

## EXHIBIT A

Note language to be added is underscored. Language to be removed is shown as ~~stricken~~. . No other sections or language in Chapter 22.5 or Chapter 34 are intended to be amended or modified by this Council action except as shown on this Exhibit.

### Chapter 34 - STORMWATER DISCHARGE CONTROL REGULATIONS

#### Sec. 34-1. - Title and authority.

This chapter shall be known as the Lee's Summit, Missouri Stormwater Discharge Control Regulations and may be cited as "Stormwater Regulations" or "Stormwater Discharge Control Regulations". The Director of Public Works and the Director of ~~Codes Administration~~ Development Services shall be responsible for the administration and enforcement of this chapter, with the Director of Public Works administering violations ~~of this chapter~~ occurring on City owned Right-of-Way and the Director of ~~Codes Administration~~ Development Services administering violations ~~of this chapter~~ occurring on private property. The term "Director", as used in this chapter, refers to both the Director of Public Works and /or the Director of Development Services. ~~Codes Administration~~.

(Ord. No. 7032, § 1, 5-5-2011)

#### Sec. 34-2. - Purpose.

- A. The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Lee's Summit, Missouri through the regulation of stormwater and non-stormwater discharges to the City's storm drainage system, also known as the municipal separate storm sewer system (MS4), to the maximum extent practicable as required by federal and state law. This Chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with the requirements of the ~~The~~ Federal National Pollutant Discharge Elimination System (NPDES) permit process ~~and state water quality standards require that the City establish regulations governing discharges into protected waters of the state.~~
- B. The objectives of this chapter are:
1. To regulate the contribution of pollutants to the MS4 ~~storm drainage system~~ from stormwater discharges by any user;
  2. To prohibit illicit connections and pollutant discharges to the MS4 storm drainage system;
  3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.

4. To limit discharges into the ~~MS4 storm drainage system in order to help~~ ensure that:
  - a. Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits, or prevent full maintenance of beneficial uses;
  - b. Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
  - c. Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
  - d. Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life;
  - e. There shall be no significant human health hazard from incidental contact with the water;
  - f. There shall be no acute toxicity to livestock or wildlife watering;
  - g. Waters shall be free from physical, and chemical changes (including intentional color alterations) or hydrologic changes that would impair the natural biological community;
  - h. Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, RSMo 260.200, except as the use of such materials is specifically permitted pursuant to RSMo 260.200—260.247;
5. Other specific discharge objectives applicable to this chapter are as specified in ~~MO~~MDNR 10 CSR 20.7 and 40 CFR 405-471, as applicable, incorporated by reference herein.
6. If receiving waters are listed on the Section 303(d) list of impaired water bodies, discharge limitations may be subject to specific Total Maximum Daily Load (TMDL) studies discharge criteria.

(Ord. No. 7032, § 1, 5-5-2011)

#### Sec. 34-3. - Abbreviations.

For the purposes of this chapter, the following abbreviations shall have the designated meanings:

BMP — Best Management Practice

CFR — Code of Federal Regulations

CWA — Clean Water Act

EPCRA — Emergency Planning and Community Right-to-Know Act

ELG — Effluent Limitation Guidelines

EPA — United States Environmental Protection Agency

MDNR — Missouri Department of Natural Resources

MS4 — Municipal Separate Storm Sewer System(also referred to as the City's storm drainage system)

NOI — Notice of Intent

NPDES — National Pollutant Discharge Elimination System

NPS — Non-Point Source

SARA — Superfund Amendments and Reauthorization Act of 1986

SWPPP — Stormwater Pollution Prevention Plan

TMDL — Total Maximum Daily Load

TSS — Total Suspended Solids

USC — United States Code

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-4. - Definitions and rules of construction.

A. *Definitions.* Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

*Agricultural stormwater runoff* means any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

*Aquifer* means a subsurface water-bearing bed or stratum, which stores or transmits water in recoverable quantities that is currently being used or could be used as a water source for private or public use. It does not include water in the Vadose Zone.

*Best management practices (BMPs)* means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

*City* means the City of Lee's Summit, Missouri.

*Clean Water Act* means the ~~Federal~~ Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

*Contaminated* means containing a harmful quantity of any substance.

*Contamination* means the presence of or entry into the City's water supply system, the MS4, ~~Waters~~ waters of the state, or ~~Waters~~ waters of the United States of any substance, which may be deleterious to the public health and/or the quality of the water.

*Construction activity* means activities subject to NPDES Construction Permits, MDNR Land Disturbance Permits, or City Land Disturbance Permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Dechlorinated water* means water containing not more than ~~one milligram~~ two micrograms per liter of chlorine.

*Director* means the Director of Public Works and/or Director of ~~Codes Administration~~ Development Services for the City of Lee's Summit, Missouri or designated agents thereof.

*Discharge* means material directly or indirectly released to the MS4 or the act of releasing material directly or indirectly to the MS4 or to a watercourse within the boundaries of the City.

*Discharger* means any person that discharges to the MS4.

*Facility* means any building, property, parcel, or activity, including all construction sites, required by the ~~Federal~~ Clean Water Act to have a permit ~~to~~ for the discharge of stormwater.

*Fecal coliform bacteria* means a group of bacteria originating in intestines of warm blooded animals which indicates the possible presence of pathogenic organisms in water.

*Fire Code* means the ~~"Fire Prevention and Protection"~~ chapter of the City Code, currently codified as Chapter 13 of the Lee's Summit Code of Ordinances, and as amended from time to time.

*Fire Department* means the Lee's Summit Fire Department ~~of the City of Lee's Summit~~.

*Fire protection water* means any water, and any substances or materials contained therein, used by the Lee's Summit Fire Department to control or extinguish a fire.

*Harmful quantity* means the amount of any substance that will cause pollution of the MS4, ~~in~~ of the state, waters of the United States, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic monitoring organisms within the City, upon their exposure to samples of any discharge into waters ~~in~~ of the state, waters of the United States, or the MS4.

*Hazardous materials* means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

~~High Risk~~Illicit discharge means any prohibited direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 34.7-B of this Chapter ~~discharge or release from any premises to the storm drainage system that contains or may contain pollutants at concentrations that would cause or contribute to a violation of water quality standards.~~

*Illicit connection* means any of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an ~~illicit~~prohibited discharge to enter the ~~storm drainage system~~MS4 including, but not limited to, any conveyances which allow any non-stormwater discharge including wastewater, process wastewater, and wash water to enter the ~~storm drainage system~~MS4 and any connections to the ~~storm drainage system~~MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved ~~by the director.~~
2. Any drain or conveyance connected from a commercial or industrial land use to the ~~storm drainage system~~MS4 which has not been documented in plans, maps, or equivalent records and approved by the director;
3. Any drain or conveyance, whether surface or subsurface that delivers stormwater to the ~~sanitary sewer system~~MS4.
4. Any connection from a roof drain, sump pump, area drain, stairwell drain, or yard drain that delivers stormwater to the ~~building's~~City's sanitary sewer ~~which conveys the building's wastewater and connects to the public sewer) or to the sanitary sewer system unless specifically authorized by the director.~~

*Industrial activity* means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

*Industrial user* means any source of discharge into the ~~storm drainage system~~MS4 from hazardous waste treatment, disposal, and recovery facilities; industrial facilities subject to SARA Title III Section 313; and other industrial or commercial facilities that the director determines is contributing or has the potential to contribute a substantial pollutant loading to the ~~storm drainage system~~MS4.

*Missouri Clean Water Law* means Chapter 644 of the Revised Statutes of Missouri (RSMo) and any subsequent amendments thereto.

*Municipal separate storm sewer system (MS4)* means ~~publicly~~City-owned ~~facilities~~infrastructure by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

*National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit* means a permit issued by EPA (or by MDNR under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Nonpoint source (NPS) pollution* means, ~~in general term,~~ any source of pollution that enters the environment through some means other than a discrete conveyance, such as a pipe from a sewage treatment plant. ~~Nonpoint source pollution is diffuse in character.~~ The ~~main~~primary form of nonpoint source pollution is ~~the polluted~~ adversely-impacted stormwater runoff that collects substances such as fertilizers, sediment, animal waste, motor oil, pesticides, herbicides, trash, etc. as it flows overland drains into streams, rivers, and lakes and estuaries. ~~Runoff occurs when rainwater or snowmelt or irrigation water does not soak into the ground but rather runs off the land or developed surfaces into a body of water. As runoff flows over surfaces, including streets, parking lots, yards, construction sites, farms, and forests, it picks up the things in its path including fertilizers, loose soil (sediment), animal waste, leaking motor oil, chemicals such as pesticides and herbicides, oil, grease, metals, pathogens (bacteria and viruses) and trash. This runoff then drains either directly to a water body or to a storm drain that flows to a water body and carries with it the pollutants it has picked up.~~ *Non-stormwater discharge* means any release or discharge to the ~~storm drainage system~~MS4 that contains pollutants or hazardous materials or that is a high risk discharge is not composed entirely of stormwater.

*Occupant* means any individual living or sleeping in a building; or having possession of a space within a building.

*Operator* means the person or persons that either individually or together have operational control over ~~the~~a site or facility and ~~the~~any activities necessary to ensure compliance with a SWPPP and /or any sitemandatory permit conditions.

*Owner* means the person possessing exclusive rights and control over a property, which may be an object, land/real estate, or ~~some~~ other kind of property. It is embodied in an ownership right also referred to as title.

*Person* means any individual, association, organization, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity acting as either the owner or the owner's agent, ~~or their legal representataives, agents or assigns.~~

*pH* means the logarithm to the base ten (10) of the reciprocal of the concentration in grams per liter of hydrogen ions; a measure of the acidity or alkalinity of a solution, expressed in standard units. With seven (7) being neutral, ¶the range of six (6) to nine (9) standard units will be maintained ~~is expected~~for stormwater runoffs~~with seven (7) being neutral.~~

*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 stormwater runoff.

*Pollutant* means any substance introduced into the environment that causes or contributes to pollution, adversely affects the usefulness of a resource or the health of humans, animals, or ecosystems, or that has the potential to violate water quality standards. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-

hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; biological materials, radioactive materials, ~~heat~~ animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

*Pollution* means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any MS4, waters of the state, or water of the United States, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

*Premises* mean any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

~~*Prohibited discharge* means any direct or indirect non-stormwater discharge to the storm drainage system, except as exempted by this chapter.~~

*Property* means any land ~~owned by the City or any other person and~~ located within the City limits, including parks, but not including public right-of-way such as streets and highways.

*Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, surface soils, the MS4, waters of the state, or waters of the United States.

SARA: Superfund Amendments and Reauthorization Act of 1986. The Emergency Planning and Community Right-to-Know Act (also known as EPCRA or SARA Title III) provisions has four major sections: emergency planning (Sections 301—303), emergency release notification (Section 304), community right-to-know reporting requirements (Sections 311—312), and toxic chemical release inventory (Section 313). ~~Information from these four (4) reporting requirements will help states and communities develop a broad perspective of chemical hazards for the entire community as well as for individual facilities~~

*Section 303(d) list* means a state developed list of specific impaired waters, required by the federal Clean Water Act (40 CFR 130.7, Section 303(d)), and issued by the State of Missouri.

*State* means the State of Missouri.

~~*Storm drainage syste*, means the combined network of the MS4 and those portions of the public and private infrastructure naturally occurring or constructed to convey, detain, or treat stormwater.~~ also known as MS4, means a combined network of City infrastructure, and in some cases portions of private infrastructure, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

*Stormwater* means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

*Stormwater Pollution Prevention Plan (SWPPP)* means a document which describes best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site or facility and the actions to eliminate or reduce pollutant discharges to stormwater, ~~the storm drainage system~~ MS4, or receiving waters to the maximum extent practicable.

*Total maximum daily load (TMDL) studies* determine the allowable amounts of a Section 303(d) listed pollutant that can be discharged to a Section 303(d) listed body of water and still be protective of all applicable water quality standards.

*Wastewater* means any water or other liquid, other than uncontaminated stormwater, discharged from a facility or premises.

*Watercourse* means any surface drainage way, natural or manmade, including any creek, culvert, ditch, stream or river which carries stormwater.

*Waters of the state* means all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state of Missouri which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two (2) or more persons jointly or as tenants in common. These waters also include waters of the United States lying within or adjacent to the state of Missouri.

*Waters of the United States* means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

*Wetlands* means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and ~~that~~ under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, and bogs~~and similar areas~~. This definition is intended to be consistent with ~~both the United States Army Corps of Engineers~~ 33 CFR 328.3(b) and 40 CFR 232.2(r).

B. *Rules of construction.* Unless the context specifically indicates otherwise, the construction of terms used in this chapter shall be as follows:

1. "Shall" is mandatory; "may" is permissive or discretionary.
2. The singular shall be construed to include the plural, and the plural shall include the singular as indicated by the context.
3. The masculine shall be construed to include the feminine.



Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-5. - Applicability and administration.

- A. This chapter shall apply to all water entering the MS4 generated on any developed and undeveloped lands ~~discharges to the municipal storm drainage system~~ unless explicitly exempted by the director.
- B. The director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to the director or any duties of the director may be delegated by the director to agents or employees of the City of Lee's Summit, Missouri.
- C. The director may require by written notice that a person responsible for an illicit connection to the storm sewer system comply with the requirements of this article to eliminate or secure approval for the connection by a specified date, regardless of whether the connection or discharges to it had been established or approved prior to the effective date of this chapter. If subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-6. - Minimum standards.

- A. The standards set forth herein and promulgated pursuant to this chapter are minimum standards. Compliance with this chapter does not ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.
- B. This chapter or any administrative decision made under it does not exempt any person from any other requirements of this code, state or federal laws, or from procuring any required permits, or limit the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or for damages against any person arising from the activity regulated under this chapter.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-7. - Prohibitions.

- A. Prohibited and Illicit Discharges.
  - 1. No person shall discharge or cause to be discharged into the MS4 or watercourses any ~~prohibited discharges~~ 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. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the ~~storm drainage system~~ MS4, or waters of the U.S., any refuse, rubbish, garbage, litter, yard wastes, or other discarded or abandoned objects, fluids, articles, and accumulations, so that the same may cause or contribute to pollution. Residential Waste trash placed at curb lines ~~deposited in the streets~~ in proper waste receptacles for the purpose of regular weekly collection and permitted operations at the City of Lee's Summit Resource Recovery Park ~~operations~~ are exempted from this prohibition.

2. No person shall commence, conduct or continue any ~~prohibited-illicit~~ discharge to the ~~storm drainage system~~ MS4 except as described in Section 34-7.B.

B. The following discharges are exempt ~~not prohibited discharges~~ from the prohibitions established in this Chapter:

~~1. Periodic water line flushing or other potable water sources,~~

~~1.2.~~ Landscape irrigation ~~or~~ and lawn watering,

~~3. Diverted stream flows,~~

~~2.4~~ Rising groundwater,

~~3.5. Uncontaminated~~ Groundwater infiltration ~~to storm drains,~~

~~4.6~~ Uncontaminated pumped groundwater, e.g. basement sump pumps that discharge uncontaminated groundwater,

5. Periodic water line flushing or other potable water sources,

6.7 Foundation or footing drainage (not including discharges from active groundwater dewatering systems),

~~8. Discharges from crawl space pumps~~

7.9 Air conditioning condensation,

~~8.10~~ Springs,

9. Uncontaminated water from crawl space pumps,

10. Natural riparian habitat and wetland flows,

11. Street washing activities using clean, cold water (or hot water with prior permission of the director) that contains no soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other substance.

12. Emergency fire fighting activity flows,

~~13.11. Discharges from non-commercial washing of vehicles~~ Individual residential car washing,

~~12. Natural riparian habitat or wet land flows,~~

~~14.13~~ Dechlorinated residential water from swimming pools flows (excludes filter backwash, in compliance with MDNR NPDES general permit MO-G76000 for swimming pools),

~~14. Water from fire fighting activities,~~

15. Discharges specified in writing by the director as being necessary to protect public health and safety, and

~~16. A discharge or flow from cold water (or hot water with prior permission of the director) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance.~~

C. Dye testing is an allowable discharge if written notification is provided to the director prior to the time of the test.

D. Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of EPA is exempt from discharge prohibitions established by in this chapter, provided that such 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 drainage system~~ MS4.

E. *Illicit Connections.*

1. The construction, use, maintenance or continued existence of illicit connections to the ~~storm drainage system~~ MS4 is prohibited.

2. 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.

3. A person is in violation of this chapter if the person connects a line conveying wastewater to the MS4, or allows such a connection to continue.

~~4. A person is in violation of this chapter if the person introduces or causes to be introduced into the MS4 any discharge that is not composed entirely of stormwater.~~

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-8. - Monitoring of discharges.

A. *Applicability.* This section applies to all discharges to the MS4, including construction activity and industrial activity not covered by an individual NPDES industrial permit.

B. *Access to premises and facilities.*

1. The director or any designated City staff shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a facility has security measures in force

with require proper identification and clearance before entering into its premises, the facility shall make the necessary arrangements to allow access to City staff.

2. Unreasonable delays in allowing the director or designated City staff access to a facility is a violation of this Chapter.

3.1 All persons shall allow the director, or any designated City employees ~~staff designated by the director~~, ready access to all parts of any facility, premises or property for the purposes of inspection, sampling, examination, and copying of any records that are maintained as a condition of an NPDES permit or SWPPP or as the result of any legal requirement related thereto, as well as for the performance of any additional duties related to storm water drainage discharge as defined or required by local, state, and federal laws.

C. *Monitoring and Sampling.*

12. The director or any designated City staff shall have the right to conduct, or require a facility to conduct, monitoring or sampling of ~~any~~ facility or premises stormwater discharge before the discharge enters the MS4 storm drainage system.

23. If the director is not allowed to conduct monitoring or sampling of ~~a facility, premises, or a facility, premises, or~~ stormwater discharge from a facility or premises, or has been refused access to any part of the facility from which stormwater discharges and a complaint in writing is filed by the director, any police officer, city attorney or prosecuting attorney of the City, with the Municipal Court of the City, stating that he/she has probable cause to believe there exists in a structure or premises, more particularly described therein, a violation or violations of provisions of this Code and is within the territorial jurisdiction of the City, and if such complaint is verified by the oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then such judge shall issue a search warrant directed to the authorized person to search the structure or premises therein described for the purposes requested. Such search warrant may be executed and returned only within ten (10) days after the date of its issuance. The person authorized to search shall make a return promptly after concluding the search, and such return shall contain an itemization of all violations of this Code discovered pursuant to such search. Refusal to allow entry upon presentation of a search warrant shall be an ordinance violation. Execution of a search warrant issued under this section shall not be by forcible entry.

~~C. *Monitoring of discharges.*~~

34. The director may require a discharge facility to install monitoring equipment and conduct sampling of its discharges to the ~~Storm Drainage System~~ MS4 as necessary and in a manner acceptable to the director. Sampling and monitoring equipment installed pursuant to this section shall be maintained at all times in a safe and proper operating condition by the discharge facility at his/her own expense. All devices used to measure stormwater flow and quality shall be calibrated annually or as recommended by equipment manufacturer to ensure their accuracy.

42. ~~When~~ If the director requires a ~~discharge~~facility to conduct sampling under this Section, all stormwater discharge samples shall be collected in accordance with 40 CFR 122.21(g) (7), as may be amended from time to time, and pollutant analyses shall be performed in accordance with 40 CFR Part 136, as may be amended from time to time. If 40 CFR Part 136 does not specify analytical techniques for the pollutant in question, analyses must be performed in accordance with procedures approved in writing by the director.
53. Any ~~discharge~~facility required to collect samples and/or perform analyses pursuant to this section shall maintain the following records and information for all such samples and/or analyses:
- a. The date, exact place, method and time of sampling;
  - b. The name(s) of the person(s) collecting the samples;
  - c. The date the analyses were performed;
  - d. The company and person who performed the analyses;
  - e. The analytical protocols, techniques, and methods used; and
  - f. The results of such analyses.
64. The records of any sampling, analyses or monitoring conducted pursuant to this section shall be maintained by the ~~discharge~~facility for a period of at least three (3) years, unless the ~~discharge~~facility has been specifically notified of a longer retention period by the director. The three (3) year retention period shall be extended automatically for the duration of any litigation concerning compliance with this chapter.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-9. - Requirement to prevent, control, and reduce stormwater pollutants.

~~Dischargers~~All facilities shall provide, at their own expense, reasonable protection from accidental ~~illicit~~ discharges ~~of prohibited materials or other pollutant(s)~~ into the ~~storm drainage system~~MS4 through use of structural and non-structural best management practices (BMPs). Any person responsible for a facility, which is, or may be, the source of an ~~illicit~~prohibited or high risk discharge or which has an illicit connection, may be required to implement, at said person's expense, additional BMPs to prevent the further discharge of pollutants to the ~~storm drainage system~~MS4. For those facilities required by state or federal law to have an NPDES stormwater discharge permit, 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 in compliance with the provisions of this section.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-10. - Watercourse protection.

Every person owning property through which a watercourse passes, or such person's agent, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, yard wastes, fluids, and other articles that would pollute, ~~or~~contaminate, or impede the flow of water. In addition, the owner or agent shall maintain privately owned structures within or adjacent to the watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-11. - Industrial users without NPDES stormwater discharge permit.

- A. *Applicability.* The following additional requirements as outlined in Subsections 34-11.B-F ~~and~~ shall apply to all industrial users that do not have an facility-specific NPDES stormwater discharge permit.
- B. *Self-monitoring and self-inspections.* The director may require industrial users to conduct self-inspections and self-monitoring of stormwater discharges, and provide reports of such activities to the director in a manner deemed appropriate by the director.
- C. *Records maintenance and retention.* Industrial users shall maintain the following records and shall retain such records for a period of at least three years, unless the ~~discharge~~facility has been specifically notified of a longer retention period by the director. The three-year retention period shall be extended automatically for the duration of any litigation concerning compliance with this chapter. The following information shall be required:
1. Date and time, volume and methods of removal and disposal and location of disposal site(s) for solids, sludge, grease, filter backwash, or other pollutants removed in the course of treatment or control of wastewater. Records of receipt by the disposal facility of all such wastes removed from the industrial users premises shall also be maintained and retained;
  2. ~~Materials~~ Safety data sheets, incoming hazardous waste manifests, outgoing hazardous waste manifests, records of sludge and other residual waste disposal, sampling records, analytical reports, production records, purchase records, reports submitted to regulatory agencies and other related records;
  3. Any permit applications, reports, and other records concerning industrial user discharges.
- D. *Stormwater Pollution Prevention Plans, SWPPPs.* The director may require industrial users to prepare, submit for review and comment, and implement SWPPPs as set forth in this section. The submitted SWPPP shall be modified in accordance with the director's

comments. Review of such plans shall not relieve the industrial user from responsibility for modifying its facility as necessary to meet the requirement of this chapter. Such SWPPP shall address the following items:

1. Description and location of stored chemicals, raw materials and other significant materials;
2. Prevention of exposure of significant materials to precipitation;
3. On-site stormwater treatment;
4. Release prevention, including BMPs for:
  - a. Selection and construction of equipment;
  - b. Equipment operation, maintenance, and inspection procedures;
  - c. Personnel training and supervision; and
  - d. Security measures to prevent vandalism;
5. Spill containment;
6. Procedures for immediate notification as outlined in Section 34-14 to the director of any spill or accidental discharge of significant materials to the ~~storm drainage system~~MS4, and procedures for follow-up written notification;
7. BMPs or Procedures to prevent adverse impacts of any spill. Such procedures include, but are not limited to: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of ~~plant-site~~facility runoff, ~~worker~~ employee training, measures for containing materials, and emergency response procedures and equipment;
8. Such other practices, facilities, or methods as required by the director.

The director may require any owner of a facility to modify the facility's SWPPP if in the best professional judgment of the director, the SWPPP does not comply with the requirements of the facility's NPDES permit to discharge stormwater associated with industrial activity.

Notification of deficiencies in a facility's SWPPP will be in writing and submitted to the facility owner. The director will give the facility operator a reasonable amount of time, not to exceed fifteen calendar days, to make the necessary changes in the SWPPP.

- E. *Monitoring and control of discharges.* The director may require industrial users to implement BMPs where deemed necessary by the director to achieve the objectives of the City's current NPDES requirements. The director may establish monitoring requirements, pollutant limitations and other restrictions on industrial user discharges to the ~~storm drainage system~~MS4. Such monitoring requirements, pollutant limitations, or other restrictions may be as stringent as or more stringent than requirements set forth in an NPDES permit issued by the State of Missouri or EPA to the industrial user for such

discharge, if deemed necessary by the director to achieve the objectives of the City's stormwater management program.

- F. The City may enter into agreements with other jurisdictions to require an industrial user to sample, obtain information, and monitor and control the quality of indirect discharges to the MS4 from industrial users located outside the City. These agreements may also be negotiated with neighboring jurisdictions for industrial users located within the City.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-12. - Industrial or construction activity discharges.

- A. Any person subject to an industrial or construction activity 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 the director prior to the allowing of discharges to the MS4.
- B. Stormwater management for construction activity shall comply with the City Design and Construction manual, as well as applicable state and federal laws, codes, and ordinances.

(Ord. No. 7032, § 1, 5-5-2011)

~~Sec. 34 12. Industrial or construction activity discharge.~~

- ~~A. Any person subject to an industrial or construction activity 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 the director prior to the allowing of discharges to the storm drainage system.~~
- ~~B. Stormwater management for construction activity shall comply with the City Design and Construction manual, specifically APWA Section 2150, as well as applicable state and federal laws, codes, and ordinances.~~

~~(Ord. No. 7032, § 1, 5-5-2011)~~

~~Sec. 34 13. Modification of Stormwater Pollution Prevention Plans, SWPPP.~~

- ~~A. The director may require any owner of a facility to modify the facility's SWPPP if in the best professional judgment of the director, the SWPPP does not comply with the requirements of the facility's NPDES permit to discharge stormwater associated with industrial activity.~~
- ~~B. Notification of deficiencies in a facility's SWPPP will be in writing and submitted to the facility owner. The director will give the facility operator a reasonable amount of time, not to exceed fifteen calendar days, to make the necessary changes in the SWPPP.~~



~~(Ord. No. 7032, § 1, 5-5-2011)~~

Sec. 34-14. - Notification of spills.

- A. Notwithstanding other requirements of law, notification must be made as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in prohibited or illicit discharges into stormwater, the ~~storm drainage system~~MS4, or waters of the United States. Said 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 said person shall immediately, but no later than two (2) hours after discovery of the release, notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the director in person or by phone ~~or facsimile~~ no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed ~~and mailed~~ to the director within three (3) business days of the ~~phone~~initial notice.

- C. If an illicit ~~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 during cleanup operations and measures to prevent its recurrence. Such records shall be retained for at least three (3) years.
- D. The director shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency. The director is authorized to request such reports as deemed necessary to report upon unusual technical issues that arise.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-15. - Notice of violation.

Whenever the director has determined that a violation of this chapter has occurred on any premises or facility within the City's corporate limits, the director shall serve a written notice of violation upon the owner or occupant having control thereof, or their agent, to abate such violation. The notice of violation shall:

- A. Be in writing.
- B. State the nature of such violation and that such condition constitutes a violation.
- C. Describe the premises or facility or facility where the violation is alleged to exist or to have been committed.

- D. Specify a period for the abatement of the violation and that owner, person, or occupant shall submit documentation of the abatement to the director within that period.
- E. State that, unless such violation is abated without unnecessary delay, it may be abated by the City and the costs of such abatement may be specially assessed and shall be deemed a personal debt against the owner and constitute, to the extent permitted by law, a lien against the premises from which abated.
- F. State that failure, neglect or refusal to abate such violation with the actions necessary for compliance, renders the owner or occupant prosecutable in municipal court the manner set forth in Section 34-18.

Sec. 34-16. - Abatement by City.

For the purposes of this chapter, the director may employ the necessary labor and materials to perform the required work as expeditiously as possible if the owner, person, or occupant fails to abate the contaminant as required.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-17. - Costs of abatement.

Costs incurred in the performance of emergency work shall be paid by the City. The City may institute appropriate action against the person responsible or owner of the premises where the illicit discharge is or was located for the recovery of such costs.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-18. - Prosecution of violation.

If the notice of violation is not complied with, the director may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful discharge. Violations of this chapter shall also be punishable in the manner set forth in Section 1-13 of the Code of Ordinances.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-19. - Transfer of ownership.

It shall be unlawful for any person or owner who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another, or interest in the subject property, until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the director. The person or owner shall furnish to the director a signed and

notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for eliminating the discharge and abatement(s) which may be required by such compliance order or notice of violation.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-20. - Violations deemed a public nuisance.

Any condition caused or allowed to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is hereby declared to constitute a nuisance.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-21. - Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the director to seek any available remedy.

(Ord. No. 7032, § 1, 5-5-2011)

Sec. 34-22. - Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, and subsection.

(Ord. No. 7032, § 1, 5-5-2011)