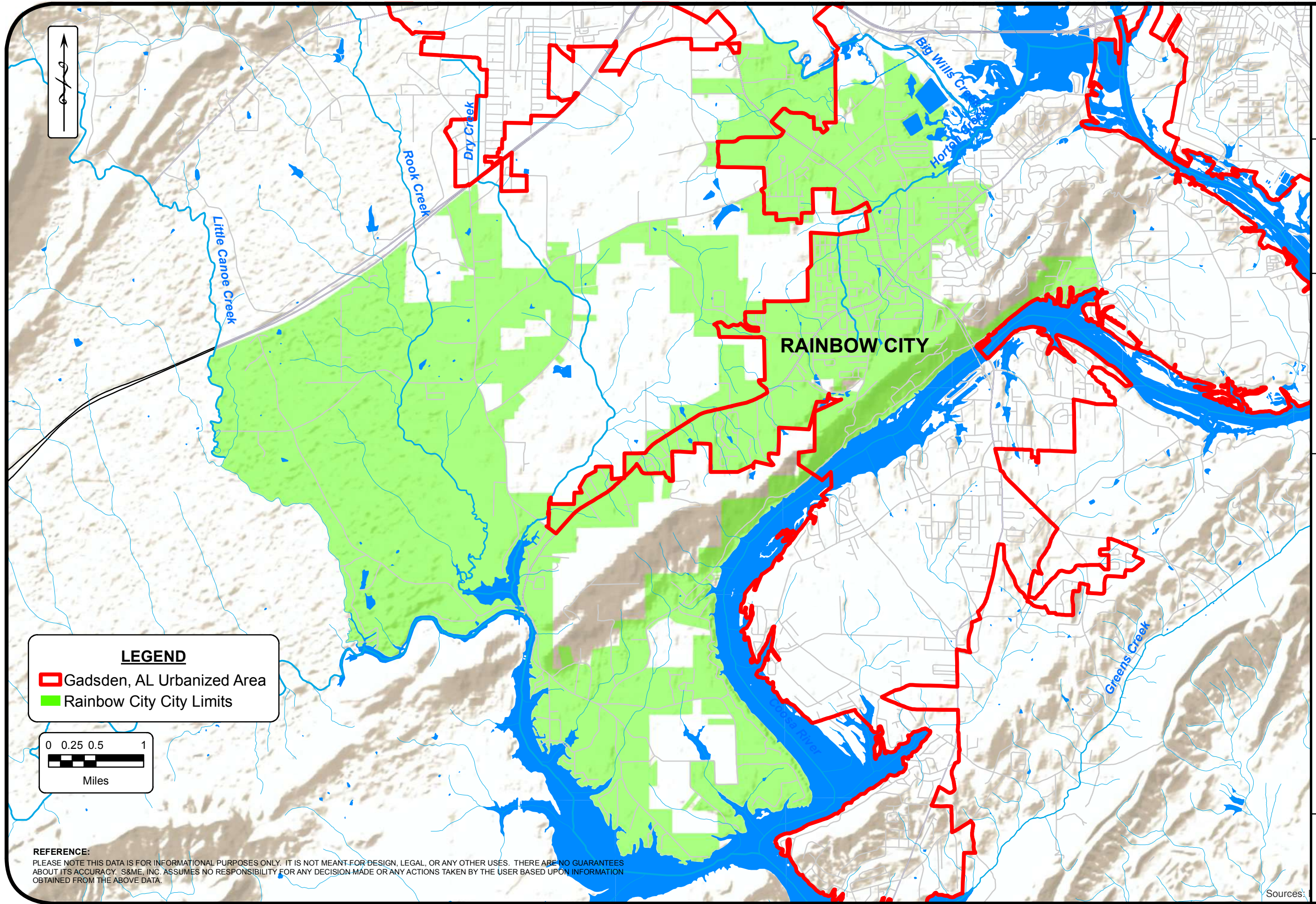
Evaluating Analytical Data to Determine Discharge Type

FLOW CHART: WHEN TO SAMPLE



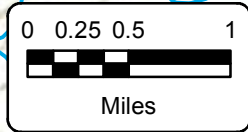
FLOW CHART: Evaluating Analytical Data to Determine Discharge Type





LEGEND

- ▭ Gadsden, AL Urbanized Area
- ▭ Rainbow City City Limits



REFERENCE:
PLEASE NOTE THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION-MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON INFORMATION OBTAINED FROM THE ABOVE DATA.

Sources:

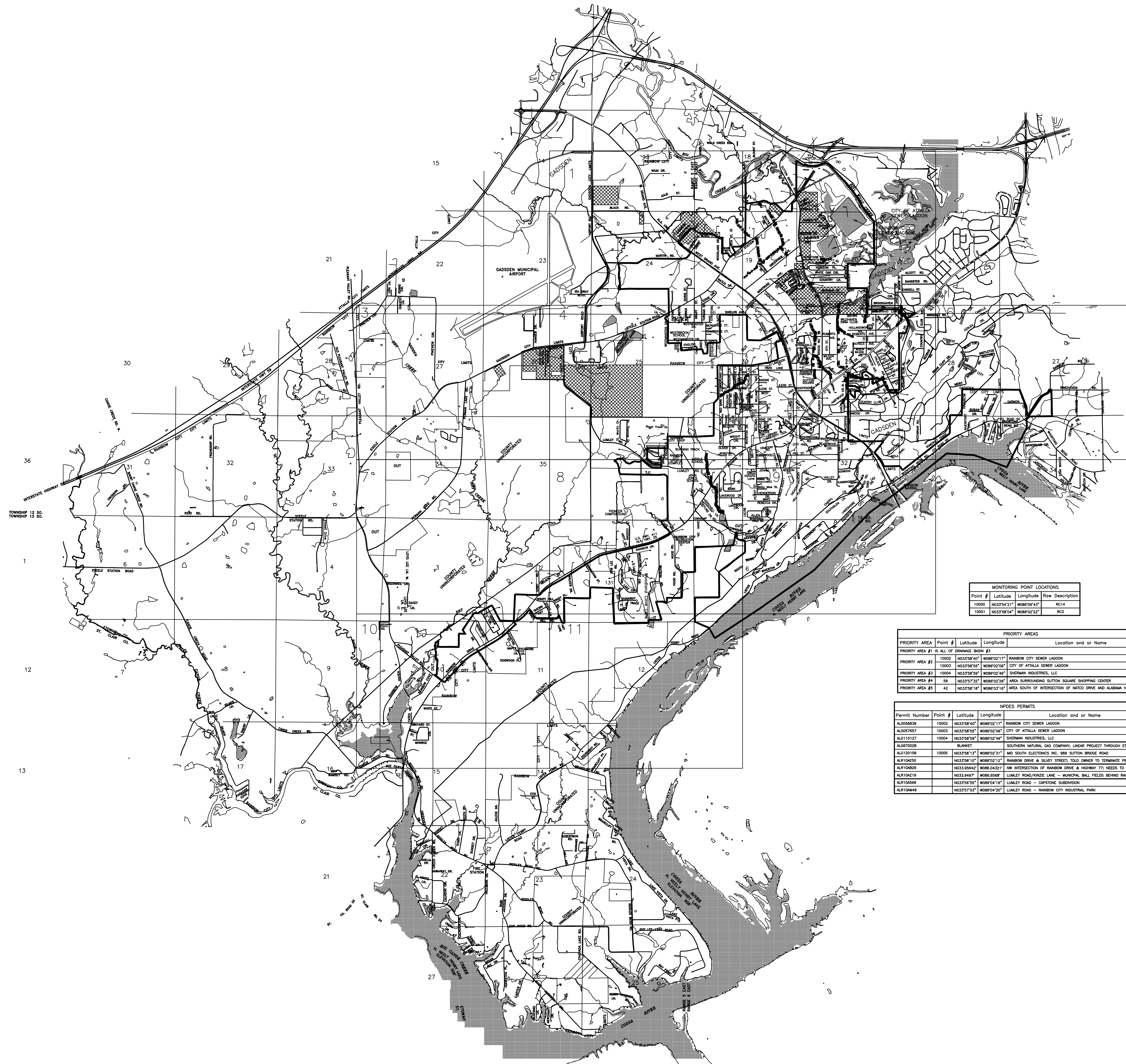
SCALE: AS SHOWN	DATE: 10/20/16
PROJECT NO: 4482-15-028	DRAWN BY: EJK
NPDES NO: ALR040009	CHECKED BY: CCL

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RAINBOW CITY MS4
 GADSDEN ALABAMA URBANIZED AREA
 PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM

FIGURE NO.
1



MONITORING POINT LOCATIONS

Point #	Latitude	Longitude	Row	Description
1000	N03354211	W08620437	RC14	
1001	N0335824	W08620222	RC3	

PRIORITY AREAS

Priority Area #	Point #	Latitude	Longitude	Location and/or Name
PRIORITY AREA #1	IS ALL OF DRAINAGE BASIN #3			
PRIORITY AREA #2	10002	N03375640	W08620137	RAINBOW CITY SEWER LAGOON
PRIORITY AREA #3	10004	N03375650	W08620248	CITY OF ATALLA SEWER LAGOON
PRIORITY AREA #4	59	N03375732	W08620284	SHERMAN INDUSTRIES, LLC
PRIORITY AREA #5	42	N03375818	W08620318	AREA SURROUNDING SUTTON SQUARE SHOPPING CENTER
				AREA SOUTH OF INTERSECTION OF HATCH DRIVE AND ALABAMA HIGHWAY #77

NPDES PERMITS

Permit Number	Point #	Latitude	Longitude	Location and/or Name
AL020683	10002	N03375640	W08620137	RAINBOW CITY SEWER LAGOON
AL020767	10004	N03375650	W08620248	CITY OF ATALLA SEWER LAGOON
AL010127	10004	N03375650	W08620248	SHERMAN INDUSTRIES, LLC
AL020028				BLANKET
AL020156	10005	N03375818	W08620318	SOUTHERN NATURAL GAS COMPANY, LINEAR PROJECT THROUGH ETOWAH COUNTY
AL010405	10005	N03375818	W08620318	MO SOUTH ELECTRONICS INC. 899 SUTTON BRIDGE ROAD
AL010450				RAINBOW DRIVE & SILVEY STREET, TOLD OWNER TO TERMINATE PERMIT
AL010405				INW INTERSECTION OF RAINBOW DRIVE & HIGHWAY 77; NEEDS TO TERMINATE
AL010429				LIMLEY ROAD/KINZIE LANE - MUNICIPAL BALL FIELDS BEHIND RAINBOW MIDDLE
AL010406				LIMLEY ROAD - GRANITE SUBDIVISION
AL010404				LIMLEY ROAD - RAINBOW CITY INDUSTRIAL PARK

OUTFALLS AND STRUCTURES

Point #	Latitude	Longitude	Description
1	N03354577	W08620152	CL. END OF BULLBARK VALLEY RD
2	N03354587	W08620144	10"X4' CULVERT
3	N03355017	W08620201	2-10"X3' CULVERTS
4	N03355015	W08620248	5"X3' CULVERT
5	N03355023	W08620286	6.3"X3.3' CULVERT
7	N03355030	W08620187	8"X4' CULVERT
8	N03355030	W08620201	10"X3' CULVERT
9	N03355034	W08620250	8"X4' CULVERT
10	N03355038	W08620437	36" RCP
12	N03355033	W08620437	8"X3' CULVERT
13	N03355034	W08620297	8"X3' CULVERT
14	N03355037	W08620121	5"X2' CULVERT
15	N03355037	W08620354	10"X4' CULVERT
17	N03355037	W08620298	10"X6' CULVERT
18	N03355048	W08620197	10"X3' CULVERT
19	N03355057	W08620304	10"X4' CULVERT
21	N03357007	W08620287	3-10" RCP
23	N03357221	W08620286	36" RCP/30" RCP
24	N03357301	W08620187	2-42" RCP
25	N03357307	W08620287	2-54" CM
28	N03357317	W08620177	54" RCP
29	N03358242	W08620302	CL. END OF RAINBOW DRIVE & SILVEY STREET
33	N03359221	W08620223	BLACK CREEK PROPERTY
35	N03358244	W08620221	CL. END OF RAINBOW DRIVE
38	N03357407	W08620121	BLANKET
37	N03358247	W08620121	2-40"X36" DAM
39	N03358245	W08620154	15" RCP/30" HDPE
38	N03358245	W08620121	2-40"X48" DAM
40	N03358242	W08620297	48" RCP
41	N03358244	W08620302	2-48" RCP
43	N03357307	W08620322	3-30" HDPE
46	N03358247	W08620286	2-40"X36" RCP
48	N03357312	W08620448	CHRYSTAL TOWER 77
48	N03357322	W08620287	2-40"X36" RCP
50	N03357307	W08620297	30" CM
51	N03358243	W08620202	3-36" RCP
54	N03358240	W08620209	2-24" RCP
61	N03357317	W08620297	36" RCP
64	N03358247	W08620297	48" RCP
65	N03358247	W08620411	4-24" HDPE

OUTFALLS AND STRUCTURES

Point #	Latitude	Longitude	Description
68	N03358477	W08620324	36" RCP
70	N03358244	W08620348	48" RCP
72	N03358241	W08620437	8" STEEL PIPE
73	N03358111	W08620304	24" RCP/24" CM
78	N03357307	W08620250	2-40"X36" RCP
82	N03357027	W08620286	36" RCP
85	N03357244	W08620388	2-48" RCP
89	N03357197	W08620201	60" CM
94	N03357244	W08620222	CL. END OF RAINBOW DRIVE
98	N03357121	W08620317	CL. END OF RAINBOW DRIVE
109	N03358243	W08620407	30" HDPE/24" RCP
110	N03358248	W08620417	36" HDPE
112	N03358244	W08620233	36" RCP
115	N03358244	W08620418	5-36" RCP
116	N03358246	W08620322	54" CM
118	N03358232	W08620517	2-30" HDPE
121	N03358248	W08620244	42" RCP
122	N03358299	W08620508	36" CM
124	N03358248	W08620510	36" CM
126	N03358437	W08620420	42" RCP
128	N03358248	W08620411	CL. END OF RAINBOW DRIVE
129	N03358248	W08620424	3-30" RCP
130	N03358247	W08620410	48" RCP
132	N03358247	W08620414	60"X36" CM
135	N03358248	W08620404	48" RCP
138	N03358157	W08620116	42" CM
140	N03358122	W08620314	CL. END OF RAINBOW DRIVE
143	N03357297	W08620127	CL. END OF RAINBOW DRIVE AND SUTTON BRIDGE ROAD
145	N03357297	W08620147	48"X30" DAM
146	N03357322	W08620144	24"X30" RCP
147	N03357307	W08620208	24"X30" RCP
148	N03357322	W08620287	24"X30" RCP
149	N03357322	W08620138	CL. END OF RAINBOW DRIVE
153	N03358243	W08620115	CL. END OF RAINBOW DRIVE

RAINBOW CITY

CONTROL MEASURE 1 - PUBLIC EDUCATION AND OUTREACH

See Section 8.1 of the SWMP

ACTIVITY NO.	STRATEGIES	IMPLEMENTATION STATUS FOR REPORTING PERIOD	PROPOSED EFFORTS NEXT REPORTING PERIOD	SUPPORTING DOCUMENTATION	COMMENTS / CHANGES	PROPOSED CHANGES
1	Storm Water Educational Material: Distribute educational materials to the City Hall, Engineering Department, and the Public Library				http://www.rbcAlabama.com/html/stormwater_management.html	
2	Storm Water Web Page: Update the Storm Water web page on the Rainbow City website					
3	Annual Report and SWMPP Availability: Provide the SWMPP and current Annual Report for public viewing on the City's website				http://www.rbcAlabama.com/html/stormwater_management.html	
3a	Partnerships in Educational and Public Involvement Events: Partner with Keep Etowah Beautiful, Clean Water Partnership of Alabama, and Alabama Power to distribute educational material and promote events					
4	Water Quality Awareness Week: Promote an annual <i>Water Quality Awareness Week</i> through City resources					
5	Etowah County Water Festival: Annually promote and participate in an annual <i>Etowah County Water Festival</i>					
6	Gadsden - Etowah MS4 Steering Committee Meetings: Coordinate and/or participate in meetings as a Storm Water Steering Committee for entity updates, networking and coordination of activities and BMP strategies					
7	Educational Materials on Construction Site Storm Water Impacts: Provide educational materials on storm water impacts from construction site runoff to individuals requesting building/development permits					

RAINBOW CITY

CONTROL MEASURE 1 - PUBLIC EDUCATION AND OUTREACH

See Section 8.1 of the SWMP

ACTIVITY NO.	STRATEGIES	IMPLEMENTATION STATUS FOR REPORTING PERIOD	PROPOSED EFFORTS NEXT REPORTING PERIOD	SUPPORTING DOCUMENTATION	COMMENTS / CHANGES	PROPOSED CHANGES
8	Educational Materials on Low Impact / Green Development: Provide pre-printed educational materials on green infrastructure alternatives to individuals requesting building/development permits					
9	Public Reporting and Tracking System: Provide a contact number on the City's Storm Water Management webpage for the public to provide input on the development, revision, and implementation of the SWMPP					

RAINBOW CITY

CONTROL MEASURE 2 - ILLICIT DISCHARGE DETECTION AND ELIMINATION

See Section 8.2 of the SWMP

ACTIVITY NO.	STRATEGIES	IMPLEMENTATION STATUS FOR REPORTING PERIOD	PROPOSED EFFORTS NEXT REPORTING PERIOD	SUPPORTING DOCUMENTATION	COMMENTS / CHANGES	PROPOSED CHANGES
1	Identify Priority Areas: Re-evaluate the drainage basins and determine the Priority Areas for the reporting period					
2	Outfall Identification: Implement a stream-walking program to identify outfalls and map a portion of water bodies that receive discharge from the MS4					
3	Probable Outfall Verification: Add probable outfalls to the GIS database and label as unverified. Verify outfalls within 18 months					
4	Outfall Reconnaissance Inventory: Conduct dry weather monitoring of 15% of major outfalls in Priority Areas					
4a	Outfall Reconnaissance Inventory: Conduct dry weather monitoring of 15% of all outfalls in Priority Areas					
5	Suspect Discharge Sampling: Field crews will collect samples of suspected illicit discharges for laboratory analysis					
6	Outfall Ranking: Designate the inspected outfalls as having obvious, suspect, possible, or unlikely discharge potential based on data from each ORI Field Sheet					
7	Discharge Investigation: Illicit discharge investigations will be performed to determine the source of a discharge problem					
8	Corrective Action Record Keeping: Create a case log detailing pertinent information for each identified suspect illicit discharge or illicit connection					

RAINBOW CITY

CONTROL MEASURE 2 - ILLICIT DISCHARGE DETECTION AND ELIMINATION

See Section 8.2 of the SWMP

ACTIVITY NO.	STRATEGIES	IMPLEMENTATION STATUS FOR REPORTING PERIOD	PROPOSED EFFORTS NEXT REPORTING PERIOD	SUPPORTING DOCUMENTATION	COMMENTS / CHANGES	PROPOSED CHANGES
9	<p>Update Storm Water System Map - Existing Features: Update the existing GIS map as storm drain features are identified</p>					
10	<p>Update Storm Water System Map - Future Additions: Proposed additions to the City MS4, including new storm sewer and drainage ditches, will be mapped based on the civil plans provided to the City.</p>					
11	<p>Evaluate IDDE Ordinance: Ordinance No.490 regulates Illicit Discharge enforcement Evaluate the effectiveness of the Ordinance each reporting period</p>					
12	<p>Distribute Storm Water Educational Material: Distribute educational materials to public highlighting identification and reporting of potential illicit discharges at the library, community center, and city hall.</p>					
13	<p>Public Reporting and Tracking: Evaluate the storm water complaint form on the Storm Water web page for illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution.</p>					
14	<p>Municipal Training: Train City personnel on the identification of illicit discharges and procedures for reporting illicit discharges within the City organization</p>					
15	<p>Storm Water Monitoring Locations: Update existing Storm Water System Map with storm water monitoring locations</p>					
16	<p>Evaluation of Monitoring Data: Evaluate the collected monitoring data and make recommendations to add and/or modify monitoring points</p>					

RAINBOW CITY

CONTROL MEASURE 2 - ILLICIT DISCHARGE DETECTION AND ELIMINATION

See Section 8.2 of the SWMP

ACTIVITY NO.	STRATEGIES	IMPLEMENTATION STATUS FOR REPORTING PERIOD	PROPOSED EFFORTS NEXT REPORTING PERIOD	SUPPORTING DOCUMENTATION	COMMENTS / CHANGES	PROPOSED CHANGES
17	NPDES Industrial Permitting: Evaluate permitted and unpermitted facilities in the City MS4					

RAINBOW CITY

CONTROL MEASURE 3 - CONSTRUCTION SITE STORM WATER RUNOFF

See Section 8.3 of the SWMP

ACTIVITY NO.	STRATEGIES	IMPLEMENTATION STATUS FOR REPORTING PERIOD	PROPOSED EFFORTS NEXT REPORTING PERIOD	SUPPORTING DOCUMENTATION	COMMENTS / CHANGES	PROPOSED CHANGES
1	<p>Erosion and Sediment Control Ordinance: The City's Ordinance 490 dated December 10, 2012 regulates storm water management within the City</p> <p>Evaluate the effectiveness of the Ordinance each reporting period</p>					
2	<p>Construction Site Inspection Program: Conduct regular inspections of construction sites within the city</p>				http://www.rbcAlabama.com/html/stormwater_management.html	
2a	<p>Construction Site Inspection Program: Evaluation of the effectiveness of the inspection program</p>					
3	<p>Sediment and Erosion Control Plan Review: Review Sediment and Erosion Control Plans and Storm Water Management Plans for all new construction</p>				http://www.rbcAlabama.com/html/stormwater_management.html	
3a	<p>Sediment and Erosion Control Plan Review: Evaluate plan review program</p>					
4	<p>BMP Training Program: Conduct annual CBMP training for City inspectors and reviewers</p>					
5	<p>Public Reporting and Tracking: Evaluate the reporting and tracking methods for non-compliant construction sites, illicit discharges, impaired waterways, and violations of ordinances relating to storm water pollution, as well as, comments concerning the SWMPP.</p>					
6	<p>Notify ADEM of Non-Compliant Sites: The City will notify ADEM of any construction sites where a possible violation of the Clean Water Act has occurred</p>					

RAINBOW CITY

CONTROL MEASURE 4 - POST-CONSTRUCTION STORM WATER MANAGEMENT

See Section 8.4 of the SWMP

ACTIVITY NO.	STRATEGIES	IMPLEMENTATION STATUS FOR REPORTING PERIOD	PROPOSED EFFORTS NEXT REPORTING PERIOD	SUPPORTING DOCUMENTATION	COMMENTS / CHANGES	PROPOSED CHANGES
1	<p>Reducing Post-Construction Runoff: Section 7 of Ordinance No. 490 provides for post-construction storm water management measures to reduce runoff volume</p> <p>Evaluate the effectiveness of the Ordinance each reporting period</p>					
2	<p>Reducing Pollutants from Development: Section 8.E of Ordinance No. 490 requires that requires that pollutants in runoff water be minimized using appropriate BMPs</p> <p>Evaluate the effectiveness of the Ordinance each reporting period</p>					
3	<p>Long-Term Maintenance for Storm Water Controls: Section 7 of Ordinance No. 490 requires long-term maintenance of storm water control structures</p> <p>Evaluate the effectiveness of the Ordinance each reporting period</p>					
4	<p>Evaluate Obstacles to Low Impact/Green Development: Review and evaluate policies and ordinances to identify regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques</p>					
5	<p>Sediment and Erosion Control Plan Review: Review Sediment and Erosion Control Plans for all new construction for review of post-construction controls</p> <p>Evaluate the effectiveness of the plan review program</p>					

RAINBOW CITY

CONTROL MEASURE 4 - POST-CONSTRUCTION STORM WATER MANAGEMENT

See Section 8.4 of the SWMP

ACTIVITY NO.	STRATEGIES	IMPLEMENTATION STATUS FOR REPORTING PERIOD	PROPOSED EFFORTS NEXT REPORTING PERIOD	SUPPORTING DOCUMENTATION	COMMENTS / CHANGES	PROPOSED CHANGES
6	<p>Construction Site Inspection Program: Inspect post-construction controls after stabilization is complete to confirm post-construction storm water measures/structures have been installed according to the submitted plan</p> <p>Annually inspect each site to confirm post-construction BMPs are functioning as designed</p> <p>Evaluate the effectiveness of the inspection program</p>					
7	<p>Post-Construction Structural Controls Inventory: Update an inventory of post-construction structural controls including those owned by the City</p>					

RAINBOW CITY

CONTROL MEASURE 5 - POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

See Section 8.5 of the SWMP

ACTIVITY NO.	STRATEGIES	IMPLEMENTATION STATUS FOR REPORTING PERIOD	PROPOSED EFFORTS NEXT REPORTING PERIOD	SUPPORTING DOCUMENTATION	COMMENTS /CHANGES	PROPOSED CHANGES
1	<p>Municipal Facilities: Maintain a list of municipal facilities that have the potential to discharge pollutants through storm water runoff</p> <p>Update SOPs for facilities as needed and inspect facilities monthly</p>					
2	<p>Employee Training: Implement a BMP training program for City personnel each reporting period</p>					
3	<p>Vehicle Maintenance Program: Conduct routine inspections of municipal vehicles and equipment</p>					
4	<p>Vehicle Wash Area: Specify areas for vehicle washing. Each Department location will be reviewed, inspected, and modified as needed throughout the year</p>					
5	<p>Pesticide Applications: Ensure pesticide applicators have current certifications</p> <p>The City will review all areas where pesticides are to be used</p>					
5a	<p>Pesticide Applications: The City has a Mosquito Control Program and holds pesticide permit from ADEM for mosquito application</p>					
6	<p>Litter, Floatables, and Debris - Brush Pickup: Perform brush, pruned limbs, bagged leaves, grass clippings, and pine straw pickup throughout the year on a monthly basis</p>					

10

MODEL STORMWATER CONTROL ORDINANCE
FOR PHASE II MS4 MUNICIPALITIES

ORDINANCE RESENDING AND REVOKING ORDINANCE 455 OF THE CITY OF RAINBOW CITY, ALABAMA, HERETOFORE ADOPTED ON THE 29TH DAY OF OCTOBER, 2007, AND AN ORDINANCE ADOPTING A STORMWATER CONTROL ORDINANCE FOR PHASE II MS4 MUNICIPALITIES.

BE IT ORDAINED by the City Council of the City of Rainbow City, Alabama as follows:

Section 1. Purpose.

As required by City of Rainbow City's, Alabama's Phase II municipal separate storm sewer (MS4) National Pollutant Discharge Elimination System (NPDES) Permit, issued by the Alabama Department of Environmental Management (ADEM), the [City/County] must develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from its MS4 to the "maximum extent practicable," to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act (CWA). This article is therefore enacted to preserve, protect and promote the health, safety and welfare of the citizens of City of Rainbow City, Alabama, through the reduction, control and prevention of the discharge of pollutants from newly developed and redeveloped sites to the MS4. It is the expressed intent of the [governing body] in enacting this article to provide for and promote compliance by the [City/County] with federal and state laws governing the discharge of pollutants from the MS4 and to provide for and promote compliance with the [City/County]'s NPDES permit, issued by ADEM pursuant to its authority under the CWA.

Section 2. Definitions. For the purposes of this article, the following terms shall have the meanings established in this section.

Accidental Discharge – A discharge prohibited by this article into the municipal separate storm sewer system that occurs by chance and without planning or consideration prior to occurrence.

ADEM – The Alabama Department of Environmental Management. The State of Alabama's regulatory agency created under Code of Alabama 1975, §§ 22-22A-1, *et seq.*, responsible for administering and enforcing the stormwater laws of the United States of America and the State of Alabama.

Adverse Impact – Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness, for human or natural uses which are or may be potentially harmful or injurious to human health, welfare, safety or property or to biological productivity, diversity or stability, or which would unreasonably interfere with the enjoyment of life or property.

Agriculture – Activities undertaken on land for the production of plants, crops, and animals that are useful to man.

Alabama Handbook – The most recent edition of the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas authored by the Alabama Soil and Water Conservation Committee, Montgomery, Alabama.

Applicant – Any individual, partnership, syndicate, joint venture, group, firm, company, association, trust, public or private corporation, business, estate, commission, board, utility, cooperative, county, city or other political subdivision, or any entity recognized by law including but not limited to any duly authorized agent, or any combination of the foregoing, that executes the necessary forms to procure an effective, issued permit to discharge under the NPDES.

Authority – The City of Rainbow City, Etowah County, Alabama, and its authorized representatives.

AWPCA – The Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1, *et seq.*, and the Alabama Environmental Management Act, Code of Ala. 1975, §§ 22-22A-1, *et seq.*, both as amended, and regulations promulgated thereunder.

BMPs – Best Management Practices. Activities, prohibitions of practices, maintenance procedures and management practices, designed and implemented to prevent or reduce the discharge of pollutants to the MS4. Nonstructural BMPs are strategies implemented to control stormwater runoff that focus on pollution prevention such as alternative site design, zoning and ordinances, education, and good housekeeping measures. Structural BMPs are engineered devices to control, treat, or prevent stormwater runoff pollution. BMPs also include treatment requirements, operating procedures, and practices, to control facility site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage and construction sites.

BMP Plan – Best Management Practices Plan. A set of drawings and/or other documents submitted by the Applicant to the Authority as a prerequisite to obtaining approval to commence construction activities at a development site falling partially or entirely within the Authority's territorial jurisdiction. The site specific BMP Plan contains all of the information and specifications pertaining to the BMPs the Applicant will use to control erosion and sedimentation for its development.

Clearing – The removal of trees, shrubs, grass, brush and/or other varied ground cover and vegetation from the land, which, in its undisturbed state, is useful for windbreaks, water retention and the maintenance of topsoil. This definition does not include the ordinary mowing of grass or the maintenance of previously cleared land.

Contour – A line of equal elevation above a specified datum, usually mean sea level.

CWA – The federal Clean Water Act, 33 U.S.C. § 1251, *et seq.*, which was formerly referred to as the Federal Water Pollution Control Act and Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 6-483 and Public Law 97-117, 33 U.S.C. § 1251-1387.

Discharge – shall have the meaning set out in Alabama Administrative Code Section 335-6-6-.02.

Drainage – The removal of surface water from a given area either by gravity or by pumping; commonly applied to surface water and groundwater.

Drainage Area – The area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline; the area of a Drainage basin or watershed, expressed in acres, square miles or other units of area.

Engineer – A person currently licensed by the Alabama State Board of Registration for Professional Engineers and Land Surveyors.

EPA – The Environmental Protection Agency.

Erosion – Process by which land surface is worn away by the action of wind or water.

Erosion and Sediment Controls – The application of measures to reduce Erosion of land surfaces and Discharges of sediment from a development site.

Grading – Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, or filled, or any combination thereof.

Land Disturbing Activities – Activities that include any land change, which may result in Erosion and the movement of sediment to the MS4, including but not limited to the Clearing, dredging, Grading, excavation, transporting, and filling of land.

MS4 – Municipal separate storm sewer system, which is comprised of a system of man-made conveyances designed or used for collecting or conveying stormwater, including roads with Drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains which are owned and operated by a city, town, county or other public body created by or pursuant to State Law. An MS4 does not include a publicly owned treatment works (POTW) or a combined sewer.

NOI – Notice of Intent. The application that must be submitted to ADEM to obtain coverage under the agency's general permit regulating Land Disturbing Activities, applicable to Discharges from sites that result in total land disturbance of one acre or greater and sites less than one acre but are part of a common plan of development or sale.

NPDES – National Pollutant Discharge Elimination System. NPDES shall mean the national program of issuing, modifying, revoking, etc., permits under Sections 307, 318, 402, and 405 of the CWA, as well as the state permitting program implemented under the CWA and the AWPCA.

Outfall – A point source (meaning 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, but not including return flows from Agriculture or agricultural water runoff) at the point of a Discharge to waters of the United States of America.

Permit – Any permit issued pursuant to this article, permitting Discharges to the MS4 under the NPDES.

Permittee – Any Applicant that receives a Permit to Discharge under the NPDES.

Pollutant – Includes but is not limited to, the pollutants specified in § 22-22-1(b)(3) of the AWPCA and any other effluent characteristics specified in a Permit.

Post-Construction Strategies –BMPs and other measures for activities that take place after construction occurs, including structural and non-structural controls to obtain permanent stormwater management over the life of the property's use.

PSC – Alabama Public Service Commission. The State of Alabama's regulatory agency created under Code of Alabama 1975, §§ 37-1-1, *et seq.*, responsible for the regulation of utilities including but not limited to those providing electricity, gas, water, and steam.

QCP – Qualified Credentialed Professional, which can be a professional engineer (PE), an Alabama Natural Resources Conservation Service professional designated by the State of Alabama's Conservationist, a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc., other registered or certified professionals such as a registered landscape architect, registered land surveyor, registered geologist, registered forester, a Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or a Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other ADEM accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that enable recognized individuals to prepare BMP Plans, to make sound professional judgments regarding Alabama NPDES rules, the requirements of Alabama Administrative Code Chapter 335-6-12, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite Pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated Land Disturbing Activities, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements Chapter 335-6-12. The QCP shall be in good standing with the authority granting the registration or designation.

Sediment – Solid material settled from suspension in a liquid that has been transported and deposited from its site of origin by air, water, ice or gravity as a product of Erosion and has come to rest on the Earth's surface either above or below a water surface, usually inorganic or organic particles originating from weathering, chemical precipitation or biological activity.

Sedimentation – Process by which eroded material is transported and deposited by action of water, wind, ice and gravity.

Silviculture – The care and cultivation of forest trees, including site preparation, planting, pruning, thinning and harvesting.

Site – Any tract, lot, or parcel of land or combination of contiguous tracts, lots or parcels of land to be developed as a unit, subdivision or project.

Stabilization – The prevention of soil movement by any of various vegetative and/or structural means.

Stormwater – The excess water running off from the surface of a Drainage Area during and immediately after a period of rain or snow melt. It is that portion of the surface flow that is in excess of that which can be absorbed through the infiltration capacity of the surface of the basin.

Stormwater Management – The incorporation of a variety of activities and equipment into a plan to address concerns associated with Stormwater for the purpose of preventing pollution, improving water quality, keeping Pollutants out of the runoff, and the implementation of BMPs.

Variance – The modification of the minimum Stormwater Management requirements in situations in which exceptional circumstances, applicable to the Site with respect to which the variance is requested, exist so that strict adherence to the provisions of this article would result in unnecessary hardship and the granting of such modification would not result in a condition contrary to the intent of this article.

Vegetative Control Measures – The establishment of vegetative ground cover that shields the soil surface from raindrop impact and the scouring effects of overland Stormwater flow.

Section 3. Administration.

The Authority will enforce the provisions of this article throughout its jurisdiction.

Section 4. Permits.

A. No Land Disturbing Activities that disturb either (i) greater than or equal to one acre; or (ii) less than one acre but whose activity is part of a larger common plan of development or sale that disturbs one acre or more, other than those Land Disturbing Activities exempted from the provisions of this article as set out in Section 5, shall be conducted within the City of Rainbow City, Etowah County, Alabama, without first obtaining the necessary permit(s) from the Authority.

Before the commencement of any Land Disturbing Activities, the Applicant must file with the Authority an application for a Permit. All applications for such a Permit must include, at a minimum, the following information:

1. Name, address, telephone number, and email address of the Applicant;
2. If the Applicant is not the owner of the project and/or property, the name, address, telephone number, and email address of the owner of the project, the owner of the property on which the project is to be located, and the ground lessee of the property, if any, on which the Land Disturbing Activities are to be conducted;

3. General description of the construction activity for which coverage is desired, along with the address, if any, or latitude and longitude to the nearest second of the entrance to the Site upon which the Land Disturbing Activities are to be conducted;
 4. A map or a plot of the land on which the Land Disturbing Activities will be conducted and any other information that is required under the provisions of Section 6 of this article.
- B. Multiple operators conducting Land Disturbing Activities in a common plan of development may jointly submit an application and be covered by the same Permit. An application requesting coverage for multiple operators must include a Site plan clearly describing each operator's area(s) of operational control.
 - C. Each application for the issuance of a Permit shall be accompanied by a nonrefundable fee of (\$25.00), for Land Disturbing Activities associated with individual single family residences and (\$100.00), for all other types of Land Disturbing Activities. The Applicant must submit its BMP Plan with its application and fee to the Authority.
 - D. The Authority may require the Applicant to post a bond in the form of a government security, cash, irrevocable letter of credit, or any combination thereof up to but not exceeding \$1,000.00 per acre of the proposed Land Disturbing Activities. If the Applicant fails to comply with the conditions of the Permit, the bond may be called by the Authority and used to bring the Site into compliance.
 - E. An Applicant's BMP Plan will either be approved or disapproved by the Authority within 14 days of the day a complete application, BMP Plan, applicable fee, and bonding requirement, if any, are filed with the Authority.

If the BMP Plan is disapproved, the Authority will inform the Applicant, in writing, of the reasons for its disapproval. If the Applicant, on one or more occasions, revises the BMP Plan or submits to the Authority additional documents or information in connection with the BMP Plan, the Authority will make a written response to the Applicant with respect to whether such revised BMP Plan and/or additional documents and information have been approved or disapproved by the Authority. All such additional responses will be made by the Authority to the Applicant within 7 days of the day such revised BMP Plan or additional documents or information are submitted to the Authority.

Should the Authority fail to approve or disapprove any initial or revised BMP Plans within 30 days of the day said BMP Plans are submitted to the Authority, the BMP Plan shall be deemed approved and the Applicant may commence Land Disturbing Activities.

All BMP Plans certified by a QCP shall be deemed approved by the Authority, which shall allow the Applicant to immediately commence Land Disturbing Activities upon submission of a complete application, BMP Plan, applicable fee, and bonding requirement, if any, to the Authority.

Payment of the applicable fee and bonding requirement, if any, by the Applicant, coupled with the Authority's approval of the application and BMP Plan, shall result in issuance of a Permit to the Applicant.

- F. The Authority must be notified immediately upon any change in ownership of property for which a BMP Plan has been registered, and/or any change in the person or persons responsible for ensuring compliance with the provisions of this article.

A Permit may be amended [*with/without*] the payment of an additional fee upon filing with the Authority an amended or restated Permit application containing all changes from the original application; provided, that the holder of the Permit shows to the reasonable satisfaction of the Authority that there are no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If an amended or

restated application is filed with the Authority with respect to Land Disturbing Activities for which a Permit has been issued, such existing Permit shall continue in effect, and the Permittee may continue to operate under it unless and until an amended Permit is issued, at which time the original Permit shall expire and all Land Disturbing Activities must be conducted in accordance with the amended Permit.

A Permit may be transferred [*with/without*] the payment of an additional fee upon filing with the Authority an application for transfer; provided, that the current Permittee and proposed transferee of the Permit show to the reasonable satisfaction of the Authority that, upon or following the transfer, there will be no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If the Authority is not satisfied with any such showing by the current Permittee and proposed transferee, the new owner or operator must apply for a new Permit prior to participating in the operation of such project.

- G. All applications and correspondence required by this article to be submitted to the Authority must be signed by an individual with adequate legal authority to act for or on behalf of the Applicant or Permittee. Any person signing any application, correspondence or other documentation required by this article must make the following certification:

"I certify, under penalty of law, that this document and any attachments were prepared under my direction or supervision and that I have personally examined, and I am familiar with, the information in this document and any such attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty."

- H. The issuance of a Permit shall not excuse the owner from the need to obtain other required state and local permits or licenses.

Section 5. Exceptions.

- A. The following Land Disturbing Activities are excluded from the requirements of this article:

1. Any land change on property about which the owner of the property has submitted information to the Authority proving, to the satisfaction of the Authority, that such property does not Discharge to the MS4.
2. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources. Immediately upon completion of emergency activity the responsible party shall install all control measures and initiate restoration/cleanup activities as required by this article.
3. Agriculture
4. Silviculture
5. Such minor Land Disturbing Activities as home gardens, landscaping, home repairs, home maintenance work, minor additions to houses, the construction, maintenance or repair of accessory structures and other related activities which result in minor Erosion.
6. Minor Land Disturbing Activities, such as minor Grading for driveways, yard areas and sidewalks, or individual connections for sewer services for single or two-family residences.
7. The construction, repair or rebuilding of railroad tracks.
8. Minor subsurface exploratory excavations under the direction of soils engineers, engineering geologists, or soil scientists.

9. The opening of individual burial sites in property which has been approved for such use by all necessary governmental authorities.
 10. The construction of water wells or environmental monitoring wells.
 11. Any and all Land Disturbing Activities conducted by entities under the jurisdiction and supervision of the PSC.
- B. Although not required to obtain a Permit, persons engaged in excepted activities shall remain responsible for otherwise conducting such activities in accordance with the provisions of this article and any other applicable regulation or permit(s), including the proper control of Sediment and Discharges to the MS4.

Section 6. Construction Best Management Practices Plan (BMP Plan).

- A. City of Rainbow City, Alabama's Phase II MS4 NPDES Permit allows the Authority to rely upon ADEM for the setting of standards for appropriate Erosion and Sediment Controls. The Authority hereby expresses its intent to rely upon the aforementioned standards established by ADEM and requires any BMP Plan filed with the Authority to be in a format acceptable to ADEM and contain all necessary information and details required by ADEM's applicable regulations and NPDES construction Stormwater permit.
- B. The BMP Plan shall be updated as necessary to address changes in the construction activity, Site weather patterns, new TMDLs established or approved by EPA, new 303(d) listings approved by EPA, manufacturer specifications for specific control technologies, or as otherwise required by ADEM.

The BMP Plan shall be amended if inspections or investigations by federal, state or Authority officials determine that the existing Erosion and Sediment Controls or other Site management practices are ineffective or do not meet the requirements of applicable permits. All necessary modifications to the BMP Plan shall be made within seven (7) calendar days following notification of the inspection findings unless granted an extension of time.

If existing Erosion and Sediment Controls or other Site management practices prove ineffective in protecting water quality or need to be modified; or if additional Erosion and Sediment Controls or other Site management practices are necessary, implementation shall be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, then new Land Disturbing Activities must cease until the modified or additional controls can be implemented.

- C. Whenever the Authority determines that a BMP Plan does not comply with this article, it will notify the Applicant in writing of the ways in which the BMP Plan does not comply with this article.

Section 7. Post-Construction Requirements for New Development and Redevelopment

- A. The Permittee shall develop and implement Post-Construction Strategies for new development and redevelopment that include, at a minimum, a combination of structural and/or non-structural BMPs designed to require, to the maximum extent practicable, that the volume and velocity of pre-construction Stormwater runoff is not exceeded, as determined by the Authority. Said combination of Post-Construction Strategies shall be designed to function during a rainfall with intensity up to that of a 25 year-24 hour storm event. Should the permit site be located in a flood plain, the post-construction strategy shall be designed to also function during a rainfall intensity up to that of a 100 year-24 hour storm event.
- B. Post-Construction Strategies may be incorporated into Permittee's BMP Plan filed with the Authority or in a separate document. Said Post-Construction Strategies shall be reviewed, approved, and updated pursuant to the same requirements as those of the Permittee's BMP Plan.

- C. Permittee's Post-Construction Strategies must show proposed final site conditions and describe how the volume and velocity of Stormwater leaving the site will be managed after construction is complete to require, to the maximum extent practicable, that it does not exceed the volume and velocity of pre-construction Stormwater runoff.
- D. Upon completion, Permittee shall file with the Authority a certified copy of as-built drawings of any Post-Construction Strategies implemented at the site. Such filing shall demonstrate, to the maximum extent practicable, that final post-construction site conditions comply with subsection A, above.
- E. The Authority reserves the right to inspect Post-Construction Strategies following implementation by Permittee and require documentation allocating responsibilities for long-term operation and maintenance of Post-Construction Strategies, as it deems necessary. The Authority may also require Permittee to provide a method of funding to be established or provided to ensure the long term maintenance of any post-construction BMPs.

Section 3. Responsibilities of the Permittee, Property Owner and/or Developer.

- A. Once received from the Authority, the BMP Plan bearing the stamp of approval of the Authority, along with the Permittee's NOI, ADEM NPDES permit, any necessary building or other permits, and/or other required documentation shall be maintained at the Site during the progress of the work and until a notice of termination has been filed with ADEM, unless impracticable. If impracticable, the aforementioned records may be maintained at another reasonable location, so long as they can be produced to the Authority within forty-eight (48) hours of a request for said records.
- B. The Permittee, or an agent, contractor or other representative of same, shall notify the Authority at least two (2) working days before the start of construction, unless good cause exists for contacting the Authority within a lesser timeframe.
- C. Clearing, except that necessary to establish Erosion and Sediment Controls, shall not begin until all Erosion and Sediment Controls have been installed and have been stabilized.
- D. The person engaged in or conducting Land Disturbing Activities shall be responsible for maintaining all temporary and permanent Erosion and Sediment Controls during the development of a Site. Grading, and Erosion and Sediment Controls shall meet the design criteria set forth in the most recent version of the Alabama Handbook.
- E. To the maximum extent practicable, Pollutants in runoff water must be minimized by using appropriate BMPs.
- F. Grading and Erosion and Sediment Controls shall be designed and maintained to minimize Erosion and the Discharge of Pollutants to the MS4 to the maximum extent practicable.
- G. Adequate protective measures shall be provided for the containment of hazardous substances and any other materials which may pollute the MS4, including petroleum products, lubricants and paint.
- H. When Land Disturbing Activities are finished and stable Vegetative Control Measures or other permanent controls have been established on all remaining exposed soil, the Permittee shall notify the Authority and request a final inspection. The Authority will inspect the Site within five (5) working days after receipt of the notice, and may require additional measures to stabilize the soil and control Erosion and Sedimentation. If additional measures are required by the Authority written notice of such additional measures will be delivered to the Permittee, and the Permittee shall continue to be covered by the Permit until a final and complete inspection is made and the Authority approves the project as having been satisfactorily completed.

Section 9. Inspections.

- A. The Permittee must carry out all applicable inspection requirements set out in ADEM's applicable regulations and NPDES Construction General Permit.
- B. The Authority or its designated agent retains the right to enter property upon which any Land Disturbing Activities are being conducted to carry out its own inspections, investigations, monitoring, observations, sampling, enforcement, and/or to address any complaint. Furthermore, the Authority or its designated agent retains the right to enter property upon which any Post-Construction Strategies have been implemented pursuant to the requirements of this ordinance to carry out its own inspections, investigations, monitoring, observations, sampling, enforcement, and/or to address any complaint. Prior to conducting any of the aforementioned activities, the representative(s) of the Authority will notify the Permittee, or an authorized representative at the Site, of their presence and anticipated activities on the Site. The Authority will conduct any such inspection activities at reasonable times, provided however that if the Authority has reasonable cause to believe that Discharges from Land Disturbing Activities to the MS4 may cause an imminent threat to human health or the environment, inspection of a Site may take place at any time and without notice to the Permittee, or an authorized representative at the Site.

Whenever information from a Permittee, Site owner, and/or an authorized representative at a Site is requested by the Authority, said parties may identify certain documents, materials, and/or processes that contain trade secret(s), the inspection of which could potentially jeopardize such trade secret. If the Authority has no clear and convincing reason to question the proprietary assertion, omission of such materials, documents and/or processes will be noted by the Authority. To the extent practicable, the Authority will protect all information which is designated as a trade secret by the Permittee, Site owner or an authorized representative.

- C. The Authority may seek appropriate legal remedies from any court with competent jurisdiction over the Site for any wrongful refusal by a Permittee, Site owner, and/or authorized representative to allow the Authority to enter and/or continue an inspection on a Site. If a court grants a remedy to the Authority, the Site owner must reimburse the City of Rainbow City, Alabama, all costs and expenses incurred in obtaining such a remedy.

Section 10. Corrective Action.

- A. Any poorly functioning Erosion and Sediment Controls, Post-Construction Strategies, non-compliant Discharges, or any other deficiencies observed during inspections conducted pursuant to Section 8 of this article shall be corrected as soon as possible, but not to exceed five (5) days of the inspection, unless impracticable.
- B. The Permittee shall take all reasonable steps to remove, to the maximum extent practicable, Pollutants deposited offsite or in any MS4 conveyance structure.

Section 11. Enforcement.

- A. This article authorizes the following Stormwater and non-Stormwater Discharges: Discharges authorized by, and in compliance with, any separate NPDES permit, discharges from fire-fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water including uncontaminated water line flushings not associated with hydrostatic testing; routine external building wash down associated with construction that does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensate associated with temporary office trailers and other similar buildings; uncontaminated ground water or spring water; foundation or footing drains where flows are not contaminated with process materials such as solvents; and landscape irrigation.

- B. All Discharges not explicitly authorized by this article are prohibited. Any Discharge to the MS4 made in violation of this article or of any condition of a Permit issued pursuant to this article shall be subject to correction and/or abatement in accordance with applicable law.
- C. City of Rainbow City, Alabama's Phase II MS4 NPDES Permit allows the Authority to rely upon ADEM for the enforcement of certain violations of this article. The Authority hereby expresses its intent to rely upon ADEM for enforcement of violations of this article, as allowed City of Rainbow City, Alabama's Phase II MS4 NPDES Permit, and agrees to promptly notify ADEM upon observing evidence of any known or suspected violations. Furthermore, no enforcement action will be taken by the Authority for a violation of the terms of this article if any of the following has occurred:
1. ADEM has issued a notice of violation with respect to the same alleged violation and is proceeding with an enforcement action with respect to such alleged violation;
 2. ADEM has issued an administrative order with respect to the same alleged violation and is proceeding with an enforcement action with respect to such violation; or
 3. ADEM has commenced, and is proceeding with, an enforcement action, or has completed any other type of administrative or civil action, with respect to such alleged violation.

Any determination or resolution made by ADEM with respect to an alleged violation shall be final, and the alleged violation will not be made the subject of any additional enforcement action by the Authority for any alleged violations of this article and/or provisions of any Permit issued pursuant to this article. However, for violations that have not been appropriately corrected and/or abated pursuant to ADEM's enforcement action, an enforcement action may be pursued by the Authority.

- D. Notwithstanding any other provision in this article to the contrary, in the event of an immediate threat to the public health or welfare, the Authority may take all appropriate measures to remove or alleviate such threat.
- E. In the event of any Accidental Discharge of a hazardous substance or a significant spill of a hazardous substance to the MS4 which could constitute a threat to human health or the environment, the Permittee of the Site shall give notice to the Authority and the local Emergency Management Authority in the same manner and within the same time as is required by State regulations for notice to ADEM.

Absent a compelling public interest to the contrary, it shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the business or activity of the Site, or any project or facility thereon, to maintain water quality and minimize any Adverse Impact that the Discharge may cause.

- F. Whenever the Authority finds that any person is in violation of any provision of this article, or any order issued hereunder, the Authority may serve upon such person a written notice of the violation. Within ten (10) calendar days of the date of such notice, unless an alternate date is approved by the Authority, an explanation of the violation and a plan for the satisfactory correction and future prevention thereof, including specific required actions, shall be submitted to the Authority. Submission of such plan shall in no way relieve such person in violation of this article of liability for any violations occurring before or after receipt of the notice of violation. If the person fails to respond within the required timeframe and/or fails to take corrective action within the specified time, the Authority may proceed with the following enforcement action:
1. Compliance Order: When the Authority finds that any person has violated, or continues to violate, this article, it may issue a compliance order to the violator,

directing that, within a specified time period, adequate structures and devices be installed, or procedures implemented, and properly operated, or other action be taken, to remedy such violation. Compliance orders may also contain such other requirements as may be reasonably necessary and appropriate to address such violation, including the construction of appropriate structures, installation of devices and self-monitoring and management practices.

2. Cease and Desist Orders: When the Authority finds that any person has violated, or continues to violate, this article or any order issued under this article in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood or development Site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; the Authority may issue an order to such person to cease and desist all Land Disturbance Activities immediately, and direct such person in violation of this article to:

- a. comply with this article forthwith; or
- b. take such appropriate remedial or preventive action as may be required to address properly a continuing or threatened violation of this article.

G. It shall be unlawful for any person to:

1. Violate any provision of this article;
2. Violate the provisions of any Permit issued pursuant to this article; or
3. Fail or refuse to comply with any lawful notice to abate or take corrective action issued by the Authority.

Such person shall be guilty of a criminal offense; and each day of such violation, failure or refusal to comply with this article shall be deemed a separate offense and punishable accordingly. Any person found to be in violation of any of the provisions of this article may be punished by a fine of not more than \$500.00 and/or up to 180 days in jail.

H. The Authority may initiate proceedings in any court of competent jurisdiction against any person who has, or who, the Authority has reason to believe, is about to:

1. Violate any provision of this article;
2. Violate any provision of a Permit; or
3. Fail or refuse to comply with any lawful order issued by the Authority.

The Authority may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to public Stormwater facilities by any person, and may seek injunctive or other equitable relief to enforce compliance with the provisions of this article or to force compliance with any lawful orders of the Authority.

Section 12. Variances and Appeals.

The Authority may grant a Variance from the requirements of this article if there exist exceptional circumstances applicable to a Site such that strict adherence to the provisions of this article will result in unintended consequences. The Applicant shall prepare a written request for a Variance stating the specific Variance sought and the reasons, with supporting data, for granting such Variance. This request shall include descriptions, drawings, calculations, and any other information necessary to evaluate the proposed Variance. The Authority will review the submitted material and make a written determination to approve or disapprove the Variance within ten (10) working days after receipt of such a request. There shall be no appeal process for the Variance request. The Authority is the final arbiter of the Variance request.

Section 13. Liability.

Neither the issuance of a Permit pursuant to this article, nor compliance with the provisions of this article, shall relieve any person of the responsibility for damage to any person or property otherwise imposed by law.

Nothing herein shall be construed to require the [City/County] or its officials, employees, agents or attorneys to restore or cause the restoration of property damaged by Erosion or Sedimentation in violation of this article or to otherwise seek or assist others in seeking compensation to private property owners for any such damage caused by a violation of this article. The [City/County] and its officials, employees, agents and attorneys shall not be liable for any condition or damages that result from any failure to observe or recognize a hazardous condition, any failure of an approved plan to prevent Erosion or Sedimentation, or any failure of the [City/County] to cause owners and builders to adhere to the terms of this article. Nothing herein shall be construed to expand the liability of the [City/County] or its officials, employees, agents or attorneys nor shall it create any additional, further, different or expanded claim or cause of action.

Nothing in this article shall be construed to limit the Authority to enforce rules and regulations regarding: (a) charges, limits and restrictions on the Discharge of waste into the sanitary sewerage system of the City of Rainbow City, Alabama; (b) health or sanitation ordinances of the City of Rainbow City, Alabama, enforced by the Etowah County Health Department; or (c) ordinances governing the sanitation of premises where animals are kept. This article shall be cumulative to and in furtherance of any statutory, common law, or other legal right, duty, power, or authority possessed by the City of Rainbow City, Alabama. Compliance with this article shall not excuse any person from compliance with any other federal, state or local law, ordinance, regulation, rule or order.

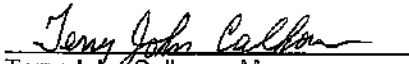
It shall be unlawful for any person to provide false information to the Authority when such person knows or has reason to know that the information provided is false, whether such information is required by this article or any approval granted under this article.

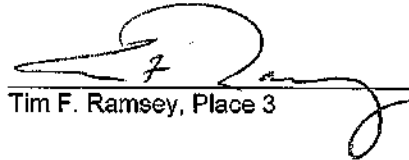
Section 14. Severability.


The provisions of this article are declared to be severable, and if any provision of this article is declared to be invalid by a court of competent jurisdiction, this determination shall not affect, impair, or invalidate the remainder of this article, but shall be confined in its operation to the section, paragraph, subparagraph, clause or phrase of this article in which such determination shall have been made.

This Ordinance shall become effective upon its approval by the City Council of the City of Rainbow City, Alabama.

ADOPTED AND APPROVED by the City Council of the City of Rainbow City, on this the 10th day of December, 2012.

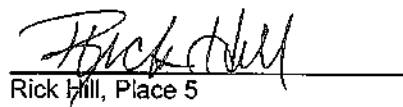

Terry John Calhoun, Mayor
City of Rainbow City


Tim F. Ramsey, Place 3


Anita Bedwell, Place 1

Larry Keenum, Place 4

Robert "Bobby" McCartney Jr., Place 2


Rick Hill, Place 5

Attest:


Barbara T. Wester, City Clerk

I, Barbara T. Wester, City Clerk/Treasurer of the City of Rainbow City, Alabama, do hereby certify that the foregoing Ordinance No. 390 was duly posted at Rainbow City Municipal Building, Food World Post Office, and Winn Dixie.

Barbara T. Wester, City Clerk/Treasurer

Construction Inspection SOP

- A. No Land Disturbing Activities that disturb either (i) greater than or equal to one acre; or (ii) less than one acre but whose activity is part of a larger common plan of development or sale that disturbs one acre or more, other than those Land Disturbing Activities exempted from the provisions of this article as set out in Section 5, shall be conducted within the City of Rainbow City, Etowah County, Alabama, without first obtaining the necessary permit(s) from the Authority.

Before the commencement of any Land Disturbing Activities, the Applicant must file with the Authority an application for a Permit. All applications for such a Permit must include, at a minimum, the following information:

1. Name, address, telephone number, and email address of the Applicant;
 2. If the Applicant is not the owner of the project and/or property, the name, address, telephone number, and email address of the owner of the project, the owner of the property on which the project is to be located, and the ground lessee of the property, if any, on which the Land Disturbing Activities are to be conducted;
 3. General description of the construction activity for which coverage is desired, along with the address, if any, or latitude and longitude to the nearest second of the entrance to the Site upon which the Land Disturbing Activities are to be conducted;
 4. A map or a plot of the land on which the Land Disturbing Activities will be conducted and any other information that is required under the provisions of Section 6 of this article.
- B. Multiple operators conducting Land Disturbing Activities in a common plan of development may jointly submit an application and be covered by the same Permit. An application requesting coverage for multiple operators must include a Site plan clearly describing each operator's area(s) of operational control.
- C. Each application for the issuance of a Permit shall be accompanied by a nonrefundable fee of (\$25.00), for Land Disturbing Activities associated with individual single family residences and (\$100.00), for all other types of Land Disturbing Activities. The Applicant must submit its BMP Plan with its application and fee to the Authority.
- D. The Authority may require the Applicant to post a bond in the form of a government security, cash, irrevocable letter of credit, or any combination thereof up to but not exceeding \$1,000.00 per acre of the proposed Land Disturbing Activities. If the Applicant fails to comply with the conditions of the Permit, the bond may be called by the Authority and used to bring the Site into compliance.

- E. An Applicant's BMP Plan will either be approved or disapproved by the Authority within 14 days of the day a complete application, BMP Plan, applicable fee, and bonding requirement, if any, are filed with the Authority.

If the BMP Plan is disapproved, the Authority will inform the Applicant, in writing, of the reasons for its disapproval. If the Applicant, on one or more occasions, revises the BMP Plan or submits to the Authority additional documents or information in connection with the BMP Plan, the Authority will make a written response to the Applicant with respect to whether such revised BMP Plan and/or additional documents and information have been approved or disapproved by the Authority. All such additional responses will be made by the Authority to the Applicant within 7 days of the day such revised BMP Plan or additional documents or information are submitted to the Authority.

Should the Authority fail to approve or disapprove any initial or revised BMP Plans within 30 days of the day said BMP Plans are submitted to the Authority, the BMP Plan shall be deemed approved and the Applicant may commence Land Disturbing Activities.

All BMP Plans certified by a QCP shall be deemed approved by the Authority, which shall allow the Applicant to immediately commence Land Disturbing Activities upon submission of a complete application, BMP Plan, applicable fee, and bonding requirement, if any, to the Authority.

Payment of the applicable fee and bonding requirement, if any, by the Applicant, coupled with the Authority's approval of the application and BMP Plan, shall result in issuance of a Permit to the Applicant.

- F. The Authority must be notified immediately upon any change in ownership of property for which a BMP Plan has been registered, and/or any change in the person or persons responsible for ensuring compliance with the provisions of this article.

A Permit may be amended [*with/without*] the payment of an additional fee upon filing with the Authority an amended or restated Permit application containing all changes from the original application; provided, that the holder of the Permit shows to the reasonable satisfaction of the Authority that there are no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If an amended or restated application is filed with the Authority with respect to Land Disturbing Activities for which a Permit has been issued, such existing Permit shall continue in effect, and the Permittee may continue to operate under it unless and until an amended Permit is issued, at which time the original Permit shall expire and all Land Disturbing Activities must be conducted in accordance with the amended Permit.

A Permit may be transferred [*with/without*] the payment of an additional fee upon filing with the Authority an application for transfer; provided, that the current Permittee and proposed transferee of the Permit show to the reasonable satisfaction

of the Authority that, upon or following the transfer, there will be no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If the Authority is not satisfied with any such showing by the current Permittee and proposed transferee, the new owner or operator must apply for a new Permit prior to participating in the operation of such project.

- G. All applications and correspondence required by this article to be submitted to the Authority must be signed by an individual with adequate legal authority to act for or on behalf of the Applicant or Permittee. Any person signing any application, correspondence or other documentation required by this article must make the following certification:

“I certify, under penalty of law, that this document and any attachments were prepared under my direction or supervision and that I have personally examined, and I am familiar with, the information in this document and any such attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty.”

- H. The issuance of a Permit shall not excuse the owner from the need to obtain other required state and local permits or licenses.

Section 5. Exceptions.

A. The following Land Disturbing Activities are excluded from the requirements of this article:

1. Any land change on property about which the owner of the property has submitted information to the Authority proving, to the satisfaction of the Authority, that such property does not Discharge to the MS4.
2. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources. Immediately upon completion of emergency activity the responsible party shall install all control measures and initiate restoration/cleanup activities as required by this article.
3. Agriculture
4. Silviculture
5. Such minor Land Disturbing Activities as home gardens, landscaping, home repairs, home maintenance work, minor additions to houses, the construction, maintenance or repair of accessory structures and other related activities which result in minor Erosion.

6. Minor Land Disturbing Activities, such as minor Grading for driveways, yard areas and sidewalks, or individual connections for sewer services for single or two-family residences.
 7. The construction, repair or rebuilding of railroad tracks.
 8. Minor subsurface exploratory excavations under the direction of soils engineers, engineering geologists, or soil scientists.
 9. The opening of individual burial sites in property which has been approved for such use by all necessary governmental authorities.
 10. The construction of water wells or environmental monitoring wells.
 11. Any and all Land Disturbing Activities conducted by entities under the jurisdiction and supervision of the PSC.
- B. Although not required to obtain a Permit, persons engaged in excepted activities shall remain responsible for otherwise conducting such activities in accordance with the provisions of this article and any other applicable regulation or permit(s), including the proper control of Sediment and Discharges to the MS4.

Section 6. Construction Best Management Practices Plan (BMP Plan).

- A. City of Rainbow City, Alabama's Phase II MS4 NPDES Permit allows the Authority to rely upon ADEM for the setting of standards for appropriate Erosion and Sediment Controls. The Authority hereby expresses its intent to rely upon the aforementioned standards established by ADEM and requires any BMP Plan filed with the Authority to be in a format acceptable to ADEM and contain all necessary information and details required by ADEM's applicable regulations and NPDES construction Stormwater permit.
- B. The BMP Plan shall be updated as necessary to address changes in the construction activity, Site weather patterns, new TMDLs established or approved by EPA, new 303(d) listings approved by EPA, manufacturer specifications for specific control technologies, or as otherwise required by ADEM.

The BMP Plan shall be amended if inspections or investigations by federal, state or Authority officials determine that the existing Erosion and Sediment Controls or other Site management practices are ineffective or do not meet the requirements of applicable permits. All necessary modifications to the BMP Plan shall be made within seven (7) calendar days following notification of the inspection findings unless granted an extension of time.

If existing Erosion and Sediment Controls or other Site management practices prove ineffective in protecting water quality or need to be modified; or if additional Erosion and Sediment Controls or other Site management practices are necessary, implementation shall be completed before the next storm event whenever

practicable. If implementation before the next storm event is impracticable, then new Land Disturbing Activities must cease until the modified or additional controls can be implemented.

- C. Whenever the Authority determines that a BMP Plan does not comply with this article, it will notify the Applicant in writing of the ways in which the BMP Plan does not comply with this article.

Site Plan Review SOP

- (a) *Application for site plan review.* New construction and substantial site development expansion of all planned unit developments, patio or garden home developments, townhouse developments, 5 or more multi-family units, manufactured home parks, institutional uses, commercial uses, and industrial uses shall require the approval of a site plan prepared by a professional engineer licensed to practice in the State of Alabama. One reproducible set of plans and five copies of each set shall be submitted to the Zoning Administrator, with the minimum information described below:
- (1) Cover sheet with:
 - a. Name and location of the development; name, address, and signature of the owner; name, address, and seal of the engineer.
 - b. Vicinity map.
 - c. Zoning and existing and proposed land use of the site.
 - d. Date, scale, north arrow, and number of sheets.
 - (2) Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access with the proposed size/dimensions of the driveway drainage pipe for each lot shown on the plat, off-street parking and loading, and circulation. Any building on adjacent lots shall be shown with location from property lines.
 - (3) Stormwater management plan, in accordance with § 315 of this article and including paving, grading and excavation, erosion and sedimentation, storm water detention, floodplain management controls.
 - (4) Utilities plan, including sewage disposal system and water system (public and private).
 - (5) Fire control plan, including fire lanes and hydrants.
 - (6) Landscaping plan, including screening, buffer yards, and landscaping of parking areas, as required.
 - (7) Site plans shall be on 24" x 36" sheets and drawn to a scale no smaller than 1 inch = 30 feet, unless approved by the Building Department.
- (b) *Action on site plan.*
- (1) The Zoning Administrator shall forward copies of the plans to the City Engineer, Fire Chief, Police Chief, and other appropriate officials and agencies for their review and written comments on the general completeness and compliance of the

plans with this ordinance. The Zoning Administrator shall provide the applicant with all written administrative comments within three days after Staff Review.

- (2) Upon satisfaction of the Zoning Administrator and City Engineer that all administrative concerns are properly addressed by the applicant, the corrected plans shall be forwarded to the Planning Commission for final site plan approval. The Planning Commission shall thereafter decide by resolution to approve, modify, or reject the plan as submitted.
- (3) A reproducible set of the final approved site plan shall be submitted by the applicant and retained on file by the Zoning Administrator.
- (4) All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan. Where subdivision plat approval is also required for a development, site plan review shall be conducted simultaneously.
- (5) An approved site plan shall become null and void if significant development does not commence within 12 months of Planning Commission approval.