

**For the Complete Storm Water Pollution Prevention Ordinance, please visit:
www.cityofcarrollton.com/index.aspx?page=970**

GENERAL PROHIBITION

§ 173.03 GENERAL PROHIBITION

- (A) No person may dispose of, or release, or introduce or cause to be introduced into the MS4 a discharge that is not composed entirely of storm water.
- (B) It is an affirmative defense to any enforcement action for violation of Section 175.03 (A), upon presentation of evidence by the discharger, that the discharge was composed entirely of one or more of the following categories of discharges:
 - (1) water line flushing (excluding discharges of hyperchlorinated water, unless first dechlorinated and discharges are not expected to adversely affect aquatic life);
 - (2) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
 - (3) discharges from potable water sources;
 - (4) diverted stream flows;
 - (5) rising ground waters and springs;
 - (6) uncontaminated ground water infiltration;
 - (7) uncontaminated pumped ground water;
 - (8) foundation and footing drains;
 - (9) air conditioning condensation;
 - (10) water from crawl space pumps;
 - (11) individual residential vehicle washing;
 - (12) flows from wetlands and riparian habitats;

- (13) street wash water after all/visible debris and sediments have been removed and does not contain soap or other chemicals either added for cleaning or washed off the surface being cleaned;
 - (14) discharges or flows from emergency fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
 - (15) other allowable non-storm water discharges listed in 40 CFR §122.26(d)(2)(iv)(B)(1);
 - (16) non-storm water discharges specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP); and,
 - (17) other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges
- (C) No affirmative defense shall be available under Section 173.03 (B) if
- (1) the discharge or flow in question has been determined by the DCO to be a source of a pollutant or pollutants to the MS4, or to the surface water in the State or the waters of the U.S.;
 - (2) written notice of such determination has been provided to the discharger; and
 - (3) the discharge has continued after the expiration of the time given in the notice to cease the discharge.
- (D) The burden of proof that a discharge was composed entirely of one or more of the categories in Section 173.03 (B) and that it was not a source of a pollutant or pollutants to the MS4, or to the surface water in the State or the waters of the U.S. is upon the person or entity responsible for the discharge.
- (E) No person may dispose of, release, introduce or cause to be introduced into the MS4 any harmful quantity of any substance.

SPECIFIC PROHIBITIONS AND REQUIREMENTS

§ 173.04 SPECIFIC PROHIBITIONS AND REQUIREMENTS

- (A) The specific prohibitions and requirements in this Section are not inclusive of all the discharges prohibited by the general prohibition in Section 173.03.
- (B) No person may dispose of, release, introduce or cause to be introduced into the MS4 any discharge that causes or contributes to the City to violate a water quality standard, or any state-issued discharge permit for discharges from its MS4.
- (C) No person may dispose of, release, discharge, or otherwise introduce, cause, suffer, allow, or permit to be introduced any of the following substances into the MS4:
 - (1) Oil, cutting oil, petroleum products, and other motor vehicle fluids, such as gasoline, antifreeze, oil, transmission fluid, hydraulic fluid, brake fluid, or power steering fluid;
 - (2) Industrial waste;
 - (3) Hazardous waste, including household hazardous waste;
 - (4) Any liquids, solids or gases or any other substances which are a fire or other hazard to the system, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fires, explosions, or be injurious in any other way to the facilities or operation of the storm water system.
 - (5) Domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (6) Free or emulsified fats, waxes, greases or oils.
 - (7) Garbage, rubbish, yard waste, refuse, or other floatable material;
 - (8) Wastewater from a carwash facility or operation (including fundraisers); from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment;
 - (9) Wastewater from the washing, cleaning, deicing, or other maintenance of aircraft;
 - (10) Wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent,

degreaser, solvent, or any other harmful cleaning substance, or that is at a temperature that has been elevated by induced heating;

- (11) Wastewater from floor, rug, carpet, upholstery or drapery cleaning;
- (12) Wastewater from the washdown or other cleaning of streets and pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance, or that is at a temperature that has been elevated by induced heating; or any wastewater from the washdown or other cleaning of any pavement or surface where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of the cleaning agents and all substances released by the cleaning agents have been previously removed, and approved by the DCO for discharge to the MS4 rather than the sanitary sewer;
- (13) Effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;
- (14) Filter backwash from any water treatment system, contact or non-contact cooling water, or unpermitted condensate;
- (15) Swimming pool, spa or fountain water unless proof of dechlorination or removal of chemicals is provided by the discharger; or filter backwash from, or waste from the construction, maintenance or repair of, a swimming pool, spa, or fountain;
- (16) Runoff or washdown water from any animal pen or yard, kennel, or pet, fowl or livestock containment area;
- (17) Ready-mixed concrete, mortar, ceramic, or asphalt base material, hydromulch material, or any wastewater or substance from the cleaning of any vehicle or equipment containing, or used in transporting or applying, such material;
- (18) Discharges from water line disinfection by superchlorination or other means if the total residual of the disinfectant is higher than EPA's Primary Drinking Water Standards Maximum Residual Disinfectant Level Goal (MRDLG);
- (19) Waste water from the testing of fire protection systems;
- (20) Water from a water curtain in a spray room used for painting vehicles or equipment;

- (21) Contaminated runoff from a vehicle salvage yard or any other facility classified as Standard Industrial Classification 5015 or 5093;
 - (22) Solid or liquid substances which may cause obstruction to the flow in storm sewers or other interference with the proper operation of the storm water system such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, bulk solids, waste paper or floatables.
 - (23) Non-storm water having a pH less than six (6.0), greater than nine point zero (9.0), or any non-storm water having any other corrosive property capable of causing damage or hazard to the storm water system.
 - (24) Releases from a petroleum storage tank (PST) or chemical storage tank, or any leachate or runoff from soil contaminated by a leaking PST or chemical storage tank, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST or chemical storage tank release.
 - (25) Noxious or malodorous liquids, gases or solids which either singly or by interaction with other substances is sufficient to prevent entry into the MS4 for maintenance and repair.
- (D) No person may dispose of, release, introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, landfilling, or other construction activities (including any placement, movement, removal, or disposal of soil, rock, or other earth materials) in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.
- (E) No person may connect a line conveying sanitary sewage, domestic, industrial or a combination of both to the MS4, or allow such a connection to continue.

§ 173.05 REGULATION OF PESTICIDES, HERBICIDES AND FERTILIZERS

- (A) No person may use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.
- (B) No person may use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of pesticide, herbicide, or fertilizer to enter the MS4 or surface water in the state or the waters of the U.S.

- (C) No person may dispose of, discard, store, or transport a pesticide, herbicide or fertilizer, or a pesticide, herbicide or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide or fertilizer to enter the MS4 or surface water in the state or the waters of the U.S.
- (D) A license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for the sale, distribution, application, manufacture, transportation, storage, or disposal of a pesticide, herbicide, or fertilizer must be presented to the DCO for examination upon request.

§ 173.06 USED OIL REGULATION

- (A) No person may:
 - (1) Discharge used oil into the MS4, a sanitary sewer, drainage system, septic tank, surface water, groundwater, water course, or surface that will drain to any of these;
 - (2) Knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill; or,
 - (3) Apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.

STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

§ 173.07 GENERAL REQUIREMENTS

- (A) All operators meeting the definition of a small or large construction site must comply with all terms and conditions of the TPDES construction general permit. All operators of construction sites, regardless of size or TPDES permit requirements, must use best management practices to control and reduce the discharge to the MS4 and to the surface water in the State or the waters of the U.S., of sediment, silt, earth, soil, and other material associated with clearing, grading, excavation, landfilling, and other construction activities to the maximum extent practicable. Such best management practices may include, but not be limited to, the following measures:
 - (1) Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary

seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.

- (2) Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the maximum extent practicable;
- (3) Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;
- (4) Prevention of the discharge of building materials, including cement, lime, concrete, asphalt and mortar, to the MS4, surface water in the state or the waters of the U.S.;
- (5) General good house-keeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements;
- (6) Implementation of proper waste disposal and waste management techniques, including covering waste materials, minimizing ground contact with hazardous chemicals and trash, and installing and maintaining covered receptacles for rubbish and garbage to assure that such waste materials are not blown or carried by rainfall runoff from the site;
- (7) Timely maintenance of vegetation, erosion and sediment control measures, and other best management practices to maintain them in good and effective operating condition; and
- (8) Installation of structural measures during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures may include, but not be limited to, the following: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems which combine several practices. Operators of construction sites are responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and for a period of two years after final acceptance by the City, unless the area is disturbed by new owners.

- (9) The current owner(s) of the property is responsible for the maintenance of the permanent stabilization structures listed above in 173.07(A)(8) to ensure proper operation, water quality protection and flood control.
- (B) Qualified personnel (provided by the operator of the construction site) must inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every fourteen calendar days and within 24 hours of the end of a storm event that is 0.5 inches or greater. Inspections may be performed once every seven calendar days, on a specifically defined day, regardless of whether or not there has been a rainfall event. All erosion and sediment control measures and other identified best management practices must be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, best management practices must be modified as appropriate, and as soon as is practicable.
- (C) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this Section 173.07.
- (D) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing a best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure.

§ 173.08 ONE ACRE OR GREATER LAND DISTURBANCES

All operators of sites of construction activity, including clearing, grading, excavation, and landfilling activities, that result in the disturbance of one or more acres of total land area, or that are part of a larger common plan of development or sale within which one or more acres of total land area are disturbed, and who are required to obtain a TPDES permit for storm water discharges associated with construction activity, must comply with the following requirements (in addition to those in Section 173.07):

- (A) All operators must obtain coverage for storm water discharges from a construction site under the TPDES General Permit, must post a signed copy of its Notice of Intent (NOI) and/or Construction Site Notice (CSN) on the construction site prior to the commencement of construction activities. The notices required to be posted will depend on the size of the construction project and is explained in the TPDES General Permit for construction activities. The NOI and/or CSN must be posted in a location where it is safely and readily available for viewing by the general public, local, state, and federal authorities. For large construction sites, a signed copy of the NOI and CSN from all operators must be submitted to the

DCO seven (7) days prior to the commencement of construction activities. For small construction sites, a signed copy of the CSN from all operators must be submitted to the DCO at least two (2) days prior to the commencement of construction activities.

- (B) A Storm Water Pollution Prevention Plan (SWPPP) must be prepared and implemented in accordance with the requirements of the TPDES permit issued for storm water discharges from the construction site, and with any additional requirements imposed by or under this ordinance and any other city ordinance.
- (C) The SWPPP must be completed and implemented prior to the beginning of construction activities. The SWPPP must be updated and modified as required by the TPDES permit and this ordinance.
- (D) The operator must submit the SWPPP and any modifications thereto to the DCO for review prior to commencement of or during construction activity at the site.
- (E) If, upon the DCO's review of the SWPPP (or any modification to the SWPPP) and any site inspection that the DCO may conduct, the DCO determines that the SWPPP does not comply with the requirements of the TPDES permit issued for storm water discharge from the construction site, or any additional requirement imposed by or under this Ordinance, the DCO may issue an order prohibiting the commencement, or the continuation, of any construction activity at the site. Also, if at any time the DCO determines that the SWPPP is not being fully implemented, the DCO may similarly issue an order prohibiting the continuation of any construction activity at the site.
- (F) Upon review of the SWPPP and any site inspection that is conducted, the DCO may deny approval of any building permit, grading permit, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the TPDES permit issued for storm water discharge from the construction site, or any additional requirement imposed by or under this ordinance. Also, if at any time the DCO determines that the SWPPP is not being fully implemented, the DCO may similarly deny approval of any building permit, grading permit, or any other City approval necessary to commence or continue construction, or to assume occupancy, at the site.
- (G) All operators identified in the SWPPP must sign a copy of the following certification statement before conducting any professional service identified in the SWPPP:

I certify under penalty of law that I understand the terms and conditions of the Texas Pollutant Discharge Elimination System (TPDES) permit and any modification by the State of Texas that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification, with the Storm Water Pollution Prevention Ordinance of the

City of Carrollton, and with those provisions of the Storm Water Pollution Prevention Plan (SWPPP) for the construction site for which I am responsible.

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

- (H) The SWPPP and the certifications of all operators required by Section 173.08 (G), and with any modifications attached, must be retained at the construction site from the date of commencement of construction through the date of final stabilization, and the required Notice of Termination (NOT) has been submitted in accordance with the TPDES permit.
- (I) The operator must make a copy of the SWPPP and any modification thereto available to the DCO at the construction site upon request.
- (J) The DCO may notify the operator at any time that the SWPPP does not meet the requirements of the TPDES permit issued for storm water discharges from the construction site, or any additional requirement imposed by or under this Ordinance. Such notification must identify those provisions of the permit or Ordinance which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet such requirements. Within seven (7) calendar days of such notification from the DCO (or as otherwise provided by the DCO), the operator must make the required changes to the SWPPP and submit to the DCO a written certification that the requested modifications have been made.
- (K) The operator must modify the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4, or surface water in the State, or the waters of the U. S., or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in achieving the general objective of controlling pollutants in storm water discharges associated with construction activity.
- (L) Qualified personnel (provided by the operator) must inspect at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of the storm that is 0.5 inches or greater: disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. Inspections may be performed once every seven calendar days, on a specifically defined day, regardless of whether or not there has been a rainfall event. Disturbed areas and areas used for storage of materials that are exposed to precipitation must be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures and best management practices must be observed to ensure that they are operating

correctly. Where discharge locations or points are accessible, they must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters and the MS4. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.

- (M) Based on the results of the inspections required by Section 173.08 (L), the site description and/or the pollution prevention measures identified in the SWPPP must be modified as appropriate, but in no case later than seven (7) calendar days following the inspection. Such modifications must provide for timely implementation of any changes to the SWPPP within seven (7) calendar days following the inspection. Erosion and sediment controls that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.
- (N) A report summarizing the scope of any inspection required by Section 173.08 (M), and the name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with appropriate plan revisions must be made and retained as part of the SWPPP for at least three years from the date that the site is finally stabilized and the required NOT has been submitted. The report must identify any incidence of noncompliance; or if the report does not identify any incidence of noncompliance, the report must contain a certification that the facility is in compliance with the SWPPP, the TPDES permit, and this ordinance. The report must be signed by the person responsible for making it.
- (O) The operator must retain copies of any SWPPP and all reports required by this Ordinance or by the TPDES permit for the site, for a period of at least three years from the date that the site is finally stabilized, and the required CSN or Notice of Termination (NOT) has been submitted. Such plans, reports and records must be made available to the DCO upon request.
- (P) Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this ordinance and by the TPDES permit are eliminated, or where the operator of all storm water discharges from the construction site changes, the operator of the construction site must submit to the DCO a copy of the CSN or Notice of Termination (NOT) required by the TPDES Permit.
- (Q) The City may withhold an occupancy permit for any premises constructed on the site until such certification of final stabilization has been filed and the DCO has determined, following any appropriate inspection, that final stabilization has, in fact, occurred, that any required permanent structural controls have been completed and all temporary controls have been removed.