

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5620

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: DEAN/BRISTER

PROVIDED BY: PLANNING DEVELOPMENT

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 4 DAY OF AUGUST , 2016

ORDINANCE AMENDING THE ST. TAMMANY PARISH CODE OF ORDINANCES CHAPTER 7 SECTION 7-042.00 TO ESTABLISH A PROGRAM THAT ADDRESSES STORMWATER AND NON-STORMWATER DISCHARGES BASED ON BEST PRACTICES AND LDEQ REGULATIONS

WHEREAS, the Clean Water Act of 1972 established the basic structure for regulating discharges of pollutants into the waters of the United States as well as the quality standards for surface waters; and

WHEREAS, the United States Environmental Protection Agency is the federal agency charged with establishing pollutant control programs, which are often implemented and enforced through state agencies, such as Louisiana Department of Environmental Quality; and

WHEREAS, in an effort to comply with the water quality standards and requirements established by United States Environmental Protection Agency and Louisiana Department of Environmental Quality, St. Tammany Parish Government is taking steps to address water quality as a whole by evaluating current water quality conditions, programming infrastructure improvements, and reviewing existing policies and procedures; and

WHEREAS, St. Tammany Parish Government is permitted by Louisiana Department of Environmental Quality as the owner of the Parish’s Small Municipal Separate Storm Sewer System, which is a conveyance or system of conveyances that is owned by a public entity that discharges to waters of the US and is used to collect or convey stormwater (including storm drainages, pipes, ditches, etc.); and

WHEREAS, in order to maintain Municipal Separate Storm Sewer System permit compliance, St. Tammany Parish Government must develop a Stormwater Management Program that addresses six minimum control measures: Public Education/Outreach; Public Participation / Involvement, Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post-Construction Runoff Control, Municipal Pollution Prevention/ Good Housekeeping; and

WHEREAS, of the six minimum control measures addressed in the Stormwater Management Program, the Louisiana Department of Environmental Quality requires local legislation be enacted specifically for three of the measures: Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post-Construction Runoff Control; and

WHEREAS, the St. Tammany Parish Stormwater Ordinance shall address these three minimum control measures and establish methods to control the introduction of pollutants into the Small Municipal Separate Storm Sewer System.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances is hereby amended in accordance with attached ”Article II St. Tammany Parish Flood Hazard Area Ordinance” to enact St. Tammany Parish Stormwater Ordinance pursuant to LAC 33:IX and 40 CFR ’ 122 to provide therein the following regulations that are applicable thereto, and to otherwise provide as follows:

BE IT FURTHER ORDAINED that Article II St. Tammany Parish Flood Hazard Area Ordinance, Division 5 Provisions for Flood Hazard Reduction, is hereby amended to repeal paragraph (5) of Section 7-042.00 Specific Standards, all as specifically set forth immediately herein after, to-wit:

~~(5) Construction Sites – Storm Water Runoff a. A permit shall be required for the clearing, grubbing, grading, displacement or removal of dirt (hereafter referred to as A dirt work@) for any properties not specifically exempted as per Paragraph (c) of this Section. This permit shall be in the form of an approval of the ACulvert Data Sheet@, the APermit Data Review Sheet@, a general work order or land clearing permit presently required for construction activity to occur. The ordinance shall be administered by Department of Engineering or any other parish personnel that should be necessary. -~~

~~b. A detailed description of dirt work, boundaries of the areas to be disturbed and the proposed sediment retention measures must accompany the building permit or development proposal and be reviewed by the Department of Engineering before approval of the Culvert Data Sheet or the Permit Data Tracking Sheet or the issuance of a general work order. - c. Exemptions - 1. Agricultural land management practices and construction of agricultural structures as defined in the St. Tammany Parish Land Use Ordinance No. 523; 2. Mining, quarrying, processing of rock, sand, gravel, aggregate or clay where established and provided for by law; 3. Activities undertaken on forest land in the production and harvesting of timber when approved via an agricultural clearing, timber harvesting or rural clearing permit in accordance with St. Tammany Parish Land Use Ordinance No. 523; 4. Single family residences, and related accessory structures or uses, when the disturbed area comprises of less than 50% of the lot or parcel and is located at least 10 feet from all property lines. 5. Requirements. 6. The owner, builder or developer of a construction project shall cause the placement of a required sediment control measure for all side slope and down slope boundaries of a construction area, unless a sedimentation basin designed to accommodate 3600 cubic feet of water and sediment for each acre of disturbed property is provided -~~

~~7. The owner, builder or developer will further cause the placement of said sediment control measure around all drainage structure inlets which flow into a public drainage system, or a drainage system which is intended to be dedicated to the public. 8. Sediment Retention Measures. 9. The following measures are sediment retention measures, subject to review and approval of each application based upon the characteristics of the work and site being permitted. A detailed description of the application, design criteria and limitations of each is outlined in Appendix A. - 1. Mulching - 2. Erosion Control Mats - 3. Vegetation - 4. Silt Fencing - 5. Straw Bale Dikes -~~

~~6. Diversion Dikes 7. Intereceptor Swales 10. Inlet Protection 11. Any other functionally equivalent technology or method deemed appropriate by the Director of the Department of Engineering.~~

~~f. A blanket permit may be issued for large scale developments when the developer provides the required sediment control measures for the development as a whole. The appropriateness of these measures will be determined by the Director of the Department of Engineering. -~~

~~g. Provision of sediment retention measures on site does not release the builder/developer from responsibilities as outlined in Section 40-071.01 of Appendix B (Subdivision Regulations) of the St. Tammany Parish Code of Ordinances should the retention measures fail to prevent sediment runoff. The Director of the Department of Engineering may release the builder/developer from the provisions of this Section if it is determined that the failure of sediment control measures is not attributable to faulty installation or maintenance of the required retention measures. 1. Enforcement - Violations will be processed by the appropriate Code Enforcement, Department of Engineering or Permit Inspections personnel using standard code violation protocol. (Subsection 5 per Ord. 99-3156, adopted 10/21/99) -~~

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end

the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1 DAY OF SEPTEMBER , 2016 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
MARTY DEAN, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JUNE 30 , 2016

Published Adoption: \_\_\_\_\_ , 2016

Delivered to Parish President: \_\_\_\_\_ , 2016 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_ , 2016 at \_\_\_\_\_

ARTICLE II ST. TAMMANY PARISH FLOOD HAZARD AREA ORDINANCE  
DIVISION 5 PROVISIONS FOR FLOOD HAZARD REDUCTION

SEC. 7-042.00 Specific Standards

**A. GENERAL PROVISIONS**

1. ABBREVIATION OF TERMS

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

BMP - Best Management Practices  
CFR - Code of Federal Regulations  
CWA – Clean Water Act  
EPA – United States Environmental Protection Agency  
LA – Load Allocation  
LAC- Louisiana Administrative Code  
LDEQ - Louisiana Department of Environmental Quality  
LPDES - Louisiana Pollutant Discharge Elimination System  
MPN – Most Probable Number  
MS4 - Municipal Separate Storm Sewer System  
NOI - Notice of Intent  
NPDES - National Pollutant Discharge Elimination System  
SPCC – Spill Prevention Control and Countermeasure  
STPG - St. Tammany Parish Government  
SWMP – Stormwater Management Plan  
SWPPP - Stormwater Pollution Prevention Plan  
TMDL – Total Maximum Daily Load  
WLA - Waste Load Allocation  
WOTUS – Waters of the United States

2. DEFINITIONS

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

**BEST MANAGEMENT PRACTICES (BMP)** - shall mean schedules of activities, prohibitions of practices, maintenance procedures, treatment requirements, operating procedures, and other practices used to prevent or reduce contaminated discharges or runoff.

**BMPS FOR COASTAL LOUISIANA ZONE MANUALS** - technical manuals prepared by the Louisiana Coastal Nonpoint Pollution Control Program to minimize coastal impacts from developmental activities and control nonpoint source pollution resulting from stormwater runoff. The manual includes nonpoint source BMPs specific to the Louisiana Coastal Zone and is to be used as a guide for developers, builders, and engineering firms during the design and construction phase of development.

**COMMERCIAL** - shall mean any activity pertaining to a business, industry, corporation, or organization.

**CLEAN WATER ACT (CWA)** - the primary federal law in the United States governing water pollution. Its objective is to restore and maintain the chemical, physical, and biological integrity of the nation's waters by preventing point and nonpoint pollution sources, improving wastewater treatment, and maintaining the integrity of wetlands. It is administered by the U.S. Environmental Protection Agency (EPA), in coordination with state governments. The CWA is codified in 40 CFR Subchapters D, N, and O (Parts 100-140, 401-471, and 501-503).

**CONSTRUCTION** - shall mean any human activity that includes clearing, grading, excavation, filling, or other placement, movement, removal, or depositing of soil, rock, organic materials, or earth minerals.

**CONTAMINATED** - shall mean containing any pollutant which is introduced into stormwater conveyances by stormwater contact with industrial activities as defined by LAC 33:IX.2511.B.14-15 and 40 CFR 122.26(b)(14) or through illicit discharges.

**CONVEYANCE** - shall mean drainage infrastructure, including any ditch, pipe, canal, or waterway that moves water in the Parish.

**DISCHARGE** - shall mean any stormwater or wastewater, including but not limited to sheet flow and point source, introduced into the MS4, drainage infrastructure, conveyances, ditches, or waterways of the Parish, or into waters of the United States.

**DISCHARGER** - shall mean any person or property who causes, allows, or is otherwise responsible for a discharge.

**FACILITY** - shall mean any building, structure, property, installation, process or activity from which there is or may be a discharge of a pollutant.

**FERTILIZER** - shall mean any substance that contains essential plant nutrients in a form available to plants and is used primarily for promoting or stimulating growth of a plant or improving the quality of a crop.

**FILL OR FILLING** - shall mean the deposition of soil and other inert materials on the land to raise its

grade and/or smooth its features.

**HAZARDOUS SUBSTANCE** - shall mean any of the following: Any substance determined to be hazardous according to 49 CFR § 171.8. or listed in Table 302.4 of 40 CFR § 302 or Section 311(b) (2) (A) of the Clean Water Act [33 USC § 1317 (a) and 1321 (b) (A)].

**HAZARDOUS WASTE** - shall mean any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR § 261.

**HERBICIDE** - shall mean a substance used to defoliate, desiccate, destroy, inhibit or regulate vegetation.

**ILLCIT DISCHARGE** - shall mean a prohibited non-stormwater discharge containing pollutants.

**LOUISIANA DISCHARGE PERMIT ELIMINATION SYSTEM (LPDES) PERMIT OR NATIONAL DISCHARGE PERMIT ELIMINATION SYSTEM (NPDES) PERMIT** - shall mean the permit issued by the LDEQ or the EPA, under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States.

**MOST PROBABLE NUMBER (MPN)** - the number of organisms that are most likely to have produced laboratory results in a particular test. The MPN method is used to estimate the concentration of the viable microorganisms in a sample based on dilution factors.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** - shall mean roadside drainage systems, catch basins, curbs, gutters, ditches, man-made channels, or storm drains used for collecting and/ or conveying stormwater in the Parish.

**NOTICE OF INTENT (NOI)** - shall mean the Notice of Intent that is required by the LPDES General Permit for Discharges of Stormwater from Construction Activities 5 Acres or Greater, the Multi-Sector General Permit for Stormwater, or other General Permits for the discharge of stormwater.

**NON-POINT SOURCE POLLUTION** - shall mean pollution discharged over a wide land area that cannot be traced to one specific point or location. These are forms of diffuse pollution caused by sediment, nutrients, organic, and toxic substances contained in stormwater runoff from urbanized areas, construction sites, agricultural sites, and silvicultural operations, etc.

**OPERATOR**- shall mean the person or persons who, either individually or taken together, has operational control over the facility; or has day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

**PARISH** - shall mean St. Tammany Parish in the State of Louisiana.

**PERSON** - shall mean any individual, partnership, firm, company, corporation, association, trust, estate, entity, or any legal representative, agent, or assignee.

**PESTICIDE** - shall mean a substance used to prevent, destroy, repel, or mitigate any pest.

**POINT SOURCE** - shall mean the discharge of pollutants at a specific location from pipes, outfalls, channels, or other discernible or discrete conveyances. Point source does not include irrigation flow returns from agricultural stormwater runoff.

**POLLUTANT** - shall mean dredged spoil, solid waste, sewage, garbage, sludge, chemical waste, biological materials, radioactive materials, heat, rock, soil, sediment, or industrial waste discharged into waters of the state and/or the MS4, drainage infrastructure, conveyances, or waterways of the Parish.

**POLLUTION** - shall mean the contamination of the physical, thermal, chemical, or biological quality of waters that causes impairment of the designated uses of a water body as stipulated in the current EPA Integrated Report or renders the water harmful, detrimental, injurious to humans, animal life, vegetation, or impairs the usefulness for the public enjoyment of the water for any lawful or reasonable purpose.

**RELEASE** - shall mean any spilling, leaking, pumping, pouring, discharging, injecting, leaching, dumping, or disposing, directly or indirectly, into the MS4, drainage infrastructure, conveyances, or waterways of the Parish.

**SANITARY SEWAGE** - shall mean the domestic sewage and/or industrial waste that is discharged into the sanitary sewer system and passes through the sanitary sewer system to any public or privately owned sewage treatment plant.

**SANITARY SEWER (OR SEWER)** - shall mean the system of pipes, conduits, and other conveyances which carry industrial waste and sanitary sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to any sewage treatment plant.

**SITE WORK** - shall mean excavation, grading, filling, cutting, draining, paving, earthwork, stockpiling/storage of fill.

**SEDIMENT** - shall mean soil, sand, clay, and minerals washed from land into roadways, drainage infrastructure, and waterways, usually during or after a rain. Sediment may cause a reduction in storage capacity, impede drainage, destroy fish-nesting areas, clog animal habitats, and cloud waters to such an extent as to prevent sunlight from reaching aquatic biota.

**SOLID WASTE** - any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semi-solid, or contained gaseous material resulting from construction or industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

**STATE** - shall mean the State of Louisiana.

**STORMWATER** - shall mean stormwater runoff, surface runoff and drainage runoff. (Agricultural stormwater may be excluded, subject to the provisions of LAC 33:IX.2313.)

**STORMWATER AGREEMENT** - shall mean the agreement utilized by the Parish and signed by the contractor, developer, land owner, or agent to ensure all required permits are in place and the implementation of BMPs will be used to control erosion and sedimentation and reduce the pollutants in stormwater discharges associated with excavation, grading, filling, and other construction projects as well as heavy equipment fuels/oils and grease.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)** - shall mean a plan required by the LPDES General Permits for Discharge of Stormwater from Construction Activities (LAR100000 and LAR200000), LPDES Multi-Sector General Permit, or any LPDES Individual Permit which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

**TOTAL MAXIMUM DAILY LOAD (TMDL)** - shall mean the water quality assessment that determines the source(s) of pollutants of concern for a particular water body; considers the maximum amount of pollutants the waterbody is able to assimilate and still meet WLA standards; and then allocates to each source a set level of pollutants that is allowed to discharge.

**WASTEWATER** - shall mean any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

**WATER QUALITY STANDARD** - shall mean the numerical criterion established by LDEQ and deemed necessary by the state to protect the designated uses of a water body.

**WATERS OF THE UNITED STATES (WOTUS)** - Waters of the United States- any waters within the federal definition of "waters of the United States" at 40 CFR § 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

**WETLAND** - shall mean an area that is frequently inundated or saturated by water and is sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**WASTE LOAD ALLOCATION (WLA)** - shall mean that portion of the assimilative capacity of the receiving water apportioned to a specific discharger in such a way that water quality standards are maintained under design conditions.

### 3. PURPOSE

The purposes and objectives of this Ordinance are to establish policies and procedures for the permitting, monitoring, and/or enforcement regarding Illicit Discharge Detection and Elimination, Construction Site Runoff Control, and Post-Construction Runoff Control. In doing so, the ordinance will allow the Parish to:

- a) Comply with the MS4 Permit, all federal, state, and local regulations applicable to stormwater and non-stormwater discharges.
- b) Manage stormwater impacts at their source and prevent contaminated stormwater and non-stormwater discharges into the MS4, drainage infrastructure, conveyances, and waterways within the Parish.
- c) Provide for proper operations and maintenance of all permanent and non-permanent stormwater management BMPs that are implemented within the Parish.
- d) Provide review procedures and performance standards for stormwater planning and management.
- e) Facilitate compliance with federal and state water quality standards, limitations, and permits by owners and operators of commercial and industrial activities and construction sites within the Parish.

### 4. ADMINISTRATION

The Parish MS4 Administrator shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the MS4 Administrator shall be carried out by the Administrator or may be delegated to other authorized personnel.

The Parish may adopt, by council action, reasonable stormwater fees for reimbursement of costs related to administration of the stormwater ordinance, MS4 compliance, TMDL implementation, and costs related to the SWMP as required by the EPA or LDEQ. Fees are provided in Chapter 2 of the Parish Code of Ordinances, Article I, Section 2-009.00, Parish Fees and Service Charges.

## **B. NON-STORMWATER AND ILLICIT DISCHARGES**

### 1. PROHIBITED NON-STORMWATER ILLICIT DISCHARGE

#### a) GENERAL PROHIBITION:

No person shall introduce or cause to be introduced into the MS4, drainage infrastructure, conveyances, or waterways of the Parish any illicit discharge that is not composed entirely of stormwater, except as provided in Article II Section 24-022.00 of this ordinance.

1. No person shall introduce or cause to be introduced into the MS4, drainage infrastructure, conveyances, or waterways of the Parish any discharge that causes or contributes to violation of a water quality standard.
2. No person shall connect an interior drain or any other source of wastewater to the MS4, drainage infrastructure, conveyances, or waterways of the Parish, or allow such a connection

- to continue.
3. Any person that causes a spill, release, or other discharge of a prohibited substance or other pollutant in the Parish is solely responsible for the cleanup and removal of the substance. Where the person that caused the spill, release, or discharge to the Parish is unknown, the owner of the property on which the spill, release, or discharge occurred is responsible for the cleanup or removal of the substance.
  4. Sanitary sewer overflows to the MS4, drainage infrastructure, conveyances, or waterways of the Parish shall be prevented. In the event of an overflow the owner, operator, or person otherwise having control of the sanitary sewer, shall remove all sewage to the maximum extent practical.
  5. Items that are stored for collection, disposal, recycling or reuse shall be stored in a manner that prevents contamination of stormwater. Drums shall be covered and/or in secondary containment where required, closed, not leaking, and in good condition.
  6. Spills and leaks of hazardous substances or pollutants shall be cleaned up immediately after the spill occurs or the leak is detected. Any absorbent material used for clean-up must be disposed of properly and disposed of in accordance with solid waste regulations. Surface soil contaminated by the spill or leak must be removed or otherwise protected from contact with stormwater.
  7. Drip pans, absorbent mats, or equivalent controls shall be used to collect and properly dispose of leaking fluids from motor vehicles that are parked outside during maintenance and repairs or while waiting for repairs at commercial repair facilities.
  8. Used engines, transmissions, radiators, and other vehicle components that have automotive fluids in, or on them, shall be stored in a manner that prevents pollutants from contaminating stormwater runoff.
  9. Any person or establishment that causes a spill, release, or other discharge of any prohibited substance or other pollutant to the MS4, drainage infrastructure, conveyances, or waterways of the Parish is solely responsible for notifying the appropriate agency and/or permit authorities of the unauthorized release.
  10. Trash, litter, grass clippings, leaves, and other debris shall not be discarded in drainage ditches or drainage inlets. Such material shall be disposed of as solid waste and shall not be allowed to enter the MS4, drainage infrastructure, conveyances, or waterways of the Parish.

b) **SPECIFIC PROHIBITIONS**

No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4, drainage infrastructure, conveyances, or waterways of the Parish:

1. Any used motor oil, antifreeze, hydraulic fluid, fuel, or other motor vehicle fluid;
2. Any industrial or hazardous waste, including household hazardous waste;
3. Any untreated sanitary sewage or septic tank waste;
4. Any grease trap waste, or grit trap waste;
5. Any trash or other debris material;
6. Any untreated wastewater from a commercial car wash facility; or from any washing or cleaning of any commercial or public service vehicle, including heavy equipment;
7. Any contaminated wastewater or wash water from commercial cleaning, power, or pressure wash processes or wash racks;
8. Any wastewater from the clean-up following a release of hazardous waste or pollutants;
9. Any discharge from a commercial or industrial cooling tower, condenser, compressor, or boiler unless the discharge is in compliance with an LPDES or NPDES permit;
10. Any concrete, mortar, ceramic, or asphalt base material;
11. Any discharge or wash down water from an animal, fowl, or livestock containment area;
12. Any unpermitted stormwater discharge associated with a commercial or industrial activity;
13. Any substance or material that will damage, block, or clog the MS4, drainage infrastructure, conveyances, or waterways of the Parish;
14. Any construction debris or other waste building material resulting from construction or demolition;
15. Any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, filling, or other construction activities;
16. Any direct discharge of pesticide, herbicide, and/or fertilizer;
17. Any discharge that causes or contributes to a violation of a water quality standard.
18. The following restrictions apply to discharges associated with discharges from pools, hot tubs, spas, and filter backwash, which is a rinsate resulting from the cleaning of equipment, vehicles, tools, containers, cartridges, filters, etc.:
  - a. For uncontaminated discharge that cannot be retained on site for irrigation or other uses, a gradual, metered discharge is required;
  - b. Discharge shall be dechlorinated with no detectable concentration of Total Residual

Chlorine., prior to discharge;

- c. Discharge shall not drain or back-up onto adjacent properties;
- d. Discharge shall not cause erosion or sediment transport;
- e. Discharge shall not cause an accumulation of water in roadways or along curbs and shall not cause adverse impacts to drainage infrastructure, waterways, roadways, or adjacent properties.

## 2. ALLOWABLE NON-STORMWATER DISCHARGES

- a) The following discharges have not been identified by the Parish as significant contributors of pollutants to the MS4 or surface waters of the Parish and therefore are allowable non-stormwater discharges:
  1. A discharge authorized by, and in full compliance with, an NPDES or LPDES permit;
  2. Discharges from firefighting activities;
  3. An uncontaminated discharge of fire protection water;
  4. Agricultural stormwater runoff;
  5. Potable water sources including dechlorinated water line and fire hydrant flushing;
  6. A discharge from lawn watering, or landscape irrigation;
  7. A discharge or flow from a diverted stream flow or natural spring;
  8. A discharge or flow from uncontaminated groundwater;
  9. Uncontaminated discharge from foundation drains, crawl spaces, or footing drains;
  10. A discharge or flow from a riparian habitat or wetland;
  11. Wash water from individual residential and non-profit car washing;
  12. A discharge of air conditioning condensate; and
  13. A discharge or flow of water used in street, parking lot, or structure cleaning that is not contaminated with soaps, detergents, emulsifiers, dispersants, chemicals, or other pollutants.
- b) In the event the Parish determines that any of the discharges identified in Subsection 2(a) significantly contribute to pollution of surface waters of the Parish, or is so notified by LDEQ, the Parish will notify the responsible person to cease the discharge.
- c) Nothing in this Section shall affect a discharger's responsibility under federal or state law.

## C. STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

### 1. GENERAL REQUIREMENTS

- a) No development shall degrade water quality, adversely affect the MS4, drainage infrastructure, conveyances, or waterways.
- b) All construction projects involving site work of any kind, including but not limited to subdivision development, minor subdivision development, residential construction, commercial construction, and roadway construction shall comply with the stormwater requirements of this ordinance.
- c) All appropriate Parish permits shall be obtained before the commencement of construction. Permitting requirements that pertain to stormwater plan reviews are outlined in Section C.2. Permitting Requirements.
- d) All operators of construction sites shall use appropriate BMPs to control discharge to waterways and conveyances of the Parish. Pollutants such as silt, sediment, mud, clay, and other construction contaminant materials associated with site work of any kind shall be controlled to the maximum extent practical.
- e) Operators shall refer to guidance manuals such as the *BMPs for Coastal Louisiana Zone* for BMP definitions, selection, applicability, planning considerations, recommended specifications and maintenance.

### 2. PERMITTING REQUIREMENTS

No persons(s) shall perform any construction within unincorporated St. Tammany Parish without first obtaining the appropriate permits from STPG. An executed Annual or Single-Use Stormwater Agreement and a Stormwater Site Plan will be required upon building/site work permit application for the project types listed below. Fees associated with the following permitting activities will be in accordance with Section 2-009.00 of the St. Tammany Parish Code of Ordinances.

- a) Applicable Project Types:
  1. New residential and commercial construction;
  2. New construction of accessory buildings greater than or equal to 100 square feet (per Section 105.2 of St. Tammany Parish Code of Ordinances Appendix D Building Code);
  3. Site work construction;
  4. Pool installation;
  5. Pond excavation;



6. Subdivision development;
7. Minor Subdivision development;
8. Remodel permits that involve alteration to existing site drainage.

Exemptions: The following project types are exempt from the requirement for a Stormwater Agreement and Stormwater Site Plan. These exemptions do not relieve the owner, operator, or other legal representative of the responsibility of installing and properly maintaining the erosion, sedimentation, or pollution control measures or any other liability resulting from such activities.

1. Capital projects or infrastructure improvement projects by Parish personnel (such projects shall comply with all other state, federal, and local stormwater permit requirements). This exemption does not apply to private contractors working on Parish projects;
2. An activity that is determined by an STPG official to be immediately necessary for the protection of life, property, or natural resources;
3. Excavation of graves in cemeteries;
4. Agricultural practices such as plowing, cultivation, tree cutting, logging operations that leave the stump and root mat intact, and cultivated sod operations. Agricultural projects shall comply with all other state, federal, and local stormwater and water quality requirements.

b) Stormwater Agreement

1. It shall be the responsibility of the property owner or his designee to acquire and comply with any applicable LDEQ permits prior to the commencement of construction. The Parish shall require an approved Stormwater Agreement for any development or improvement project that requires a building permit, site work permit or subdivision work order. This agreement, which is a document provided by STPG, will serve as a signed contract with the Parish stating that the property owner or his designee agrees to obtain an LDEQ permit for construction, if applicable, and comply with all applicable LDEQ regulations during the term of the project.
2. For subdivisions developed in phases, a Stormwater Agreement shall be submitted at the preliminary approval phase for each phase of the development.

c) Stormwater Site Plan

1. A Stormwater Site Plan is a component of the SWPPP as required by LDEQ. In an effort to ensure the owner, developer or contractor has a sufficient plan to address necessary stormwater controls before the commencement of construction, the Parish shall require a copy of the Stormwater Site Plan at the time of building permit application. This information may be included on a plot plan depending on the complexity of the project.
2. An approved Stormwater Site Plan is required with submittal of any applicable building permit, site work permit or drainage plan for a subdivision within unincorporated St. Tammany Parish. The site plan shall contain the following:
  - a. The property owner's name, address, date, legal description of parcel, lot number, and a boundary survey indicating the location, and dimensions of the lot;
  - b. The shape, size, and location of all existing and proposed buildings or other structures;
  - c. The location and approximate dimension of driveways, entrances, and all points of access to a public street or road;
  - d. Locations of areas subject to flooding or limits of floodplain, if applicable;
  - e. Total land area;
  - f. The locations of all existing and proposed streets, alleys, utilities, stormwater conveyances, drainage features, sanitary sewers and drainage, utility, or access easements/servitudes, specifically noting connections to Parish conveyance systems;
  - g. All existing and proposed impervious areas;
  - h. Natural or man-made watercourses;
  - i. All existing and proposed slopes, terraces, bulkheads, or retaining walls;
  - j. Erosion and sedimentation control plans or SWPPP;
  - k. Drainage and/or fill calculations as required by permit and/or ordinance;
  - l. Direction of flow indicators; and
  - m. Receiving waterbody for the ultimate discharge of stormwater from the site.
3. When a Stormwater Site Plan is required to obtain a Parish permit, it shall be submitted to the Department of Planning and Development for review. The Stormwater Site Plan, including any approved revisions, is valid for the duration of the project.
4. The submittal process for the residential and commercial development Stormwater Site Plan shall be in accordance with Chapter 7 of the Parish Code of Ordinances.
5. For a subdivision development, a Stormwater Site Plan shall be submitted at the Preliminary Approval phase and will focus on stormwater management, water quality, and receiving waters.

### 3. CONSTRUCTION ACTIVITY REQUIREMENTS

The following requirements shall be implemented and maintained during the course of construction activities:

- a) Existing vegetation shall be preserved, where feasible, and disturbed portions of the site shall be stabilized immediately upon the temporary or permanent cessation of construction activities. In no case shall disturbed soil remain destabilized for more than 14 days.
- b) Structural BMPs shall be utilized, where feasible, to divert flow away from exposed soil, store stormwater, or otherwise reduce runoff and the discharge of pollutants from the construction site.
- c) Installation, inspection, and maintenance of erosion and sediment BMPs shall be consistent with the effective operating conditions on the site. Operators are responsible for the installation and maintenance of stormwater BMPs until warranty obligations are met and/or occupancy certificates are issued.
  1. As required by LDEQ permits, operators shall be responsible for overseeing self-inspections of all BMPs at construction sites as noted in the LDEQ permit.
  2. Based on the results of the inspections, BMPs shall be maintained, revised, repaired, or replaced as necessary but prior to a future storm event.
  3. The SWPPP or Stormwater Site Plan shall be updated with any BMP revisions.
  4. Any BMP modifications shall be recorded in the SWPPP and/or Stormwater Site Plan within (7) calendar days and implemented on site as soon as is practical.
  5. The owner, contractor, and/or operator of a construction site is responsible for compliance with the requirements of this ordinance.
  6. The Parish may hold occupancy certificates related to a site until approval of the final stormwater inspection with a determination that any required stormwater controls are in place.
- d) The SWPPP, which shall include the Stormwater Site Plan, and stormwater self-inspection and BMP maintenance reports shall be available on site for inspections.
  1. In accordance with LDEQ requirements, an NOI and SWPPP is required for large construction projects on 5 or more acres. This requirement includes any lot or parcel that is part of a larger common plan of development.
  2. In accordance with LDEQ requirements, a SWPPP is required (but not an NOI) for all construction projects 1 acre or greater, but less than 5 acres, if not part of a larger common plan of development.
- e) A stabilized construction entrance/exit pad shall be utilized to minimize the tracking of mud, clay, sediment, and other construction materials onto roadways and streets.
- f) The discharge of construction or building materials, including cement, concrete, lime, mortar, slurries, and paints is prohibited. On-site containment or off-site disposal is required.
- g) Good housekeeping measures, such as covered storage, storm drain protection, secondary containment, etc., shall be employed to prevent, contain, and clean up spills of paints, solvents, fuel, sewage, and any hazardous substances and pollutants associated with construction.
- h) Proper waste disposal, such as covered waste containers and concrete disposal bins, shall be employed to manage construction materials, construction debris, paints, solvents, chemicals and construction waste, etc. shall be utilized to prevent stormwater contamination.
- i) On phased subdivision developments, site disturbance shall be phased, when applicable, to limit soil erosion and sediment excursion. Final stabilization shall be accomplished prior to commencement of the next phase of development.

### 4. STORMWATER INSPECTIONS

Routine stormwater inspections will be performed by Parish stormwater inspectors in accordance with the applicable permitting processes or as needed. Fees associated with inspections/re-inspections will be in accordance with Section 2-009.00 of the St. Tammany Parish Code of Ordinances.

- a) The first stormwater inspection for each project shall be scheduled at the commencement of construction with the preliminary drainage inspection. The final stormwater inspection shall be scheduled at the completion of construction with the drainage final inspection.
- b) Re-inspections will be scheduled and performed as required.
- c) Unscheduled stormwater inspections and drainage inspections may be performed by the Parish at any point during the construction process.
- d) Failure to correct inadequacies following a failed drainage and/or stormwater inspection may result in enforcement action.
- e) All stormwater inspections shall be performed in accordance with STPG's approved SWMP.

## C. POST-CONSTRUCTION STORMWATER REQUIREMENTS

### 1. POST CONSTRUCTION PERMANENT STORMWATER FACILITIES

Permanent Stormwater BMPs shall include both structural and non-structural BMPs.

- a) Structural BMPS shall include, but are not limited to, retention/detention ponds, stormwater

diversion structures, and filtration devices.

1. Installation of permanent structural measures intended to control stormwater pollutants after the completion of a subdivision developments shall be in accordance with Appendix B, Chapter 40 of the Parish Code of Ordinances, Subdivision Regulatory Ordinance 499, Section 40.
  2. Erosion, sedimentation, and pollutants shall be controlled after completion of the development process in accordance with the *BMPs for Coastal Louisiana Zone* manuals and/or current LDEQ and EPA guidelines for structural BMPs.
  3. Structural stormwater controls for residential and commercial development shall continue to meet the performance standards as stipulated in the original design and approved by the Parish in accordance with this ordinance.
  4. It is the stated goal of STPG to develop a program to address and protect water quality in St. Tammany Parish. This program involves capital improvements, water quality monitoring, and development of regulations based on recommendations outlined in the CPRA Watershed Management Study. Additional pollutant load impacts resulting from new development should be controlled through the implementation of permanent and/or structural nonpoint source BMPs.
- b) Non-structural BMPs may include, but are not limited to buffer zones, riparian buffers, and/or green space. Non-structural BMPs such as buffer zones, riparian buffers, and green space areas shall be established in accordance with all applicable state, federal, and local requirements to prevent water quality impacts to waterways and wetlands.

## 2. STORMWATER BMP MAINTENANCE

Routine inspection and maintenance of permanent and/or structural BMPs is necessary to ensure proper functioning condition in accordance with the original design criteria. It shall be the responsibility of the landowner, Homeowner's Association, or maintenance association, whichever is applicable, to maintain the facility in perpetuity unless it is taken into the STPG's maintenance system in accordance with Appendix B, Chapter 40 of the Parish Code of Ordinances, Subdivision Regulatory Ordinance 499, Section 40-037.02, Residential Retention/Detention Ponds. Inspections by STPG may be conducted to ensure maintenance is being performed. Failure to correct inadequacies following a failed inspection may result in enforcement action.

## D. PUBLIC PARTICIPATION AND INVOLVEMENT

### 1. OWNER AND/OR OPERATOR REPORTING REQUIREMENTS

The operator and/or the owner of any commercial or industrial activity shall report any prohibited discharges, spills, releases, illicit discharges, and unauthorized connections into the MS4, drainage infrastructure, conveyances, or waterways in the Parish and any other violation of this Ordinance for which they are responsible.

- a) A hazardous and/or toxic substance spill or release shall be immediately reported to the St. Tammany Parish Fire Department and LDEQ;
- b) Other instances where pollutants are discharged into the MS4, drainage infrastructure, conveyances, or waterways of the Parish by spill, release, illicit connections or other means shall be reported to LDEQ and the Parish; and
- c) The owner of any commercial or industrial facility with a spill or release of pollutants, hazardous substances, or toxins is responsible for proper notification of the incident to all appropriate local, state, and federal agencies.

### 2. CITIZEN COMPLAINT REPORTS

Anyone may report any spills, releases, illicit connections, or other instances of anyone discharging pollutants into the MS4, drainage infrastructure, conveyances or waterways of the Parish and any other violation of this ordinance to the MS4 Administrator or any person designated by the Parish to receive such citizen reports.

- a) Citizen stormwater complaints may be made verbally or in writing. A written record of each citizen report to the Parish will be prepared and kept on file for a period of three years. Upon request, the Parish will inform the reporting citizen of any action taken in response to the citizen's report.
- b) When applicable, the Parish will report citizen complaints to the appropriate local, state, or federal agencies if a violation is confirmed upon investigation by the Parish.

## E. PARISH ENFORCEMENT AND REMEDIES

1. ENFORCEMENT OF STORMWATER VIOLATIONS

Whenever it appears that a person has violated, or continues to violate, any permit or provision of this ordinance, enforcement proceedings may be instituted in accordance with Chapter 1 of the Parish Code of Ordinances. Enforcement action may include, but is not limited to fines or fees, issuance of a notice of violation or cease and desist order, a citation to appear for an administrative hearing, and/or prosecution for a violation.

2. REMEDIES NONEXCLUSIVE

The remedies provided for in this Ordinance are not exclusive of any other remedies that the Parish may have under state, federal, or local law. The Parish may take any, all, or any combination of these actions against a violator. The Parish is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.

**ADMINISTRATIVE COMMENT:**

As a designated Small Municipal Separate Storm Sewer System (MS4), St. Tammany Parish is required by DEQ to have an ordinance in place that addresses three specific minimum control measures aimed at improving water quality: Illicit Discharge Detection and Elimination, Construction Site Runoff Control, and Post-Construction Runoff Control. The ordinance addresses each of these measures by establishing requirements and permitting procedures related to stormwater and nonstormwater discharges.