

## **ARTICLE 7.0 CONSTRUCTION AND/OR INDUSTRIAL ACTIVITY**

Any person subject to an industrial or construction activity National Pollution Discharge Elimination System (NPDES) stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Lamar County or its agents prior to the allowing of discharges to the County drainage system. Dumping excess cements and washing out cement trucks are included in this article.

### **7.1 STANDARDS AND REQUIREMENTS FOR EROSION/SEDIMENT CONTROLS**

- A. Prior to the final approval of the plat of any subdivision, or prior to commencement of construction upon any lot or parcel of land for which a drainage report and construction plan for the installation of stormwater facilities has not been prepared and approved, the owners of the property being subdivided or upon which construction is being commenced shall, at such owner's cost, prepare a detailed drainage report and construction plans for the installation of all stormwater facilities required for such subdivision or lot, including any off-site facilities required to convey stormwater to existing drains, channels, streams, detention ponds or to other points, all in conformity with the SWPPP on file.
- B. No final subdivision plat, subdivision construction plan, site plan or building permit shall be approved by the County unless the plans for the proposed development include temporary and permanent erosion and sedimentation control measures such that siltation of downstream drainageways are minimized.
- C. The above requirement shall be accomplished through a combination of the following practices:
  1. Installation of silt fences and rock or hay berms before and during construction in order to reduce on-site soil erosion and provide temporary capture of sediment.
  2. Temporary and/or permanent revegetation of bare ground in order to stabilize disturbed soil at the earliest practicable date.
  3. Construction of on-site stormwater detention facilities by the land owner or developer in a manner such that detention ponds function as temporary sedimentation basins until permanent revegetation of the subject tract is accomplished.
  4. Other measures, as determined by Lamar County or its agents, which may be necessary to control erosion and sedimentation on a site by site basis.

### **7.2 STANDARDS AND REQUIREMENTS FOR STORMWATER DETENTION**

- A. It is prohibited:
  - to place fill material;
  - to construct impervious cover;
  - place any other structure on a property;
  - or perform any excavation or grading;

in a manner which alters the flow of surface water across a property in a manner which damages any adjacent property. No final subdivision plat, subdivision construction plan, site plan or building permit shall be approved by the County unless it can be demonstrated by the owner or developer of such property that the proposed development will not result in damage to any adjacent or downstream property. This will be certified by a professional engineer's submittal of sufficient data and calculations.

- B. The above requirement shall be accomplished through one of the following means (Note all references to peak flood flows are relative to 25 year frequency events):
- a. Design and construction of an on-site stormwater detention facility, or facilities, by the landowner or developer which limits the peak flood flows from the proposed development to the existing peak flood flows from the subject tract.
  - b. Construction of, or participation in the construction of, off-site drainage improvements, such as storm inlets, storm sewers, culverts, channel modifications, land filling, and/or other drainage facilities such that peak water flows from the watershed area in which proposed development is located will be sufficiently and safely passed without impairing adjacent and downstream property and roadways.
  - c. Design and construction of the development by certified engineering data and calculations utilizing limited impervious cover, infiltration of runoff from impervious cover via flow through pervious areas, and/or grass-lined swales or channels such that these measures result in a minimal increase in peak water flows from the development.
  - d. All on-site stormwater detention facilities shall be designed to adequately and safely pass all stormwater inflows, including flood flows and runoff from upstream and adjacent properties that have natural and/or existing overland flows toward and onto the subject tract. The on-site stormwater detention facilities should not impound stormwater onto or cause backwater to inundate any upstream or adjacent properties in excess of existing conditions.

### **7.3 ILLICIT DISCHARGES**

- A. It shall be unlawful for any person to allow discharges to the county stormwater runoff system that are not composed entirely of stormwater runoff, that contribute to increased nonpoint source pollution and degradation of receiving waters.
- B. It shall be unlawful for any person to throw, deposit, empty, drain, discharge, or to permit to be thrown, deposited, emptied, drained or discharged into any creek, or upon its margins, slopes, banks, or stormwater drainage system within the county any pollutants, including but not limited to, garbage, rubbish, refuse, hair, ashes, cinders, fruit, vegetables, paper, rags, any animal carcass or waste, sewerage, excrement, urine, liquid, or semi-liquid waste from any industry, or any noxious substance or liquid. These non-stormwater discharges may occur due to spills, dumping and improper connections to the county separate storm system from residential, industrial, commercial or institutional establishments. Non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters. The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic

life, property values and other uses of lands and waters. These impacts can be minimized through the regulation of spills, dumping and discharges into the county separate storm sewer system. Therefore, it is determined that the regulation of spills, improper dumping and discharges to the county storm system is in the public interest and will prevent threats to public health and safety, and the environment.

- C. No person shall, or allow others under its control, to throw, drain, or otherwise discharge or cause to be discharged into a storm drainage system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as follows:
1. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
  2. Water line flushing performed by a government agency.
  3. Landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated – typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
  4. Dye testing is an allowable discharge, but requires a written notification to the authorized enforcement agency prior to the time of the test.

The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system. Proof of compliance with said permit may be required in a form acceptable to Lamar County or its agent prior to allowing discharges into the county drainage system. Dumping excess cement and washing out cement trucks are included in this article.

#### **7.4 ILLEGAL CONNECTIONS**

The construction, connection, use, maintenance or continued existence of any illegal connection to the county storm drainage system is prohibited. 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. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.

1. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to a storm drainage system, or allows such a connection to continue.
2. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the appropriate department or agency.

3. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to a storm drainage system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the local enforcement authority requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm drainage system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the local enforcement authority.