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# Chapter 25 - STORM WATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL

## ARTICLE I IN GENERAL

### Section 25-1 Purpose

The purposes and objectives of this Ordinance are as follows:

- A. To protect the public health, safety, environment and general welfare through the regulation of non-Storm Water discharges to the St. Charles Parish (the Parish) municipal separate storm sewer system (MS4) to the maximum extent practicable as required by Federal law; and,
- B. To prohibit illicit discharges and illegal connections to the Parish MS4; and,
- C. To prevent non-Storm Water discharges, generated as a result of spills, inappropriate dumping or disposal, to the Parish MS4; and,
- D. To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment, pesticides, herbicides, fertilizers, and other contaminants into the MS4, drainage infrastructure, conveyances, and waterways of the Parish; and,
- E. To encourage recycling of used motor oil and the safe disposal of other hazardous consumer products to prevent contaminants from entering the conveyances and waterways of the Parish; and,
- F. To regulate soil disturbance, filling, excavation, and grading of property and control Storm Water discharges on all construction projects in The Parish to avoid pollution of the MS4, drainage infrastructure, conveyances, and waterways with nutrients, sediments, clay, sand, dirt, construction debris, and other pollutants generated on or caused by surface runoff on or across the permitted area; and to ensure that the intended user of a construction site is consistent with applicable state, federal, and local ordinances; and,
- G. To require the installation, inspection, and maintenance of erosion and sediment control measures, and other Best Management Practices (BMP) consistent with the *Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources*; and,
- H. To establish minimum requirements and procedures to control the adverse effects of increased post-development Storm Water runoff and nonpoint source pollution associated with new development and redevelopment to minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources; and,
- I. To require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats; and,
- J. To maintain and improve the quality of surface water and ground water within the Parish, Louisiana and to facilitate compliance with state and federal water quality standards, limitations, and permits by owners and operators of industrial activities and construction sites within the Parish; and,

- K. To enable the Parish to comply with the MS4 Permit, all state, federal, and local regulations applicable to Storm Water discharges; and,
- L. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Chapter.

### **Section 25-2 Administration**

- A. The St. Charles Parish MS4 Administrator, the Environmental Regulatory Manager, shall administer, implement, and enforce the provisions of this Chapter. 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.
- B. The provisions of Chapter 7, Drainage and Flood Control, are applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.

### **Section 25-3 Abbreviations**

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

- BMP** - Best Management Practices
- CFR** - Code of Federal Regulations
- ESC** - Erosion and Sedimentation Control
- EPA** - U.S. Environmental Protection Agency
- IDDE** - Illicit Discharge Detection and Elimination
- LDEQ** - Louisiana Department of Environmental Quality
- LPDES** - Louisiana Pollutant Discharge Elimination System
- MS4** - Municipal Separate Storm Sewer System
- NOI** - Notice of Intent
- NOT** - Notice of Termination
- NPDES** - National Pollutant Discharge Elimination System
- PST** - Petroleum Storage Tank
- SCP** - St. Charles Parish
- SWPPP** - Storm Water Pollution Prevention (sedimentation and erosion control) Plan

### **Section 25-4 Definitions**

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

**Administrator-** shall mean the MS4 Administrator or the St. Charles Parish Environmental Regulatory Manager or his designee.

**Agricultural Storm Water Runoff-** shall mean any Storm Water runoff from orchards, cultivated crops, pastures, range lands, and other nonpoint 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.

**Backwash-** shall mean the rinsate resulting from the cleaning of equipment, vehicles, tools, containers, cartridges, filters, etc.

**Best Management Practices (BMP)-** shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waterways of the Parish, State, or the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Commencement of Construction-** shall mean the initial disturbance of soils associated with clearing, grading, excavating, landfilling, and other construction activities.

**Commercial-** shall mean pertaining to any business, trade, industry, corporation, non-profit organizations, or any activity engaged in for profit.

**Construction-** shall mean any human activity that involves clearing, grading, excavation, landfills, or other placement, movement, removal, or disposal of soil, rock, organic materials, or earth minerals.

**Contaminated-** shall mean containing a harmful quantity of any substance

**Conveyance-** shall mean any roadway, ditch, pipe, manmade waterway, or natural water body/waterway that moves water in the Parish.

**Detention** - shall mean the temporary storage of Storm Water runoff in a Storm Water management facility for the purpose of controlling the peak discharge.

**Detention Facility** – shall mean a detention basin or structure designed for the detention of Storm Water runoff and gradual release of stored water at controlled rates.

**Discharge-** shall mean any addition or introduction of Storm Water, pollutant, or any other substance whatsoever into the MS4 drainage infrastructure, conveyances, and waterways of the Parish, or into waters of the United States.

**Discharger-** shall mean any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site or industrial facility.

**Drainage infrastructure-** shall mean any roadway, ditch, pipe, manmade waterway, or natural water body or waterway that allows for movement or collection of water in the Parish.

**Environmental Protection Agency (EPA)** - shall mean the United States Environmental Protection Agency or any duly authorized official of EPA or such successor agency.

**Erosion Control** – shall mean a measure that prevents or reduces erosion.

**Erosion and Sediment Control Plan** – Shall mean a set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment runoff and erosion of sediment on a development site during and after construction.

**Extreme Flood Protection** – shall mean measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

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

**Fertilizer-** shall mean a solid or non-solid 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.

**Final Stabilization-** shall mean the status when all soil disturbing activities at a site have been completed, and a uniform perennial vegetative cover with a density of 70% coverage for unpaved areas and areas not covered by permanent structures have been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

**Garbage-** shall mean putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

**Groundwater infiltration** – defined under 40 CFR 35.2005(20)

**Harmful Quantity-** shall mean the amount of any substance that will cause water pollution.

**Hazardous Material-** shall mean any substance or materials determined to be hazardous according to 49 CFR Part 171.8.

**Hazardous Substance-** shall mean any of the following: Any substance listed in Table 302.4 of 40 CFR Part 302 or 33 USC § 1321 (b)(2)(A). Any substance designated under 42 USC § 9602(14). Any toxic pollutant listed under 33 USC §1317 (a).

**Hazardous Waste-** shall mean any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

**Herbicide-** shall mean a substance or mixture of substances used to destroy a plant or to inhibit plant growth.

**Hotspot-** shall mean a facility that, because of the activities and substances associated with the facility, is regarded as a potential source of significant storm water pollution. Including but not limited to any facility cover by another state or federal water discharge permit.

**Household Hazardous Waste-** shall mean any material generated in a household by a consumer, that is classified as a hazardous waste under 40 CFR Part 261.

**Illegal Connection** – shall mean either of the following:

- a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-Storm Water discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- b) Any pipe, open channel, drain or conveyance connected to the Parish MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Illicit Discharges-** shall mean any discharge into a storm drain system this is not composed entirely of Storm Water; exceptions include water from fire fighting activities and discharges from facilities already under an LPDES permit.

**Impervious Surface-** shall mean a solid or hard surface that stops or reduces the amount of water that enters the soils as would under natural conditions; which may result in greater amounts of surface runoff and a greater rate of flow.

**Inspection and Maintenance Agreement** – shall mean a written agreement providing for the long-term inspection and maintenance of Storm Water management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

**Landfilling-** shall mean the deposition of soil and other inert materials on the land to raise its grade and/or smooth its features.

**Louisiana Department of Environmental Quality (LDEQ)-** shall mean the State of Louisiana agency by that name or any duly authorized official of LDEQ or such successor agency.

**LPDES Permit** - shall mean the permit issued by the LDEQ, 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.

**Municipal Separate Storm Sewer System (MS4)-** shall mean the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Parish and designed or used for collecting or conveying Storm Water.

**New Development** shall mean a land development activity on a previously undeveloped site.

**Nonpoint Source Pollution** shall mean a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, Storm Water runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**Nonstructural Storm Water Management Practice or Nonstructural Practice** shall mean any natural or planted vegetation or other nonstructural component of the Storm Water management plan that provides for or enhances Storm Water quantity and/or quality control or other Storm Water management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

**Notice of Intent (NOI)**- shall mean the Notice of Intent that is required by the Construction General Permit, the Multi-Sector General Permit, or other General Permit for the discharge of Storm Water.

**Notice of Termination (NOT)**- shall mean the Notice of Termination that is required by the Construction General Permit, the LPDES General Permit for industrial activity, or other General Permit for the discharge of Storm Water.

**NPDES Permit** - shall mean the permit issued by the USEPA, under authority delegated pursuant to 33 USC 1342(a) 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.

**Operator**- shall mean the person or persons who, either individually or taken together, has operational control over the facility specifications (including the ability to make modifications in specifications); or has the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

**Overbank Flood Protection** - shall mean measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

**Owner**- shall mean the person who owns a facility or part of a facility.

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

**Person**- shall mean any individual, partnership, co-partnership, firm, company, corporation, association, a joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

**Perimeter Control** – shall mean a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

**Pesticide-** shall mean a substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

**Petroleum Storage Tank (PST)-** shall mean any one or combination of aboveground or underground storage tanks that contain petroleum products and any connecting underground pipes.

**Pollutant-** shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: Hazardous Materials, Hazardous Substances, Hazardous Household waste, Hazardous Waste, paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

**Pollution-** shall mean the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

**Post-Construction Storm Water Permit-** shall mean a three year maintenance permit to ensure routine inspections and maintenance are performed on structural BMPs to track adherence to original design criteria.

**Post-development** – shall refer to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

**Pre-development** - shall refer to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

**Project** - shall mean a land development project.

**Redevelopment** – shall mean a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of



paved areas, and exterior changes or improvements which do not materially increase or concentrate Storm Water runoff, or cause additional nonpoint source pollution.

**Release-** shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing directly or indirectly any substance into the MS4, drainage infrastructure, conveyances, or waterways of the Parish, or the waters of the United States.

**Rubbish-** shall mean non-putrescible solid wastes that consist of (a) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

**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 sewage treatment plant utilized in the Parish for treatment.

**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 to which Storm Water, surface water, and groundwater are not intentionally admitted.

**Septic Tank Waste-** shall mean any sanitary sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

**Site-** shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

**Solid Waste-** shall mean any garbage, rubbish, refuse, sludge from a 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.

**Start of Construction** – shall mean the first land-disturbing activity associated with a development, including land preparation such as clearing, grubbing, grading, and filling; installation of streets and walkways; excavation; erection of temporary forms; and installation of structures.

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

**Storm Water-** shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation..

**Storm Water Better Site Design** – shall mean nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural Storm Water management. Storm Water better site design includes conserving and protecting

natural areas and greenspace, reducing impervious cover and using natural features for Storm Water management.

**Storm Water Discharge Associated with Industrial Activity-** shall mean the release of Storm Water runoff from any conveyance which is used for collecting and conveying Storm Water that drains from manufacturing, processing, maintenance, materials storage, or waste storage areas at a facility that meets the criteria listed in 40 CFR § 122.26(b)(14).

**Storm Water Management** - shall mean the collection, conveyance, storage, treatment and disposal of Storm Water runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

**Storm Water Management Plan** - shall mean a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.

**Storm Water Management System** - shall mean the entire set of structural and nonstructural Storm Water management facilities and practices that are used to capture, convey and control the quantity and quality of the Storm Water runoff from a site.

**Storm Water Retrofit** - shall mean a Storm Water management practice designed for a currently developed site that previously had either no Storm Water management practice in place or a practice inadequate to meet the Storm Water management requirements of the site.

**Storm Water Pollution Prevention Plan (SWPPP)** - shall mean a plan required by the General Permit for Discharges of Storm Water from Construction Activities Five Acres or more (LAR100000), Storm Water Discharges from Small construction Activities (equal to or greater than 1 acre but less than 5 acres) (LAR200000), and the Multi-Sector General Storm Water Permit (LAR050000), which describes and ensures the implementation of practices that are to be used to reduce the pollutants in Storm Water discharges associated with construction or other industrial activity at the facility.

**Structural Storm Water Control-** shall mean a structural Storm Water management facility or device that controls Storm Water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

**St. Charles Parish Erosion and Sedimentation Control Agreement-** shall mean the annual agreement utilized by the Parish and signed by the contractor, developer, land owner, or agent to ensure the implementation of practices that are to be used to control erosion and sedimentation and reduce the pollutants in Storm Water discharges associated with excavation, grading, filling, and other site development projects.

**Uncontaminated-** shall mean not containing a harmful quantity of any substance.

**Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by**

**Louisiana Department of Natural Resources BMPs-** shall mean the technical manuals prepared by the Coastal Nonpoint Pollution Control Program for the Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources to demonstrate Best Management Practices (BMPs). The manuals are to be used as a guide for developers, builders, and engineering firms BMP selection during the design and construction phase of development.

**Used Oil or Used Motor Oil-** shall mean any refined or synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties, but that may be suitable for further use and is recyclable in compliance with state and federal law.

**Waters of the State-** shall mean any groundwater, lake, bay, pond, reservoir, spring, river, stream, creek, estuary, marsh, inlet, canal, or gulf, inside the territorial limits of the State, and all other bodies of water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

**Wastewater-** shall mean any water or other liquid, other than uncontaminated Storm Water, discharged from a facility.

**Water Quality Standard-** shall mean those standards established under section 303(d) and 305(b) of the Federal Water Pollution Control Amendments of 1972 (Clean Water Act), more specifically referenced as the state's 303(d) or 305(b) lists of water quality standards applicable to Louisiana.

**Waters of the United States-** shall mean 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 Water Pollution Control Act of 1948 as amended by the Federal Water Pollution Control Amendments of 1972 and by the Clean Water Act of 1977 and by the Water Quality Act of 1987.

**Wetland-** shall mean an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Yard Waste-** shall mean leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

## **ARTICLE II ILLICIT DISCHARGE AND ILLEGAL CONNECTIONS**

### **Section 25-5 Prohibition of Illicit Discharges**

- A.** No person shall introduce or cause to be introduced into the MS4 drainage infrastructure, conveyance, or waterways of the Parish any discharge that is not composed entirely of Storm Water unless specifically authorized by state or federal permits and in compliance with all permitted discharge limits, or the interdiction of which violates any terms, conditions, or limits imposed by a permit.
- B.** It is an affirmative defense to any enforcement action for violation of Subsection A of this Section, upon presentation of evidence by the discharger, that the discharge was composed entirely of one or more of the following categories of discharges and is not considered a significant pollution contributor:
- 1.** A discharge authorized by, and in full compliance with, an NPDES or LPDES permit (other than the NPDES permit for discharges from the MS4);
  - 2.** A discharge or flow resulting from fire fighting by the Fire Department;
  - 3.** A discharge or flow of fire protection water that does not contain oil or hazardous and received treatment adequate to remove harmful quantities of pollutants prior to discharge or a discharge or flow from water line flushing, but not including a discharge from water line disinfection by super-chlorination, or other means of chemical flushing, unless the disinfecting chemical has been removed or attenuated to the point where it is not a pollutant;
  - 4.** Agricultural Storm Water runoff;
  - 5.** A discharge or flow from individual residential lawn watering, or landscape irrigation;
  - 6.** A discharge or flow from a diverted stream flow or natural spring;
  - 7.** A discharge or flow from uncontaminated groundwater;
  - 8.** Uncontaminated groundwater infiltration to the MS4 drainage infrastructure, conveyances, or waterways of the Parish;
  - 9.** Uncontaminated discharge or flow from a foundation drains, crawl spaces, or footing drains;
  - 10.** A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
  - 11.** A discharge or flow from individual residential car washing;
  - 12.** A discharge or flow from a riparian habitat or wetland.
- C.** No affirmative defense shall be available under Subsection B of this Section if the discharge or flow in question has been determined by the Administrator to be a source of a pollutants to the MS4 drainage infrastructure, conveyances, or waterways of the Parish; provided that written notice of such determination has been provided to the discharger, and the discharge has occurred more than 15 calendar days beyond such notice.
- D.** The burden of proof that a discharge is composed entirely of one or more of the categories in Subsection A of this Section and that it is not a source of pollutants to the MS4 drainage infrastructure, conveyances, or waterways of the Parish is upon the person or entity responsible for the discharge.

- E.** It is an affirmative defense to any enforcement action for violation of this Article, upon presentation of evidence by the discharger, that the discharge was authorized by, and in full compliance with, an NPDES or LPDES permit (other than the NPDES permit for discharges from the MS4).
- F.** 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 causing the Parish to violate a water quality standard, the Parish LPDES permit, or any state-issued discharge permit for discharges from its MS4.
- G.** No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit any discharge to the MS4 that is not composed entirely of Storm Water.
- H.** No person shall introduce or cause to be introduced into the MS4 drainage infrastructure, conveyances, or waterways of the Parish any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, landfilling, or other construction activities.
- I.** No person shall use any pesticide, herbicide, or fertilizer contrary to any directions for use on any labeling required by state or federal regulation.
- J.** No person shall use, dispose of, discard, store, or transport a pesticide, herbicide, fertilizer, pesticide, herbicide, or containers, in a manner that causes a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 drainage infrastructure, conveyances, or waterways of the Parish.
- K.** No person shall pour, spill, leak, pump, empty, leach, dispose, or otherwise discharge used oil into the MS4 or a sewer, drainage system, septic tank, surface water, groundwater, or water course; or apply used oil to a road or land surface for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.
- L.** No person shall introduce or cause to be introduced into the sanitary sewer system any discharge of Storm Water, polluted or unpolluted, or any discharge that causes or contributes to causing the Parish to violate a water quality standard, its Plans associated with the regional sewage treatment plants, or any state issued permit.
- M.** 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 from the Parish or any area adjacent to the Parish that is exposed to Storm Water runoff. 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 from the Parish.

## **Section 25-6 Prohibition of Illegal Connections**

The construction, connection, use, maintenance or continued existence of any illegal connection to the St. Charles Parish MS4 is prohibited.

- A.** No person shall connect an interior drain or any other source of wastewater, domestic or industrial, to the MS4, drainage infrastructure, conveyances, or waterways of the Parish, or allow such a connection to continue.
- B.** This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C.** A person violates this ordinance if the person connects a line conveying sewage to the Parish MS4, or allows such a connection to continue.
- D.** Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Public Works Department.
- E.** Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Public Works Department requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Public Works Department.

## **Section 25-7 Specific Illicit Discharge and Illegal Connections Requirements**

- A.** Sanitary sewer overflows shall be prevented to the maximum extent practical. If a sanitary sewer overflow enters the MS4 drainage infrastructure, conveyances, or waterways of the Parish, the owner, occupant, or person otherwise having control of the sanitary sewer shall notify the Parish and remove all sewage and sewage contaminated water to the maximum extent practical.
- B.** Items that are segregated for separate collection, disposal, recycling or reuse shall be stored in a manner that prevents pollutants from entering the MS4 drainage infrastructure, conveyances, or waterways of the Parish. Drums shall be covered, closed, not leaking, and in good condition.
- C.** Spills and leaks of hazardous materials, hazardous substances, and hazardous wastes or pollutants, including motor vehicle fluids, shall be cleaned up immediately after the spill occurs or the leak is detected. Any absorbent used must be picked up before the next rainfall. If wash water is used to clean the spill or leak, the wash water must be collected for appropriate disposal and not allowed to flow into the MS4 drainage infrastructure, conveyances, or waterways of the Parish. Surface soil contaminated by the spill or leak must be removed or otherwise protected from contact with Storm Water.
- D.** 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. 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 entering the MS4, drainage infrastructure, conveyances, or waterways of the Parish.

- E.** Wash water, detergents, and solvents used for washing parts and equipment shall be collected for disposal in accordance with the appropriate state, federal, and local regulations. Vats of solvents or wash bins used outside shall be under cover to prevent rainfall from filling the vat or bin and causing an overflow.
- F.** 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 Parish authorities of the unauthorized release.
- G.** Trash, litter, garbage, rubbish, grass clippings, leaves, and other debris shall not be discarded in drainage ditches or drainage inlets. Such material shall be disposed of in a trash receptacle and shall NOT be allowed to enter the MS4 drainage infrastructure, conveyances, or waterways of the Parish.
- H.** Refer to Articles IV and V for the Ordinance requirements associated with construction. For additional guidance, refer to BMP manuals such as the *Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources* for BMP definitions, purpose, applicability, planning considerations, recommended specifications, and maintenance.
- I.** Requirements for Filter Backwashing and Draining Swimming Pools, Hot Tubs, and Spas - The following restrictions apply to discharges associated with pools, hot tubs, spas, and filter backwash:
  - 1.** Discharge shall not contain harmful quantities of muriatic acid, salts, other chemicals disinfectants/treatments, algae, or other pollutants.
  - 2.** Discharge shall be maintained between 6.0 and 8.0 pH.
  - 3.** Discharge shall not cause an accumulation of standing water.
  - 4.** Discharge shall not drain or back-up onto adjacent properties.
  - 5.** Discharge shall not cause erosion or transport sediment.
  - 6.** Discharge shall not cause adverse impacts to drainage infrastructure, waterways, roadways, or adjacent properties.
- J.** To the maximum extent practical, discharge shall be limited to that which cannot be retained and utilized on site for irrigation and other uses.
- K.** Requirements for Discharge from a Dumpster Area- All commercial or industrial facilities and new construction sites that use cleaning equipment, hot water, steam, and/ or detergents to effectively clean equipment and receptacles of solid waste collection or storage must meet the following requirements:
  - 1.** Wastewater generated by cleaning dumpsters shall not be discharged into Parish waterways or drainage conveyances without a valid LPDES or NPDES Permit.
  - 2.** Wastewater generated by cleaning dumpsters for sites that do not have a valid LPDES or NPDES Permit may discharge into the sanitary sewer upon written permission of the operator of the treatment plant.
  - 3.** Discharges entering the sanitary sewer must meet discharge limits as regulated by the treatment plant and LDEQ and/or USEPA. Discharge unable to meet these limits must be pretreated on site to reduce pollutant concentration prior to discharging to the sanitary sewer.

## **ARTICLE III EROSION AND SEDIMENTATION CONTROL AGREEMENT**

### **Section 25-8 Erosion and Sedimentation Control Applicability**

- A. Any owner, contractor, and/or operator of a construction site is jointly and severally responsible for compliance with the requirements of this Article.
- B. Unless otherwise stated, no person(s) shall perform any clearing, excavation, dirt work, filling, or construction within the Parish (SCP) without first having obtained an Erosion and Sedimentation Control (ESC) Agreement.
- C. ESC Agreement requirements include any construction activity that disturbs more than 1 acre of land. The ESC Agreement is applicable to but is not limited to the following activities:
  - 1. Excavating, cutting, filling, grading, draining, or paving of lots, parcels, or other areas greater than 1 acre;
  - 2. Altering, rerouting, deepening, widening obstructing, or changing in any way an existing drainage system or feature;
  - 3. Development for: residential, commercial, institutional, industrial, utility or other activities greater than 1 acre;
  - 4. Commencing any other development or excavation which may significantly increase or decrease the rate and/or quantity of surface water runoff, degrade the quality of water; adversely affect any sinkhole, water course, or water body.

### **Section 25-9 Erosion and Sedimentation Control Exemptions**

- A. The following described activities shall not require an approved ESC Agreement in order to perform clearing, excavation, or related earth work:
  - 1. Any building permit for less than 1 acre of land disturbance.
  - 2. Any interior renovation regardless of size.
  - 3. Capital projects or infrastructure improvement projects by Parish. (Such projects shall comply with all other state, federal, and local ESC permit requirements.) This exemption does not apply to private contractors working on Parish projects.
  - 4. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
  - 5. Septic system installation, repair, and/or alteration.
  - 6. Excavation of graves in cemeteries.
  - 7. Accepted agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations, 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 Storm Water and water quality requirements.
  - 8. Minor landscaping and sprinkler installation that employ adequate BMPs to prevent Storm Water pollution.
- B. Responsibility not waived: The ESC Agreement exemptions listed in this Section 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.



## **Section 25-10 Erosion and Sedimentation Control Site Plan**

- A. An approved ESC site plan is required as part of the ESC Agreement as well as with submittal of any applicable Parish permit or general work order, as stipulated in Section 25-13. The site plan shall contain, as a minimum, the following items or information, as applicable.
- B. ESC Site Plan. The site plan shall contain the property owner's name, address, date, survey, legal description, and parcel or lot number, and the following:
  - 1. The actual shape, location, and dimension of the lot to be built upon as shown on a survey stamped by a Louisiana licensed Professional ;
  - 2. The shape, size, and location of all existing and proposed buildings or other structures;
  - 3. The locations of all existing and proposed streets, alleys, utilities, Storm Water conveyances, drainage features, sanitary sewers and drainage, utility, or access easements/servitudes;
  - 4. The location and approximate dimension of driveways, entrances, and all points of access to a public street or road;
  - 5. Locations of areas subject to flooding or limits of floodplain, if applicable;
  - 6. All existing and proposed impervious area;
  - 7. Natural or man-made watercourses with direction of flow indicators; and,
  - 8. All existing and proposed slopes, terraces, bulkheads, or retaining walls.
- C. A natural resources map identifying soils, vegetation and forest cover, natural drainage and hydrology and sensitive areas (scale no smaller than 1" = 100')
- D. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
- E. All ESC measures necessary to meet the objectives of this Article throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
- F. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- G. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

## **Section 25-11 ESC Site Plan and Agreement Submittal, Review, and Approval Process**

- A. When an ESC site plan for the purpose of obtaining a Parish ESC Agreement is required, it shall be submitted to the Department of Planning and Zoning for review.
- B. Within 30 days after receiving an application, the Parish shall, in writing:
  - 1. Approve the ESC site plan and issue the ESC Agreement;
  - 2. Approve the ESC site plan and issue the ESC Agreement subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation; or

3. Disapprove the application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
  4. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions in the ESC Agreement.
- C. Failure of the Parish to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the Parish.
  - D. ESC site plans are to be submitted prior to the commencement of construction. The issuance of all applicable parish permits is based upon approval of a submitted site plan and a valid ESC Agreement. The ESC Site Plan is valid for a period of two years from the date of approval.
  - E. The Parish ESC Agreement is a single use agreement which is valid only for the duration of the permit it was purchased to accompany.

### **Section 25-12 Erosion and Sedimentation Control Requirements**

- A. Developers, operators, and/or property owners shall use appropriate erosion and sedimentation control measures to ensure that adverse conditions caused by erosion or sedimentation, are eliminated or held to an acceptable minimum and do not cause adverse impacts to adjoining properties, right-of-ways, or waterways.
- B. The construction site operator shall certify all state, federal, and local Storm Water requirements have been met by signing a certification statement as part of the land clearing, pond installation, grading, excavation, subdivision development proposal, and/ or building permit application. Refer to Article III of this Ordinance and the LPDES General Permit for site applicability, SWPPP, and NOI requirements.
- C. All operators of construction sites shall use best management practices, (BMPs), to control discharge to waterways and conveyances of the Parish.
- D. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources BMP manuals, and shall be adequate to prevent transport of sediment from the site to the satisfaction of St Charles Parish. Including but not limited to the following:
  1. Cut and fill slopes shall be no greater than 2:1, except as approved by St Charles Parish to meet other community or environmental objectives.
  2. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other applicable laws and regulations. Clearing techniques that retain natural vegetation and drainage patterns, as described in Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources BMPs, shall be used to the satisfaction of St Charles Parish Department of Public Works.
  3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
  4. Erosion control requirements shall include the following:
    - a. Soil stabilization shall be completed within five days of clearing or inactivity in construction.

- b. If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the Parish may require the site to be reseeded or a nonvegetative option employed.
  - c. Use of techniques designed to deal with steep slopes and/or drainage ways shall be used to ensure stabilization.
  - d. Soil stockpiles must be stabilized or covered at the end of each workday.
  - e. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
  - f. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
  - g. A stabilized construction exit shall be utilized to minimize the tracking of mud, clay, sediment, and other construction materials onto roadways and streets..
  - h. Techniques that divert upland runoff past disturbed slopes shall be employed.
5. Sediment controls requirements shall include:
- a. Settling basins, sediment traps, or tanks and perimeter controls.
  - b. Settling basins that are designed in a manner that allows adaptation to provide long term Storm Water management, if required by the Parish.
  - c. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls
6. Waterway and watercourse protection requirements shall include:
- a. A temporary stream crossing installed and approved by the Parish if a wet watercourse will be crossed regularly during construction
  - b. Stabilization of the watercourse channel before, during, and after any in-channel work
  - c. All on-site Storm Water conveyance channels designed according to the criteria outlined in most recent version of Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources BMP manuals
  - d. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels
  - e. The discharge of construction of building materials, including cement, concrete, lime, mortar, slurries, and paints is prohibited. On-site containment or off-site disposal is required.
  - f. Good housekeeping measures shall be employed to prevent and contain spills of paints, solvents, fuel, sewage, and any hazardous chemicals and pollutants associated with construction and to assure proper clean-up and disposal of any such spills in compliance with state, federal, and local regulations.
  - g. Proper waste disposal and management techniques shall be implemented including, but not limited to, covering construction materials, construction debris, etc. and limiting ground contact with hazardous chemicals and construction waste.
7. Construction site access requirements shall include:
- a. a temporary access road provided at all sites; and,
  - b. other measures required by the Parish in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

### **Section 25-13 Erosion and Sedimentation Control Permits, Fees, and Inspections**

- A. All required state, federal, and local permits must be in place prior to issuance of building permit. An ESC Agreement and ESC site plan is required for all applicable projects as stipulated in this Article and must be in place for issuance of a building permit.

B. A copy of the Notice of Intent (NOI) and SWPPP is required on any project that is regulated under as LPDES General SW Permit for Construction Sites (large or small) and must be executed prior to approval of ESC agreement.

C. Fees

1. ESC Inspection Fees - Inspections fees are included in the permit or development fees. There is no additional charge to the permittee for routine permit or ESC inspections, or for the initial inspection performed in response to a complaint or field investigation. Re-inspection fees are applicable to failed permit inspections, failed ESC inspections (scheduled and unscheduled), and failed inspections resulting from complaint response. An ESC re-inspection fee, following a failed inspection may be applicable.
2. St. Charles Parish ESC Agreement Fees - The fee for the ESC Agreement is intended to assist the Parish in recovering some of the expenses associated with the review process which consist primarily of administration, inspection, and enforcement activities. A single use ESC Agreement is \$150.00. Any subsequent permits would require an additional single use ESC Agreement

D. Inspections

1. Installation, inspection, maintenance of erosion and sediment control measures, and other BMPs, shall be consistent with the effective operating condition of the erosion and sediments controls and BMPs. Operators of construction sites are responsible for the installation and maintenance of all Storm Water management measures until final stabilization of the site is accomplished and are not responsible for maintenance after final stabilization of the site is accepted by the parish..
2. The operator of construction sites shall provide site inspections, every 7 days, of disturbed areas, storage areas for construction materials, structural control measures, and construction exit pads. All erosion and sediment control measures, and other BMPs, shall be inspected to ensure that they operate correctly and are effective in preventing significant impacts to roadways, waterways, and drainage conveyances. Upon completion of weekly site inspections, any deficiencies identified in the erosion and sediment controls and BMPs shall be repaired, replaced, or corrected prior to the next anticipated storm event, or as necessary, to maintain continued effectiveness of any storm water controls.
3. If applicable, the SWPPP, (sedimentation and erosion control plan), including Storm Water inspection reports shall be available on site for inspections. The SWPPP is a dynamic document and shall be updated with BMP revisions and inspection reports. Any BMP modifications shall be recorded in the SWPPP and/or sedimentation plan and implemented on site within (7) calendar days of BMP modification.
4. The Parish may hold issuance of any building permit, grading permit, land clearing permit, pond permit, excavation permit, work order, inspection approval, or occupancy certificate on the grounds that the BMPs installed and/or described in the plans are inadequate to control or effectively reduce the discharge of sediment, silt, clay, mud, and any other material associated with clearing, grading, filling, excavation, and other construction activities to the maximum extent practical.
5. Any owner, contractor, subcontractor and/or operator of a construction site is jointly and severally responsible for compliance with the requirements of this Ordinance.

6. Upon completion of weekly site inspections, the erosion and sediment controls and BMPs shall be maintained, repaired, replaced, or corrected prior to the next anticipated storm event, or as necessary, to maintain continued effectiveness of any storm water controls.
7. Any BMP modifications shall be recorded in the SWPPP and/or sedimentation plan and implemented on site within (7) calendar days of the BMP modification.
8. The Parish may hold occupancy certificates related to a site until the Parish has determined, following a final Storm Water inspection, that final stabilization of the site has, in fact, occurred and that any required permanent structural controls are in place.

## **ARTICLE IV POST-DEVELOPMENT STORM WATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT**

### **Section 25-14 Post Construction Storm Water Site Plans**

- A. Preliminary Subdivision Storm Water Pollution Prevention Plan- A preliminary Storm Water Pollution Prevention Plan shall be submitted for all Major Subdivisions and Resubdivisions. The Storm Water plan will focus on the site plan, land-use, slopes, buffers, Storm Water management, water quality management practices, and erosion controls and other elements as required in Article III. A valid ESC Agreement shall be in place, the SWPPP approved, and an NOI submitted to LDEQ for coverage under the General Storm Water Permit for Large Construction Sites, if appropriate, before Construction Approval is granted. The submittal process for the preliminary subdivision Storm Water site plan shall be in accordance with Appendix C, of the Parish Code of Ordinances, St. Charles Parish Subdivision Regulations of 1981, Ordinance 81-8-2.
- a. Phased Developments: For Subdivisions that will be constructed in phases, a Preliminary Storm Water Pollution Prevention Plan shall be submitted for the entire development at Preliminary Plat Submission. A valid ESC Agreement shall be in place, the SWPPP approved, and an NOI submitted to LDEQ for coverage under the General Storm Water Permit for Large Construction Sites, if appropriate, before Construction Approval is granted for each subsequent phase of the project. The Preliminary Storm Water Pollution Prevention Plan for phased development shall be prepared with emphasis on the relationship of phasing with respect to the entire property to be developed and in accordance with Appendix C, of the Parish Code of Ordinances, St. Charles Parish Subdivision Regulations of 1981, Ordinance 81-8-2. Site disturbance shall be phased, when applicable, to limit soil erosion and sediment excursion and final stabilization shall be accomplished before continuing to the next phase.
- B. Final Subdivision Storm Water Pollution Prevention Plan - A Final Storm Water Pollution Prevention Plan shall be submitted for all Final Subdivision Approval (including Final Approval for all Phases of a Phased Subdivision). The Storm Water plan will focus on the site plan, land-use, slopes, buffers, Storm Water management, water quality management practices, and erosion controls and other elements as required in Section 25-15. A valid ESC Agreement shall be in place, a SWPPP prepared and approved for the build out phase, and coverage under the General Storm Water Permit for Large Construction Sites maintained until an NOI is submitted to LDEQ. The submittal process for the final subdivision Storm Water site plan shall be in accordance with Appendix C, of the Parish Code of Ordinances, St. Charles Parish Subdivision Regulations of 1981, Ordinance 81-8-2.
- C. Minor Subdivision Storm Water Pollution Prevention Plan: - Storm Water Pollution Prevention Plan shall be submitted for all proposed Minor Subdivisions. The Storm Water plan will focus on the site plan, land-use, slopes, buffers, Storm Water management, water quality management practices, and erosion controls and other elements as required in Section 25-14. A valid ESC Agreement shall be in place, the SWPPP approved, and an NOI submitted to LDEQ for coverage under the General Storm Water Permit for Construction Sites, if appropriate, before the proposal appears before the

Planning Commission for consideration. The submittal process for the minor subdivision Storm Water site plan shall be in accordance with Appendix C, of the Parish Code of Ordinances, St. Charles Parish Subdivision Regulations of 1981, Ordinance 81-8-2.

- D. Commercial Development Storm Water Pollution Prevention Plan - A Storm Water Pollution Prevention Plan shall be submitted for all proposed commercial construction projects. The Storm Water plan will focus on the site plan, land-use, slopes, buffers, Storm Water management, water quality, BMPs, and other elements as required in Section 25-15. A valid ESC Agreement shall be in place, the SWPPP approved, and an NOI submitted to LDEQ for coverage under the General Storm Water Permit for Construction Sites, if appropriate, before the Permit can be issued. The submittal process for the commercial development Storm Water site plan shall be in accordance with Chapter 7 of the SCP Code of Ordinances, Drainage and Flood Control (see Commercial, Industrial, Institutional Developments, and Certain Multi-family Developments).

### **Section 25-15 Post Construction Storm Water Standards and Requirements**

#### **A. Standards and Requirements for Structural BMPs –**

1. Installation of permanent structural measures to control pollutants in Storm Water discharges that will occur after the completion of construction shall meet the performance standards set forth in this Article and the most recent version of Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources BMP manuals. Additional requirements may be set forth by the Parish and agreed upon by the developer.
2. For the protection of water quality, each development subject to performance standards that are not meeting the criteria found in this Chapter and are not in accordance with Appendix C, of the Parish Code of Ordinances, St. Charles Parish Subdivision Regulations of 1981, Ordinance 81-8-2, shall provide approved structural water quality BMPs to the extent specified by this Article and any additional requirements set forth by the Parish and agreed upon by the developer.
3. The following requirements are hereby established for retention/detention ponds; compliance with all standards as set forth below must be verified by the Parish:
  - a. The detention pond may be designed as a wet or dry pond as per the following criteria:
    - i. Requirements for a wet pond
      1. Minimum low stage depth must be five (5') feet.
      2. Side slopes must have a minimum 3H:1V slope.
      3. Minimum access servitude width from pond to Parish road must be twenty-five (25') feet.
      4. Clear buffer around the periphery of pond must be twenty (20') feet; 10' feet must be on a flat surface and not a pond side slope.
    - ii. Requirements for a dry pond
      1. Exit structure invert elevation must be 0.5 feet lower than the lowest elevation of the pond bottom.
      2. A narrow low stage ditch may be constructed at the exit structure invert elevation.
      3. Side slopes must have a minimum 3H:1V slope.

4. Minimum access servitude width from pond to Parish road must be twenty-five (25') feet.
5. Clear buffer around periphery of pond must be twenty (20') feet pond; 10' must be on a flat surface and not a pond side slope.

B. Post-Development Storm Water Management Performance Criteria - The following performance criteria shall be applicable to all Storm Water management plans, unless otherwise provided for in this ordinance:

1. Water Quality - All Storm Water runoff generated from a site shall be adequately treated before discharge. It will be presumed that a Storm Water management system complies with this requirement if:
  - a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in this Article and the most recent version of *Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources BMP manuals*;
  - b. Appropriate structural Storm Water controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the most recent version of *Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources BMP manuals*; and,
  - c. Runoff from hotspot land uses and activities identified by the Department of Public Works are adequately treated and addressed through the use of appropriate structural Storm Water controls, nonstructural practices and pollution prevention practices.
2. Overbank Flooding Protection of Bayous and waterways - Downstream overbank flood and property protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 10-year, 24-hour return frequency storm event.

C. Structural Storm Water Controls - All structural Storm Water management facilities shall be selected and designed using the appropriate criteria from the most recent version of *Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources BMP manuals*. All structural Storm Water controls must be designed appropriately to meet their intended function. For other structural Storm Water controls not included, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the Parish before being included in the design of a Storm Water management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the Parish may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of Storm Water runoff or increased nonpoint source pollution loads created on the site in question.

D. Drainage System Guidelines - Storm Water conveyance facilities, which may include but are not limited to culverts, Storm Water drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when



necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Storm Water conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

1. Methods to calculate Storm Water flows shall be in accordance with Chapter 7 or the *Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources* BMP manuals;
2. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the Storm Water management plan using the methods included in the *Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources* BMP manuals
3. Design and construction of Storm Water conveyance facilities shall be in accordance with the criteria and specifications found in the *Urban Stormwater Runoff; Roads, Highways, Bridges; Best Management Practices (BMPs) for Coastal Louisiana Non-Point Source Pollution – 2008 Publication by Louisiana Department of Natural Resources* BMP manuals.

#### **Section 25-16 Post Construction Storm Water Permits, Fees, Inspection and Monitoring**

- A. Post-construction Structural Storm Water controls are required for subdivisions and large commercial development. These shall continue to meet the performance standards as stipulated in the original design and approved by the Parish. Routine inspections shall be performed to monitor the structural Storm Water controls and maintenance shall be required, as necessary, to ensure the Storm Water control continues to perform as designed.
- B. The Parish shall survey existing subdivisions and commercial developments every three (3) years to locate existing structural Storm Water controls that do not have a Post-construction Storm Water Permit.
- C. A Post-construction Storm Water Permit will be required for all subdivisions and large commercial developments. All structural BMPs (permanent structural Storm Water controls) in a single development shall be covered under one Post-construction Storm Water Permit. A Post-construction Storm Water Permit shall be issued for the operations and maintenance of the structural BMPs to the developer, or his assignee, upon fulfillment of the performance and warranty obligations and final acceptance of the subdivision in accordance with Appendix C, of the Parish Code of Ordinances, St. Charles Parish Subdivision Regulations of 1981, Ordinance 81-8-2, Sec.II.H.
- D. The Post-construction Storm Water Permit fee and permit renewal fee is \$500.00.
  1. The duration of the Post-construction Storm Water Permit is three (3) years from the date of issuance. It is the responsibility of the permit holder to renew the permit prior to permit expiration.
  2. Regular inspections fees are included in the Post-construction Storm Water Permit fee. The permit holder must renew the Post-construction Stormwater Permit prior to its expiration date.

- E. Re-inspections following a failed inspection or unscheduled inspection will be charged at \$100.00 per re-inspection.
- F. Access for Inspections and Monitoring - The Parish and/or any authorized representatives, shall have the right to enter the premises of any person or entity discharging Storm Water to the MS4 drainage infrastructure, conveyances, or waterways of the Parish to determine if the discharger is complying with all requirements of this Ordinance, and with any state or federal discharge permit, limitation, or requirement. Refusal to allow appropriate Parish personnel access to any part of the premises from which Storm Water is discharged shall be considered a violation of this Chapter.
  - 1. Dischargers shall allow the Parish access to all parts of the premises for the purposes of inspection, sampling, records examination, records copying, and for the performance of any additional duties. Dischargers shall make available to the Department, upon request, any SWPPPs, self-inspection reports, monitoring records, compliance evaluations, Notices of Intent, any state or federal discharge permits, and any other records, reports, or other documents related to compliance with this Ordinance.
  - 2. Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security so that, upon presentation of Parish identification, the Parish and/or any authorized representatives will be permitted to enter without unreasonable delay for the purpose of performing a site inspection of the facility. Any unreasonable delay in allowing Parish access to the discharger's premises shall be a violation of this Ordinance.
  - 3. The Parish and/or any authorized representative shall have the right to set up on the discharger's property, or install such devices as are necessary to conduct sampling and/or metering of the discharger's operations.
  - 4. In the event of a water quality violation by any discharger to the MS4 drainage infrastructure, conveyances or waterways of the Parish, the discharger may be required to conduct specified sampling, testing, analysis, and other monitoring of its Storm Water discharges. In the event of a water quality violation by the discharger, the discharger shall be required to pay the Parish for its cost to sample, test, analyze and monitor stormwater discharges.
  - 5. Any obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the Parish.
  - 6. Scheduled or unscheduled Storm Water inspections may be performed by Parish Storm Water inspectors, as stipulated in the Post-construction Storm Water Permit.
  - 7. In lieu of scheduled Parish inspections, the permittee may submit quarterly inspection reports certified by a licensed engineer.

## **ARTICLE V REPORTING VIOLATIONS, ENFORCEMENT AND REMEDIES**

### **Section 25-17 Owner / Operator Reporting of Prohibited Discharges**

The operator and/or the owner of any commercial or industrial activity shall report any prohibited discharges, spills, releases, illicit connections into the MS4 drainage infrastructure, conveyances, or waterways in the Parish and any other violation of this Chapter for which they are responsible. Reports shall be made to the Parish in accordance with Parish policy. The reporting of a spill or release to the Parish does not release the owner or operator from reporting to appropriate state, federal, and local officials.

- A. A hazardous and/or toxic material spill or release shall be immediately reported to the St. Charles 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.
- C. The operator and/or the owner of any commercial or industrial activity which has resulted in a spill or release of hazardous and/or toxic materials or a substance of a polluting nature are responsible for proper notification of the incident to all appropriate local, state, and federal agencies.
- D. The Parish may at its discretion require owner/operator of any commercial or industrial facility to pay for its response cost, and the owner shall be liable for those costs whether the Parish requests it or not.

### **Section 25-18 Citizen Reporting of Water Quality and/or Storm Water Complaints**

- A. All citizens are encouraged to 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 Chapter to the Parish MS4 Administrator or any person designated by the Parish to receive such citizen reports.
- B. Citizen Storm Water 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.
- C. When applicable, SCP will report citizen complaints to the appropriate state, or federal agencies.

### **Section 25-19 Enforcement of ESC Violations**

- A. The Parish may withhold issuance of any building permit, grading permit, land clearing permit, pond permit, excavation permit, work order, inspection approval, or occupancy certificate on the grounds that the BMPs installed and/or described in the plans are inadequate to control or effectively reduce the discharge of sediment, silt, clay, mud, and any other material associated with clearing, grading, filling, excavation, and other construction activities to the maximum extent practical.
- B. Stop-Work Order; Revocation of ESC Agreement – This section shall apply to;
  - 1. In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or;

2. Implements site development in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or;
3. Develops the site so as to be detrimental to the public welfare or injurious to property or improvements in the neighborhood, then;
4. The Parish may suspend or revoke the site development permit.

C. Violation and Penalties - No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$500.00 for each offense or imprisonment not to exceed 6 months. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration and the costs incurred by the Parish for enforcement of the provisions of this ordinance.

### **Section 25-20 Enforcement of Storm Water Violations**

Whenever it appears that a person has violated, or continues to violate, any permit or provision of this Ordinance, enforcement proceedings may proceed in accordance with Chapter 1 of the St. Charles Code of Ordinances. Enforcement action may include, but is not limited to issuance of a citation, cease and desist order, or summons to appear in court or an administrative hearing.

- A. Violations under this Chapter may be resolved by voluntary compliance with the Ordinance and by meeting any additional requirements deemed necessary to prevent a recurrence.
- B. Continued noncompliance on the site will result in escalated enforcement that may include fines, penalties, or other judicial remedies.

### **Section 25-21 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.

### **Section 25-22 Severability**

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect.

### **Section 25-23 Effective Date**

The effective date of this Ordinance shall be the first day of March 2014, pending adoption and enactment of the ordinance by Parish council prior to March 1, 2014.

