

**EXCERPT FROM ARTICLE 10 OF THE
STORM WATER AND FLOOD PROTECTION
ORDINANCE**

ARTICLE 10

STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

SECTION A. General Requirements

1. All operators of construction sites shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the United States, of sediment, silt, earth, soil and other material associated with the clearing, grading, excavation, and other construction activities to the maximum extent practicable under the circumstances. Such best management practices shall include, but not be limited to, the following measures as appropriate:
 - a. Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Contractor shall submit, as a part of the Best Management Practices, a plan indicating the phasing of site clearing/grading;
 - b. Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutant from the site to the extent feasible;
 - c. Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;
 - d. Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the United States;
 - e. Providing general good housekeeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements;
 - f. Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash;
 - g. Timely maintenance of vegetation, erosion and sediment control measures, and other best management practices in good and effective operating conditions; and
 - h. Installation of structural measures during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but not be limited to, the following; storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and for a period of two years after final acceptance by the City unless the area is disturbed by new owners.
 - i. The owner will escrow 100% of the cost to provide final stabilization to the site. This escrow shall be held for a period of two years from the date of final acceptance. The deposit of an escrow amount shall not relieve the owner/operator of their responsibility to stabilize the site and remain in

conformance with this ordinance and other corresponding regulations. The City shall use the escrow only if the owner/operator fails to stabilize the site in a timely manner.

- j. For common drainage locations that serve an area with 10 or more disturbed acres at one time, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, or equivalent sediment controls are required for all sideslopes and downslope boundaries of the construction area.
2. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
 - a. Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently cease is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
 - b. Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of site by the 14th day after construction activity temporarily ceased.
3. Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, best management practices shall be revised as appropriate, and as soon as is practicable.
4. The City Manager requires any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by paragraph A11 above that will be implemented at the construction site. The City may deny approval of any building permit, grading permit, site development plan, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon a site inspection by the City Manager or his representative are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable.
5. Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this Section A.
6. Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing a best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the City to violate a water quality standard or any State-issued discharge permit or discharges from its MS4.

SECTION B. Five-Acre Disturbances

All operators of sites of construction activity, including clearing, grading, and excavation activities, that result in the disturbance of five or more acres of total land area shall comply with the following requirements in addition to those in section A.:

1. Any operator who intends to obtain coverage for storm water discharges from a construction site under the NPDES General Permit for Storm Water Discharges From Construction Sites ("the Construction General Permit") shall submit a signed copy of its Notice of Intent (NOI) to the City Manager at least two (2) days prior to the commencement of construction activities. If the construction activity is already underway upon the effective date of this Ordinance, the NOI shall be submitted within thirty (30) days. For storm water discharges from construction dates where the operator changes, an NOI shall be submitted at least (2) days prior to when the operator commences work at the site.
2. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented in accordance with the requirements of the Construction General Permit or any individual or group NPDES permit issued for storm water discharges from the construction site, and with any additional requirement imposed by or under this Ordinance and any other city ordinance. The SWPPP shall be submitted with the engineering plans for the proposed site improvements.
3. The SWPPP shall be prepared, signed, and sealed by a Registered Professional Engineer or Registered Landscape Architect. The signature and seal of the Registered Professional Engineer or Registered Landscape Architect shall constitute his/her attestation that the SWPPP fully complies with the requirements of the Construction General Permit, or with any applicable individual or group NPDES permit issued for storm water discharges from the construction site, and with any additional requirement imposed by or under this Ordinance. The SWPPP shall contain the name, title, and business address of the Registered Professional Engineer or Registered Landscape Architect signing it, and the date he/she does so.
4. The SWPPP shall be completed prior to the submittal of the NOI to the City Manager and, for new construction, during the plan review process with the site development plans. The SWPPP shall be updated and modified as appropriate and as required by the Construction General Permit and this Ordinance. (Any update or modification to the SWPPP shall be prepared, signed, and sealed by a Registered Professional Engineer or Registered Landscape Architect, if the original SWPPP was required by paragraph B.3 to have been prepared by a Registered Professional Engineer or Registered Landscape Architect).
5. A copy of any NOI that is required by paragraph B.1 shall be submitted to the City in conjunction with any application for a building permit, grading permit, site development plan approval, and other City approval necessary to commence or continue construction at the site.
6. The City Manager may require any operator who is required by paragraph B.2 to prepare a SWPPP to submit the SWPPP, and any modifications thereto, to the City Manager for review. Such submittal and review of the SWPPP may be required by the City Manager prior to commencement of or during construction activities at the site.
7. Upon the City Manager' review of the SWPPP and any site inspection that he/she may conduct, the City may deny approval of any building permit, grading permit, site development plan, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the Construction General Permit, any individual or group NPDES permit issued for storm water discharge from the construction site, or any additional requirement imposed by or under this Ordinance. Also, if at any time the City Manager determines that the SWPPP is not being fully implemented, the City may similarly deny approval of any building permit, grading permit, site development plan or any other City approval necessary to commence or continue construction, or to assume occupancy, at the site.

8. Any significant modification to the SWPPP for a site shall be prepared, signed, and sealed by a Registered Professional Engineer or Registered Landscape Architect as required for the original SWPPP by paragraph B.3.
9. All contractors and subcontractors identified in an SWPPP shall sign a copy of the following certification statement before conducting any professional service identified in the SWPPP.

I certify under penalty of law that I understand the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with the industrial activity from the construction site identified as part of this certification, with the Storm Water and Flood Protection Ordinance of the City of Carrollton, and with those provisions of the Storm Water Pollution Prevention Plan (SWPPP) for the construction site for which I am responsible.

The certification must include the name and title of the person providing the signature; the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

10. The SWPPP, with the Registered Professional Engineer's or Registered Landscape Architect's signature and seal affixed, and the certifications of contractors and subcontractors required by paragraph B.9, and with any modifications attached, shall be retained at the construction site from the date of commencement of construction through the date of final stabilization.
11. The operator shall make the SWPPP and any modification thereto available to the City Manager upon request (as well as to EPA and State inspectors).
12. The City Manager may notify the operator at any time that the SWPPP does not meet the requirements of the Construction General Permit, any applicable individual or group NPDES permit issued for storm water discharges from the construction site, or any additional requirement imposed by or under this Ordinance. Such notification shall identify those provisions of the permit or Ordinance which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet such requirements. Within seven (7) days of such notification from the City Manager or as otherwise provided by the City Manager, the operator shall make the required changes to the SWPPP and shall submit to the City Manager a written certification that the requested changes have been made.
13. The operator shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, and which has not otherwise been addressed in the SWPPP, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in storm water discharges associated with construction activity. In addition, the SWPPP shall be amended to identify any new contractor and/or subcontractor that will implement a measure in the SWPPP.
14. Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within 24 hours of the end of the storm that is 0.5 inches or greater. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the MS4. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

15. In case of emergency, City forces will perform corrections and deduct their cost from the escrow account.
16. Based on the results of the inspections required by paragraph B.14, the site description and/or the pollution prevention measures identified in the SWPPP shall be revised as appropriate, but in no case later than seven calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within seven calendar days following the inspection.
17. A report summarizing the scope of any inspection required by paragraph B.14, and the name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with paragraph B.15 above shall be made and retained as part of the SWPPP for at least three years from the date that the site is finally stabilized. Such report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP, the facility's NPDES permit, and this Ordinance. The report shall be certified and signed by the person responsible for making the report.
18. The operator shall retain copies of any SWPPP and all reports required by this Ordinance or by the NPDES permit for the site, and records of all data used to complete the NOI, for a period of at least three years from the date that the site is finally stabilized.
19. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this Ordinance and by the NPDES permit for those construction activities are eliminated, or where the operator of all storm water discharges at a facility changes, the operator of the construction site shall submit to the City Manager a Notice of Termination (NOT) that includes the information required for Notices of Termination by Part VIII of the Construction General Permit.
20. Upon final stabilization of the construction site, the owner (or the duly authorized representative thereof) shall submit written certification to the City Manager that the site has been finally stabilized. The City may withhold an occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and the City Manager has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.