

ORDINANCE NO. 600(07)

AN ORDINANCE AMENDING PART 12 OF THE MOORE CITY CODE BY ADDING CHAPTER 15, STORMWATER MANAGEMENT REGULATIONS, TO THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER.

Be it ordained by the Mayor and the Council of the City of Moore, Oklahoma, that Part 12 of the Moore Municipal Code, also known as the Land Development Code, be amended by adding Chapter 15, Stormwater Management Regulations, as follows:

PART 12: PLANNING, ZONING AND DEVELOPMENT CHAPTER 15: STORMWATER MANAGEMENT

ARTICLE A: GENERAL PROVISIONS

15-101. Purpose.

It is the purpose of this chapter to protect, maintain, and enhance the environment of The City of Moore and the short-term and long-term public health, safety, and general welfare of the citizens of Moore by controlling discharges of pollutants to the City's Stormwater System and to maintain and improve the quality of the community water into which the stormwater outfalls flow, including, without limitation, the lakes, rivers, streams, ponds, wetlands, sinkholes, and groundwater of Moore.

15-102. Scope.

This chapter establishes methods to regulate the introduction of pollutants to the municipal separate storm sewer system and enables The City of Moore to comply with all applicable State and Federal laws including, but not limited to, the Clean Water Act (33 U.S.C. 1251, et seq.), the Oklahoma Environmental Quality Act (Title 27A O.S. § 1-1-101, et seq.) and the stormwater regulations (40 CFR Part 122). The objectives of this chapter are to allow The City of Moore:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user;
2. To control the introduction to the municipal separate storm sewer system of spills, dumping, or the disposal of materials other than stormwater;
3. To prohibit illicit discharges to the municipal separate storm sewer system;

4. To carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with this ordinance;
5. To comply with "NPDES Municipal Stormwater Discharge Permit" conditions and any other Federal or State law pertaining to stormwater quality which The City of Moore is subject.

15-103. Definitions.

Accidental discharge. A discharge prohibited by this article into the "Community Waters" or to the "Waters of the State" which occurs by chance and without planning or consideration prior to occurrence.

Act or "the act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq. and any addition or amendment thereto.

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

Best Management Practice (BMP). The best available practices or devices that, when used singly or in combination, eliminate or reduce the contamination of surface and/or ground waters. BMPs are divided into two categories:

1. Nonstructural Best Management Practices are those which require modified or additional operational or behavior practices, such as sweeping a parking lot or having spill response equipment on-site; and
2. Structural Best Management Practices are those which require the construction of a structure or other physical modification on the site.

City. The City of Moore, Oklahoma, a municipal corporation, and the duly authorized offices or agents of The City of Moore.

Clean Water Act. The Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. § 1251 et seq. and any amendment or addition thereto.

Commercial. Property devoted in whole or in part to the commerce, that is, the exchange and buying and selling of commodities or services. The term shall include, by way of example but not of limitation, any business that would fall under the commercial use unit classifications as defined in the City of Moore Zoning Ordinance, Part 12, Chapter 2, Article A, Section 12-206.

Community waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies

of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of The City of Moore or the waters into which the composite sample stormwater system outfalls flow.

Confidential information. A document or information regarding or describing a process, product or information which has been determined by the Manager to be confidential or has been declared by a court of competent jurisdiction to be exempt from disclosure to third parties under the Oklahoma Open Records Act and any amendment or supplement thereto.

Construction activity. Clearing, grading, mining, and excavation activities except: operations which are not part of a larger common plan of development or sale.

Construction stormwater discharge permit. These permits are to establish controls to the maximum extent practicable measures effectively prohibiting non-stormwater discharged from construction-sites to the municipal separate storm sewer system (MS4) and where necessary, contain applicable water quality-based controls.

Contaminated. Containing a harmful quantity of any substance.

Days. Calendar days.

DEQ. The Oklahoma Department of Environmental Quality.

Director. The Director of Community Development, or the person succeeding to his duties and functions by whatever name known, or his duly authorized deputy, agent, or representative.

Discharge. To cause or allow to throw, drain, release, dump, spill, empty, emit, blow or pour any pollutants or harmful quantity of any substance into the municipal separate storm sewer system (MS4) or into Community Waters, Waters of the State or waters of the United States.

Discharger. 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. Owner of commercial, residential or agricultural property; owner or transporter of source of discharge.

Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dish washing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or commercial properties and institutions, that is free from industrial waste.

Environmental Protection Agency (EPA). The U.S. Environmental Protection agency or, where appropriate, the term may also be used as a designated for the

Regional Water Management Division Director or other duly authorized official of said agency.

Erosion and sediment control plan. A written plan, including drawings or other graphic representations, for the control of soil erosion and sedimentation resulting from a land disturbing activity.

Fire protection water. Any water, and any substances or materials contained therein, used by any person other than the Fire Department to control or extinguish a fire.

Garbage. 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.

Harmful quantity. The amount of any substance that will cause pollution of water in the State, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic monitoring organisms belonging to the City, upon their exposure to samples of any discharge into the MS4, community waters, or waters of the State.

Hazardous substance. Any substance listed in Table 302.4 of 40 CFR Part 302 and any amendment or addition thereto.

Hazardous waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

Illicit discharge. Any intentional discharge to the municipal separate storm sewer system that is not composed entirely of stormwater, except discharges pursuant to any NPDES permit, or discharges resulting from fire fighting activities.

Industrial. A business engaged in industrial production or service, that is a business characterized by manufacturing or productive enterprise or a related service business. This term shall include, by way of example but not of limitation, any business that would fall under the industrial use unit classifications and/or extractive use unit classifications as defined in the City of Moore Zoning Ordinance, Part 12, Chapter 2, Article A, Section 12-206.

Industrial activity. Any activity which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The term includes, but is not limited to, industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the industrial facility; sites where material handling activities are performed; refuse sites; sites used for the applications or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment,

storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and immediate and finished products.

Industrial facility or industry. A premise(s) whose function is classified in the latest edition of Standard Industrial Classification Manual, (United States Office of Management and Budget).

Industrial stormwater discharge permit. Regular discharges from facilities who may control any conveyance which is used for collecting and conveying stormwater and which is directly related to material storage areas at an industrial plant or site.

Industrial waste. Any airborne particulates, waterborne liquid or solid substance that results from any process of industrial, manufacturing, mining, production, trade, or business activities, including concrete washout.

Institutional. An established organization, especially of a charitable or public character. This term shall include, by way of example but not of limitation, any use that would fall under the public and quasi-public use unit classifications as defined in the City of Moore Zoning Ordinance, Part 12, Chapter 2, Article A, Section 12-206.

Manager. The person designated by the City to supervise the operation of Stormwater Quality Management and the Stormwater Management System and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

Material handling activities. The storage, loading and unloading, transportation or conveyance of any raw material, immediate product, finished product, by-product or waste product.

Monitoring. The performance of stormwater flow measurements, stormwater sampling, sample analysis, and like procedures necessary to determine compliance with stormwater discharge activity.

Multi-family residential. An apartment building or other residential structure built for three or more family units, mobile home parks, and condominiums of three or more units.

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or regulated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

Municipal solid waste. Solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes

garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

National Pollutant Discharge Elimination System (NPDES) permit. A permit issued by EPA (or by the State under authority delegated pursuant to 33 U.S.C. § 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.

Non-point source. Any source of any discharge of a pollutant that is not a "point source."

"Notice of Intent" (NOI). A written notice by a discharger or potential discharger to the Stormwater Manager, or his designee, that the person wishes his discharge to be authorized under a general permit authorized by State law or regulation.

"Notice of Termination" (NOT). A written notice by a discharger to the Stormwater Manager, or his designee, that the project permitted has 70 percent re-vegetation of all bare areas and all soil disturbing activities are concluded, allowing the termination of the permit issued under this section, or the discharger is no longer the operator of the facility and another has assumed the responsibility and obtained a NOI.

ODEQ. The Oklahoma Department of Environmental Quality.

OPDES. Oklahoma Pollution Discharge Elimination System Act, Title 27 Oklahoma Statutes § 2-201 et seq. and any amendment or addition thereto.

Operator. A person that: (1) has operational or supervisory control over the premises or equipment; or (2) has the day-to-day operational or supervisory control of activities at a work site or construction location sufficient to comply with or to ensure compliance with plan requirements and permit conditions (e.g. is authorized to direct workers at a work site to carry out activities identified in an ordinance, permit or work plan).

Overburden. Any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally occurring surface material that is not disturbed by mining operation.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. This definition includes all Federal, State, or local governments.

Point source. Any discernible, confined and discrete conveyance including, but not limited, to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.

Pollutant. Any dredge spoil, solid waste, incinerator residue, oil, grease, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, agricultural and industrial waste, and characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

Pollution Prevention Plan. A written site specific plan to eliminate or reduce and control the pollution of stormwater through designed facilities, sedimentation ponds, natural or constructed wetlands, and Best Management Practices.

Premises. Any plot or tract of ground, regardless of size or plat, owned by a person or used by a person and any contiguous plots.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the Municipal Separate Storm Sewer System (MS4), Community Waters, Waters of the State, or the Waters of the United States.

Rubbish. Non-putrescible solid waste, excluding ashes, that consists of:

1. combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and
2. non-combustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600° F to 1800° F).

Sanitary sewer (or sewer). The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant, (and to which stormwater, surface water, and groundwater are not intentionally admitted).

Sewage. Industrial waste and/or domestic sewage.

SIC Code. Standard Industrial Classification Code of Executive Office of the President of the United States, Office of Management and Budget.

Significant spills. Includes, but is not limited to releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean

Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4) and any amendment or addition thereto.

Solid waste. Any garbage, rubbish, refuse, municipal solid waste, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, agricultural operations, community and institutional activities, including metal shavings, plastic pellets, paint chips, carpet fibers, wood chips, sawdust, grass clippings and leaves.

Spills. Any release that, in the opinion of the Manager, negatively impacts the quality of water within or discharges from the City's municipal separate storm sewer system, or causes damaging or deleterious effects to the City's municipal separate storm sewer system including all structures or appurtenances, and/or the waters to the storm sewers.

Stormwater. Any rainwater run-off, surface run-off, and drainage related to rain or storm events or snow melt.

Stormwater discharge associated with industrial activity. Stormwater from areas of industrial activity or areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this article and its terms, including, but not limited to measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by man-made changes to the land.

Stormwater Management Plan or SWMP. The set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the control of stormwater and which is incorporated as part of the NPDES permit for the City, and as part of this article.

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401 promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. § 1317 and any amendment or addition thereto.

Uncontaminated. Not containing a harmful quantity of any substance.

User. Any source of direct or indirect discharge to Moore's Municipal Separate Storm Sewer System.

Utilities. A television, electric, gas, water, sewer, cable TV, or other company or legal or government entity that provides service to the public.

Variance. The modification of the minimum stormwater management requirements contained in this article and the Stormwater Management Plan for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this article.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water of the State (or water). Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the State, and all other bodies of surface 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.

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

Water quality. Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity. Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

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

The following abbreviations shall have the designated meanings:

TABLE INSET:

BAT	-	Best Available Technology
BCT	-	Best Conventional Technology
BMP	-	Best Management Practice
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency
gpd	-	Gallons per day
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NOI	-	Notice of Intent
NOV	-	Notice of Violation
NPDES	-	National Pollutant Discharge Elimination System
OPDES	-	Oklahoma Pollution Discharge Elimination System
RCRA	-	Resource Conservation Recovery Act
RQ	-	Reportable Quantities
SARA	-	Superfund Amendments and Reauthorization Act of 1986
SCS	-	Soil Conservation Service
SWDA	-	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSD	-	Treatment, Storage and Disposal Facilities
TSS	-	Total Suspended Solids
USC	-	United States Code

**ARTICLE B: APPLICATION AND PERMITS FOR INDUSTRIAL,
COMMERCIAL, INSTITUTIONAL, AND CERTAIN RESIDENTIAL FACILITIES**

15-201. Existing facilities required to obtain permit.

A. Any existing industrial, commercial, institutional or multi-family or group residential facilities that discharge stormwater into community waters and that do not have current NPDES permits issued by the DEQ authorizing a discharge of stormwater into the waters of the state will be required to develop a pollution prevention plan and apply for an industrial stormwater discharge permit. The industrial stormwater discharge permit shall be required in addition to any permits required by EPA or the state. Facilities that have the following standard industrial classification codes must apply and receive an industrial stormwater discharge permit:

TABLE INSET:

SIC Code	Title
10	Metal Mining
12	Coal Mining
13	Oil & Gas Extraction
14	Nonmetallic Minerals, Except Fuels
20	Food and Kindred Products
21	Tobacco Products
22	Textile Mill Products
23	Apparel and Other Textile Products
24	Lumber and Wood Products
25	Furniture and Fixtures
26	Paper and Allied Products
27	Printing and Publishing
28	Chemicals and Allied Products
29	Petroleum and Coal Products
30	Rubber and Miscellaneous Plastic Products
31	Leather and Leather Products (except 311)
32	Stone, Clay, and Glass Products
33	Primary Metal Industries
34	Fabricated Metal Products

35	Industrial Machinery and Equipment
36	Electronic and Other Electric Equipment
37	Transportation Equipment
38	Instruments and Related Products
39	Miscellaneous Manufacturing Industries
40	Railroad Transportation
41	Local and Interurban Passenger Transit
42	Trucking and Warehousing
43	United States Postal Service
44	Water Transportation
45	Transportation by Air
5015	Motor Vehicle Parts, Used
5093	Scrap and Waste Materials
5171	Petroleum Bulk Stations and Terminals

B. These plans will be submitted to the Manager of Stormwater Quality Management for approval or denial. Upon approval, a permit will be issued which will incorporate any approved Pollution Prevention Plans into the permit. The permit may require the facility to implement structural and non-structural Best Management Practices (BMPs) to reduce pollution discharge. If the application is disapproved, the Manager shall notify the applicant of deficiencies and allow 90 days for the application to be revised and re-submitted. If the noted deficiencies are not corrected within 90 days and the application re-submitted for approval, or if after being submitted is disapproved, any discharge of stormwater after that date into waters of the community shall be unlawful. Once issued, a permit shall be valid for five years, unless sooner revoked for violations of permit conditions, changes in applicable law, changes in discharge, or other good cause.

C. The application for an Industrial Stormwater Discharge Permit for an existing facility shall include the following:

1. A site map of facility showing buildings, parking, drives, materials loading and access areas, type of each impervious surface, ditches, pipes, catch basins, drainage basin limits, area of facility, acreage of off-site water draining onto facility, discharge points to "Waters of the State" or "Community Waters" with name of the water or drainage basin. This map will be a minimum of scale of 1"=100';
2. Description of facility, nature of work performed, and type of facility;
3. A narrative description of significant materials (as defined at 40 CFR § 122.26, November 16, 1990) that are currently or in the past have been treated, stored, or disposed outside; method of on-site storage or disposal; materials management practices used to minimize contact of these materials with stormwater runoff currently and for the past three years; materials loading and access area; the location and description of existing structural and non-structural

- control measures to reduce pollutants in stormwater runoff; and a description of any treatment the stormwater receives;
4. Cleanup schedule for debris, material storage areas, garbage storage or disposal areas, or other areas that have the potential to pollute stormwater;
 5. Description of plan of instruction to employees of all levels in ways to prevent pollution and spill response. The plan shall identify periodic dates for such training;
 6. Name of contact person for permit compliance, including job title, address, and phone number;
 7. Maintenance schedule of sweeping or vacuuming of facility to prevent washout of a build-up of emissions laden with hydrocarbons, oxides, salts, metals, worn pavement particulates, hydrocarbons for leaks and spills, trash, debris, garbage, metals, tire particles, brake lining particles and various chemicals from the wear, deterioration, and deposition from vehicles;
 8. Description of other ways the facility plans to implement programs to reduce the discharge of pollutants through stormwater flow. For each area of the facility that generates stormwater discharges associated with an activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in stormwater discharges associated with industrial activity;
 9. Each application shall include plans showing the construction of an appropriately sized grit sediment basin and oil skimmer structure for discharge outfalls into "Community Waters" in accordance with detailed drawings of these structures which are shown in the Stormwater Management Section Best Management Practices Manual;
 10. Each application shall include a record of available sampling data describing pollutants in stormwater discharges;
 11. Each application shall include a preventive maintenance program that included regular inspection and maintenance of stormwater management devices (e.g. cleaning grit chambers, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters;
 12. Each application shall designate a person to keep record of incidents such as significant spills of toxic pollutants or other discharges which materially affect the stormwater, along with other information describing the quality and quantity of stormwater discharges. Inspections and maintenance activities shall be documented and recorded.

15-202. New facility permits.

A. All new "utilities", "industrial", "commercial", "institutional", and "multi-family residential" facilities, and all residential subdivisions shall obtain a Construction Stormwater Discharge Permit prior to construction of the facility. This permit shall be required in addition to any permits required by the State or elsewhere in this Code for stormwater discharges associated with industrial activity or for stormwater discharges associated with construction activity or land disturbing activity.

B. The minimum standards for issuance of a Construction Stormwater Discharge Permit shall be a pollution prevention plan, and an approved OPDES permit from the Oklahoma Department of Environmental Quality for stormwater discharges associated with construction activity. The application for a new facility permit shall include:

1. If the facility is to be covered under the Oklahoma Department of Environmental Quality OPDES Permit for Stormwater Discharges Associated with Industrial Activity, an OPDES Permit for Stormwater Discharges Associated with Construction Activity, or an Industrial OPDES permit, the owner or developer shall obtain such permits or file the Notice of Intent (NOI) and shall submit copies to the Manager;
2. To reduce the "first flush" pollutant load, facilities that serve an area with ten or more disturbed acres shall be designed to capture the design storm in a detention or retention basin providing 3,600 cubic feet of storage per acre drained. Where providing 3,600 cubic feet of storage per acre drained is not attainable, small sediment basins of equivalent total volume should be used;
3. Detention or Retention Ponds shall also have permanent vehicle access for maintenance purposes. A plan for the routine maintenance of the ponds will be incorporated in the Pollution Prevention Plan;
4. Constructed wetlands may be used to deal with the "first flush" pollutant load instead of the pond of 3,600 cubic feet per acre storage. Grit trap and oil separators are to be installed upstream of the wetland to prevent contamination;
5. A Pollution Prevention Plan shall be prepared for the facility. This plan shall demonstrate how the facility will collect, control, and treat stormwater so as to control the quantity and quality of stormwater leaving the site. The plan shall include, as necessary, structural controls and non-structural Best Management Practices (BMPs) adequate to prevent the violation of any water quality standard, and shall meet the provisions of Sections 301 and 402 of the Federal Water Pollution Control Act (BCT and BAT treatment requirements).

C. The Pollution Prevention Plan must be reviewed by the Manager prior to the issuance of a Construction Permit.

D. A Notice of Termination (NOT) must be received for a Certificate of Occupancy.

15-203. Permit application fees.

Each application for the issuance of a New Facility Permit, a Construction Stormwater Discharge Permit, Land Disturbance Permit, and/or an existing facility permit shall be required to pay the permit fee as required by the most current Schedule of Fees.

15-204. Maintenance and submittal of records.

Appropriate proof and records of compliance with the provisions of the Moore Stormwater Discharge Permit or Land Disturbance Permit will be maintained in the office of the designated contact person and be made available for review at any time by the Manager. Each permit shall be renewed on an annual basis.

15-205. Transfer of permit.

A. A Moore Industrial, Construction Stormwater Discharge Permit or Land Disturbance Permit may be transferred only upon the filing of an amendment to the permit application

or an amended or restated application containing all changes from the original application providing there are no changes in the operation of the facility which may affect the quantity or quality of the stormwater runoff.

B. If there are to be any changes in the operation of the facility which may effect the quantity or quality of stormwater runoff, then the new owner or operator shall re-submit, by NOI, for a Stormwater Discharge Permit or Land Disturbance Permit prior to the beginning of operation of the facility. The filing of an amended or restated application shall be treated as an interim permit allowing the continued operation of the facility pending review of the application by the Manager, which shall remain in force until the application shall be approved or denied by the Manager.

C. In subdivision developments, the developer may transfer the Construction Stormwater Discharge Permit to an individual builder using forms provided by the City. However, the transfer of permit does not release the developer of record who obtained the original permit of responsibility and/or liability for maintaining the storm sewer system by maintaining appropriate erosion control throughout the build-out stage to keep the infrastructure reasonably clear of sedimentation, siltation and trash.

15-206. Signatory requirements.

A. All applications and reports required by this article to be submitted to the Manager shall be signed as follows:

1. Responsible party (e.g., developer, owner, contractor) with operational control over the project specifications and daily operations.
2. Corporation: a president or secretary, treasurer, or vice-president of the corporation, as authorized, and in charge of a principal business function, or any other person as authorized to perform similar policy-or decision making functions for the corporation;
3. Partnership or sole proprietorship by a general partner or the proprietor, respectively;
4. Municipality, State, Federal, or other public facility: by either a principal executive officer or the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency;
5. Other legal entity recognized under Oklahoma law in accordance with such law.

B. Any person signing any document above shall make the following certification: "I certify under the penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals, immediately responsible for obtaining the information. I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty."

15-207. Construction Activity Sediment and Erosion Control.

- A. All construction activity shall be conducted within the City in such manner that:
1. Stripping of vegetation, re-grading and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to the

minimum necessary for grading and equipment operation. Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 20 calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface area;

2. Property owners and/or developers shall be responsible, upon completion of land disturbing activities, for leaving slopes so that they will not erode. Such methods should include re-vegetation, sodding, mulching, or rip-rapping. Regardless of the method used, the objective will be to leave the site erosion-free and maintenance-free as practicable;
3. Whenever feasible, natural vegetation shall be retained, protected, and supplemented;
4. Permanent or temporary soil stabilization must be applied to disturbed areas to the extent feasible within seven days on areas that will remain unfinished for more than 14 calendar days. Permanent soil stabilization with perennial vegetation shall be applied as soon as practicable after final grading is reached on any portion of the site. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact, and flowing water, and includes the growing of grass, sod, application of straw, mulch, fabric mats, and the early application of gravel base on areas to be paved;
5. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized;
6. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, silt fences, check dams or similar measures until the disturbed area is stabilized;
7. Neighboring persons and property shall be protected from damage or loss resulting from excessive stormwater runoff, soil erosion or deposition upon property or public streets of water transported silt and debris. Adjacent property owners shall be protected from land devaluation due to exposed bare banks;
8. Controlled construction entrance/exit shall be maintained in a condition that will prevent tracking or flowing of sediment onto the public right-of-way;
9. Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday;
10. Structural controls shall be designed and maintained as required to prevent pollution. All surface water flowing toward the construction area shall, to the extent practicable, be diverted by using berms, channels, or sediment traps as necessary. Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas, to detain runoff and trap sediment. Discharges from sediment basins and traps must be through a pipe or lined channel so that the discharge does not cause erosion. Muddy water to be pumped from excavation and work areas must be held in settling basins or treated by filtration prior to its discharge into surface waters where practicable. Waters must be discharged through a pipe or lined channel so that the discharge does not cause erosion and sedimentation. All channels, outlets, storm sewer inlets, streets, creeks, and streams must be protected from the introduction of garbage, rubbish, yard waste, sediment, or floatable materials;
11. All control measures shall be inspected, and repaired as necessary, bi-weekly in dry periods and within 24 hours after any rainfall of 0.5 inches within a 24-hour period. During prolonged rainfall, daily inspections and repairing is necessary. The permittee shall maintain record of such inspections and repairs;

- a. Any land disturbing activity located in the watershed of any creek or stream that is listed as impaired by the ODEQ shall be inspected, and repaired as necessary, on a weekly basis in dry periods and within 24 hours after any rainfall of 0.5 inches within a 24-hour period. During prolonged rainfall, daily inspections and repairing is necessary. The permittee shall maintain record of such inspections and repairs;
12. A specific individual shall be designated to be responsible for erosion and sediment controls on each site. A Notice shall be posted on each site with the OKR10 Permit number, contact name and telephone number, project name and location of the SWP3 if not on site;
13. There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge. The stormwater discharge must not cause an objectionable color contrast in the receiving water. The stormwater discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream; and
14. Concrete washout areas must be designated, utilized, and maintained to minimize pollutant discharges.

ARTICLE C: LAND DISTURBING ACTIVITY AND EROSION AND SEDIMENTATION CONTROL

15-303. General land disturbing activity.

All land disturbing activities shall be in compliance with and permitted under this division of this article. Application must be applied for under the "Oklahoma General OPDES Permit for Stormwater Discharged Associated with Construction Activity." If a General OPDES Permit is applied for, a copy of the Notice of Intent (NOI) must be sent to the Manager of Stormwater Quality Management. To seek coverage under the Oklahoma Department of Environmental Quality General Permit, the NOI must be submitted to the Oklahoma Department of Environmental Quality, Water Quality Division.

15-304. Land disturbing activity regulated.

A. It shall be unlawful for any person to conduct, or to permit another person to conduct any land disturbing activity upon land without a permit issued under this article. Upon request, any owner of the land and the operator of any land disturbing activity shall provide a copy of the permit and personal identification to the Manager or the Manager's representatives. For purposes of this article, the phrase "*land disturbing activity* " is defined as follows:

Land disturbing activity. Any land change which may result in soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the community, including, but not limited to, clearing, dredging, grading, excavating, transporting, stockpiling, mining, and filling of land, except that the term shall not include the following:

1. Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home maintenance work, and other related activities which result in minor soil erosion;
2. The construction of single-family residences when built separately on lots less than one acre not within a subdivision or which have been recorded in the Office of Stormwater Quality Management, and have been issued building permits; provided that excavation is limited to trenches for the foundation, basements, service and sewer connections, and minor grading for driveways, yard areas and sidewalks, with no offsite discharge of pollutants;
3. Individual service and sewer connections for single-or two-family residences;
4. Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm ponds, dairy operations, and livestock and poultry management practices, and the construction of farm buildings;
5. Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture;
6. Installation, maintenance and repair of any underground public utility lines when such activity occurs on an existing hard-surface road, street or sidewalk, provided the activity maintains pollution control and is confined to the area of the road, street or sidewalk which is hard-surfaced; and
7. Construction, repair or rebuilding of tracks of a railroad company;

These activities may be undertaken without a permit; however, the persons conducting these excluded activities shall remain responsible for otherwise conducting those activities in accordance with the provisions of this article and other applicable laws including responsibility for controlling sedimentation and runoff.

B. Best Management Practices for Land Disturbing Activities. The minimum standards for controlling erosion and sedimentation from land disturbing activities shall be set forth in the "Best Management Practices Manual," as adopted and amended from time to time by resolution approved by the City Council. A copy of same shall be maintained on file in the offices of the Manager of Stormwater Quality Management. A copy of same shall be maintained in the office of the City Clerk and may be viewed and copied in accordance with the provisions of this Code.

15-305. Land disturbance permit.

No person shall conduct, allow or permit land disturbing activity, whether temporary or permanent, on any premises within The City of Moore until a land disturbing permit has been issued by the Manager allowing such activity pursuant to the provisions of this article. Such permit shall be available for inspection by the Manager or Manager's representative on the job site at all times during which land disturbing activities are in progress. Such permit shall be required in addition to any building permit or other permit required by the Code for the site.

15-306. Permit application.

A. Any application for the issuance of a land disturbance permit under this article shall include the following:

1. Name of applicant;
2. Business or residence address of applicant;
3. Name and address of owner of subject property;
4. Address and legal description of subject property;
5. Name and address of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
6. A statement setting forth the nature, extent, and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
7. A copy of the NOI and Erosion and Sediment Control Plan.

B. Each application for a land disturbance permit shall be accompanied by a map or plat of the premises showing the present contour lines and the proposed contour lines resulting from the land disturbing activity in relation to all parts of the premises and the properties immediately adjacent thereto and in relation to all abutting street grades and elevations; such map or plat shall show all existing drainage facilities and the proposed permanent disposition of surface waters upon completion of the land disturbing activity.

C. Each application for a land disturbance permit shall be accompanied by an erosion and sediment control plan which shall accurately describe the potential for soil erosion and sedimentation problems resulting from the land disturbing activity and shall explain and illustrate the measures which are to be taken to control these problems. The length

and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and the potential for off-site damage; the plan shall contain a description of the existing site conditions, a description of adjacent topographical features, a description of soil types and characteristics of the area, potential problems of soil erosion and sedimentation, stabilization specifications, stormwater management considerations, a time schedule for completion of the land disturbing activity and for maintenance after completion of the project, clearing and grading limits, and all other information needed to accurately depict solutions to potential soil erosion and sedimentation problems. Any erosion and sediment control plan must meet the Best Management Practices Manual and shall be reviewed for record by the Manager prior to the issuance of the land-disturbing permit.

D. At any time the Manager determines that an erosion and sediment control plan does not comply with the provisions of this article, the Manager shall notify the applicant in writing of all deficiencies within said plan.

15-307. Sediment and erosion control.

A. No land disturbing activity shall be conducted within the City except in such manner that:

1. Stripping of vegetation, re-grading and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 20 calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface area;
2. Property owners and/or developers shall be responsible, upon completion of land disturbing activities, for leaving slopes so that they will not erode. Such methods should include re-vegetation, sodding, mulching, or rip-rapping. Regardless of the method used, the objective will be to leave the site erosion-free and maintenance-free as practicable;
3. Whenever feasible, natural vegetation shall be retained, protected, and supplemented;
4. Permanent or temporary soil stabilization must be applied to disturbed areas to the extent feasible within seven days on areas that will remain unfinished for more than 14 calendar days. Permanent soil stabilization with perennial vegetation shall be applied as soon as practicable after final grading is reached on any portion of the site. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact, and flowing water, and includes the growing of grass, sod, application of straw, mulch, fabric mats, and the early application of gravel base on areas to be paved;
5. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized;
6. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, silt fences, check dams or similar measures until the disturbed area is stabilized;
7. Neighboring persons and property shall be protected from damage or loss resulting from excessive stormwater runoff, soil erosion or deposition upon property or public streets of water transported silt and debris. Adjacent property owners shall be protected from land devaluation due to exposed bare banks;

8. Controlled construction entrance/exit shall be maintained in a condition that will prevent tracking or flowing of sediment onto the public right-of-way;
9. Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday;
10. Structural controls shall be designed and maintained as required to prevent pollution. All surface water flowing toward the construction area shall, to the extent practicable, be diverted by using berms, channels, or sediment traps as necessary. Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas, to detain runoff and trap sediment. Discharges from sediment basins and traps must be through a pipe or lined channel so that the discharge does not cause erosion. Muddy water to be pumped from excavation and work areas must be held in settling basins or treated by filtration prior to its discharge into surface waters where practicable. Waters must be discharged through a pipe or lined channel so that the discharge does not cause erosion and sedimentation. All channels, outlets, storm sewer inlets, streets, creeks, and streams must be protected from the introduction of garbage, rubbish, yard waste, sediment, or floatable materials;
11. All control measures shall be inspected, and repaired as necessary, bi-weekly in dry periods and within 24 hours after any rainfall of 0.5 inches within a 24-hour period. During prolonged rainfall, daily inspections and repairing is necessary. The permittee shall maintain record of such inspections and repairs;
 - a. Any land disturbing activity located in the watershed of any creek or stream that is listed as impaired by the ODEQ shall be inspected, and repaired as necessary, on a weekly basis in dry periods and within 24 hours after any rainfall of 0.5 inches within a 24-hour period. During prolonged rainfall, daily inspections and repairing is necessary. The permittee shall maintain record of such inspections and repairs;
12. A specific individual shall be designated to be responsible for erosion and sediment controls on each site. A Notice shall be posted on each site with the OKR10 Permit number, contact name and telephone number, project name and location of the SWP3 if not on site;
13. There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge. The stormwater discharge must not cause an objectionable color contrast in the receiving water. The stormwater discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream; and
14. Concrete washout areas must be designated, utilized, and maintained to minimize pollutant discharges.
15. When the land disturbing activity is finished and stable, perennial vegetation has been established on all remaining exposed soil, the permittee shall notify the Manager of these facts and submit a Notice of Termination (NOT) of the permit issued under this section. The Manager shall then provide a final inspection of the site and, when advisable, may require additional measures to stabilize the soil and prevent erosion. If such requirements are given by letter, the permittee shall continue to be covered by this provision of this section, until a request for termination of the permit has been accepted by the Manager.

ARTICLE D: STORMWATER QUALITY MANAGEMENT

15-401. Stormwater Quality Management.

The Department of Community Development shall design and implement compliance programs protecting the community's natural resources, and such program shall be known as Stormwater Quality Management.

15-402. Authority of Stormwater Quality Management.

A. Stormwater Quality Management shall be headed by a person to be known as the Manager of Stormwater Quality Management.

B. With respect to the City's compliance with environmental laws, the Manager and/or the Manager's authorized representatives may do the following:

1. Carry out all inspections, surveillance, enforcement, and monitoring procedures necessary to determine compliance; administer the City's compliance with its NPDES MS4 permit to discharge from the municipal separate storm sewer system;
2. Inspect City and commercial (see SIC Codes, 15-201) properties for the presence of hazardous substances, and develop and administer whatever remediation programs are required;
3. Audit City departments to determine whether the City is in compliance with Federal and State Clean Water Act laws; whether the City has obtained all permits required by Federal and State environmental laws; and whether the City is in compliance with the permits it has;
4. Audit use of herbicides, fertilizers, and pesticides to determine compliance with Clean Water Act laws and to recommend alternative solutions where practicable for the reduction of their use through education and out-reach programs;
5. Control the discharge of spills and the dumping or disposal of materials other than stormwater (e.g., industrial and commercial waste, trash, motor vehicle fluids, leaf litter, grass clippings, animal waste, etc.) into the MS4; provide technical support for HAZMAT response when necessary;
6. Administer programs to identify and control pollutants from the transportation, storage, treatment, and disposal of hazardous wastes; and monitor hazardous waste facilities which receive the City's RCRA hazardous waste for treatment or disposal for compliance with NPDES MS4 permit requirements;
7. Provide assistance to the Public Works Department regarding the collection, transportation and disposal of solid waste, compliance with NPDES MS4 Permit requirements;
8. Monitor the City's compliance with all Federal, State, and local laws; except that:
 - a. Administering the City's compliance with State and Federal laws relating to discharge from the Wastewater Treatment Plant is the responsibility of the City Manager of the City of Moore;
 - b. Administering the City's compliance with State and Federal laws relating to the production and distribution of drinking water is the responsibility of the City Manager of the City of Moore;
 - c. Administering the City's compliance with State and Federal laws relating to the operation of the City's landfill programs are the responsibility of the City Manager of the City of Moore; and

- d. Administering the City's compliance with State and Federal laws relating to risk management and safety operations training; programs are the responsibility of the Department of Risk Management.
9. Perform such other administrative duties as may be assigned by the Manager.

B. With respect to enforcement, the Manager and his authorized representatives may do the following:

1. Investigate violations of and enforce those aspects of the Clean Water Act which are within the authority of local governments;
2. Investigate violations of and enforce this chapter;
3. Investigate violations of and enforce those provisions that relate to hazardous substances and spills although primary enforcement will remain with the Fire Chief;
4. Investigate all other violations of and enforce environmental laws within the City and within the City's extended jurisdiction;
5. Perform other environmental activities as may be required to ensure compliance of environmental regulations by City departments and others within The City of Moore and its extended jurisdiction.

C. With respect to other programs, the Manager and his authorized representatives may do the following:

1. Monitor and coordinate with other City departments on the City's response to releases of hazardous substances;
2. Review and assess the environmental hazards of real property involved in City land transactions;
3. Monitor the use of City rights-of-way, property, and easements by persons with use agreements for environmental monitoring;
4. Establish and supervise a program for the collection of hazardous household waste;
5. Create, promote, and publicize educational programs for environmental awareness; and
6. Provide quantitative data through field screening programs.

ARTICLE E: ADMINISTRATION

15-501. Monitoring.

The Manager shall monitor the quantity of, and the concentration of pollutants in stormwater discharges from the areas and locations as determined by the Manager.

15-502. Illicit connections and improper disposal.

A. The Manager shall take appropriate steps to detect and eliminate illicit connections to the City Stormwater System, including the adoption of a program to screen illicit discharges and identify their source or sources.

B. The Manager shall take appropriate steps to detect and eliminate improper discharges, including programs to screen for improper disposal and programs to provide for public education, public information and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials, and hazardous household waste.

15-503. Inspections.

A. The Manager or his designee, bearing proper credentials and identification, may enter and inspect all properties for regular periodic inspections, investigations, monitoring, observation, measurement, enforcement, sampling, and testing, to effectuate the provisions of this article and the Stormwater Management Program. The Manager or his designee shall duly notify the owner of said property or the representative on-site and the inspection shall be conducted at reasonable times.

B. In the event the Manager or his designee reasonably believes that discharges from the property into the City's Stormwater System may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any place at any time and without notice to the owner of the property or a representative on-site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

C. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the Manager. The Manager may seek appropriate compulsory process.

D. At any time during the conduct of an inspection or at such other times as the Manager or his designee may request information from an owner or representative, the owner or representative may identify areas of the property, facility or establishment, material or processes which contains or might reveal confidential information. If the Manager or his designee has no clear and convincing reason to question such identification, the inspector shall none the less inspect however, the inspection report shall note that confidential information. To the extent practicable and permitted by applicable law, the Manager shall not release information which is designated as a

confidential information by the Manager. Should the owner or his representative contend certain information to be confidential which has not been so determined or deemed by the Manager, then the owner shall be obligated to seek a declaratory judgment to so protect the alleged confidential information.

ARTICLE F: ENFORCEMENT AND ABATEMENT

15-601. Unauthorized discharge a public nuisance.

No person shall conduct, allow or permit the discharge of stormwater in any manner in violation of this article or of any condition of a permit issued pursuant to this article or a stormwater discharge permit issued by the State. Such discharge is hereby declared a public nuisance and must be corrected or abated by any owner and by any operator.

15-602. Illicit discharge and illegal dumping.

A. No person shall conduct, allow or permit the direct or indirect discharge of any material other than stormwater into the MS4, the Community Waters or Waters of the State. The following direct or indirect discharges are examples of prohibited discharges:

1. Sewage dumping or dumping of sewage sludge;
2. Chlorinated swimming pool discharge;
3. Discharge of any polluted household wastewater, such as but not limited to laundry washwater and dishwater, except to a sanitary sewer or septic system;
4. Leaking sanitary sewers and connections;
5. Leaking water lines;
6. Commercial, industrial or non-exempt public vehicle wash or power wash discharge and commercial, industrial or non-exempt cosmetic cleaning;
7. Garbage, rubbish, or sanitary waste disposal;
8. Dead animals or animal fecal waste;
9. Non-stormwater discharges, except pursuant to a permit issued by the State and the City;
10. Dredged or spoil material;
11. Solid waste and commercial or industrial process by-products;
12. Chemical waste; and
13. Wrecked or discarded vehicles, appliances or equipment.

15-603. Prohibition of pollutant discharge not covered by the NPDES Program.

A. A permit is a license to conduct an activity, which is regulated by the Clean Water Act, the Water Pollution Control Act, or this article.

B. Every person who is or who is planning to carry out any of the activities requiring a permit, shall obtain such a permit prior to carrying out such activities.

C. It shall be unlawful for any person to carry out any of the following activities, except in accordance with the conditions of a valid permit:

1. The alteration of the physical, chemical, radiological, biological, or bacteriological, properties of any of waters of the State or Community Waters;
2. The construction, installation, modification, or operation of any treatments works or part thereof, or any extension or addition thereto;
3. The increase in volume or strength of any wastes in excess of permissive discharges specified under any existing permit;

4. The development of a natural resource or the construction, installation, or operation of any establishment or any extension or modification thereof or addition thereto; the operation of which will or is likely to cause an increase in the discharge of wastes into the Waters of the State or would otherwise alter the physical, chemical, radiological, biological, or bacteriological properties of any Waters of the State in any manner not already lawfully authorized;
5. The construction or use of any new outlet for the discharge of any wastes into the Waters of the State;
6. The discharge of sewage, industrial wastes, or other wastes into waters, or a location from which it is likely that the discharged substance will move into waters; and
7. The discharge of sewage, industrial wastes, or other wastes into a well or a location where it is likely that the discharged substance will move into a well, or the underground placement of fluids and other substance which do or may affect the Waters of the State.

15-604. Accidental discharges.

A. In the event of any discharge or a hazardous substance in amounts which could cause a threat to public drinking supplies, a "significant spill", or any other discharge which could constitute a threat to human health or the environment, the owner or operator or the facility shall give notice to the Manager and the field office of the Oklahoma Department of Environmental Quality as soon as practicable, but in no event later than the close of business on the day following the accidental discharge or the discharger becomes aware of the circumstances. If an emergency response by governmental agencies is needed, the owner or operator should also call 911 immediately to report the discharge. A written report must be provided within five (5) days of the time the discharger becomes aware of the circumstances, unless this requirement is waived by the Manager for good cause shown on a case-by-case basis, containing the following particulars: 1) a reasonably precise description of the discharge, 2) the exact date and time of discharge, and 3) steps being taken to eliminate and prevent recurrence of the discharge.

B. The owner and operator shall take all reasonable steps to minimize any adverse impact to the Community Waters or the Waters of the State, including such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge. It shall not be a defense for the discharger in an enforcement action that it would have been necessary to halt or reduce the business or activity of the facility in order to maintain water quality and minimize any adverse impact that the discharge may cause.

C. It shall be unlawful for any person to fail to comply with the provisions of this section.

15-605. Administrative enforcement remedies.

A. *Notification of violation.* Whenever the Manager finds that any permittee or any person discharging stormwater has violated or is violating this article, or a stormwater permit or order issued hereunder, the Manager or his designee may serve upon said person or permittee written notice of the violation. Within ten (10) calendar days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted

to the Manager. Submission of this plan in no way relieves the discharger of liability or criminal prosecution for any violations occurring before or after receipt of the notice of violation.

B. *Consent orders.* The Manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the compliance and for the noncompliance. Such orders will include specific action to be taken by the discharger, operator and owner to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.

C. *Show cause hearing.* The Manager may order any person who causes or contributes to violation of this article or Stormwater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten calendar days prior to the hearing. Such notice may be served on any individual or the individual or the principal executive, general partner or manager of any legal entity or person of legal age at the office or business address of the permittee.

D. *Compliance order.* When the Manager finds that any person has violated or continues to violate this article or a permit or order issued there under, the Manager may issue an order to the violator directing that, following a specified time period, adequate structures or devices be installed or procedures implemented and properly operated, supervised and administrated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and best management practices.

E. *Stop Work Orders.* Notwithstanding any other notice, order or administrative process provided by this section, when the Manager finds that any person has violated or continues to violate this article or any permit or order issued hereunder, and also finds that such violation may cause an impairment of water quality or that a permit is required and has not been issued, the Manager may issue a Stop Work Order to cease and desist all such violations and direct those persons in noncompliance to:

1. Comply forthwith; or
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge or both.

F. *Appeal.* A person receiving an order may file a written notice of appeal with the City Manager, no later than the 10th calendar day after receipt of the order. Such notice shall include an explanation as to why the person believes the enforcement action should not be taken. A person receiving a Stop Work Order may file a written notice of appeal with the City Manager and obtain relief from such order upon a showing that the alleged violation will not cause an impairment of water quality or that a permit is not required. A hearing on the appeal will be scheduled within a reasonable time after receipt of the notice of appeal and the required explanation. All notices of appeal shall be signed by the owner or operator of the premises or activities in controversy, and shall include name

and address of the person filing the notice of appeal. Notice of hearing on the appeal may be served by facsimile or first-class mail at the number or address given in the written notice of appeal.

15-606. Unlawful acts, misdemeanor.

- A. It shall be unlawful for any person to:
1. Violate any provision of this article;
 2. Violate the provisions of any permit issued pursuant to this article;
 3. Fail or refuse to comply with any lawful notice to abate issued by the Manager within the time specified by such notice; or
 4. Violate any lawful order of Stormwater Quality Management or fail to comply with such an order within the time allowed by such order.
- B. Any person who commits any act declared unlawful or fails to perform any act required by or under this article or otherwise violates any provision of this article shall be guilty of an offense against the City and punishable pursuant to Section 1-108 of the Moore City Code. Each and every day on which a violation shall occur or continue to occur shall be deemed a separate offense.

15-607. Judicial proceedings and relief.

- A. The City may authorize the Manager by and through the Municipal Counselor to initiate proceedings in any court of competent jurisdiction against any person who has or is about to:
1. Violate the provisions of this article;
 2. Violate the provisions of any permit issued pursuant to this article;
 3. Fail or refuse to comply with any lawful order issued by the Manager, which has not been timely appealed to the appropriate court within the time allowed by this article;
 4. Violate any lawful order within the time allowed by such order.
- B. Any person who is required by any provision of this chapter or by any other law to obtain a permit prior to engaging in conduct that is regulated by this chapter, and who fails or neglects to obtain such a permit, or who fails to exhibit such a permit upon request by a City official, shall be guilty of an offense against the City and punishable pursuant to Section 1-108 of the Moore City Code. Each and every day on which a violation shall occur or continue to occur shall be deemed a separate offense.
- C. The Manager, with consent of the City Council, may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to publicly owned stormwater facilities by any person, and to seek injunctive or other equitable relief to enforce compliance with the provisions of this article or to enforce compliance with any lawful orders.
- D. The Manager may petition the Oklahoma Department of Environmental Quality to regulate and prosecute stormwater dischargers which can not be adequately controlled by municipal resources.

15-608. Reconsideration.

A. Any person subject to: a denial of a permit issued under this chapter; a compliance order; a stop work order; an emergency suspension of utility service; or any other enforcement action in this chapter which allows for reconsideration and hearing under this section, may petition the Manager or his designee who took such action to reconsider the basis for the action. In order for the petition to be re-considered, it shall be filed with the Manager no later than the tenth (10th) calendar day after receipt of the notice/order.

B. Failure to submit a timely written petition for reconsideration shall be deemed to be a waiver of any further right to administrative reconsideration or review of the action.

C. In its petition, the petitioner shall indicate the action objected to, and the reasons for the objection(s), any facts that are contested, the evidence that supports the petitioner's view of the facts, any alternative terms of an order that the petitioner would accept, whether the petitioner requests a hearing on its petition and the address where notice of hearing will be received and accepted.

D. The effect of a compliance order or stop work order shall be stayed pending the Managers's reconsideration of the petition, and any hearing thereon, unless the Manager expressly makes a written determination to the contrary. The effect of an emergency suspension of utilities shall not be stayed pending the Manager's reconsideration or any hearing, unless the Manager expressly, and in writing, stays the emergency order.

E. Within a reasonable time of the submittal of a petition for reconsideration, the Manager shall either grant the petition and withdraw or modify the order or modify or grant the permit accordingly; deny the petition if no material issue of fact is raised; or if a hearing has been requested and/or a material issue of fact has been raised, set a hearing on the petition.

15-609. Hearings.

A. The Manager may also set a hearing if the Manager determines that a show cause hearing should be conducted, if grounds exist to revoke or suspend a permit issued under this chapter, or if grounds exist to terminate utilities on a non-emergency basis.

B. Written notice of the hearing shall be served on a petitioner/violator at least ten calendar days prior to the hearing. Notice shall be served in person or by fax or mail, return receipt requested.

C. Notices shall specify the date, time, and place of the hearing.

D. Notice that is mailed shall be deemed received five calendar days after it is placed in a mail receptacle of the United States Postal Service.

E. No decision may be rendered at a hearing by reason of the petitioner/violator's failure to appear unless proof of service is shown.

F. Whenever any deadline specified in this section falls upon a Saturday, Sunday, or a City-recognized holiday, the deadline shall be the next regular City business day.

G. The date of an order or ruling required to be made under this section shall be deemed to be the date it is signed.

H. Decisions shall be based on a preponderance of the evidence. The City shall have the burden of proof in all hearings except permit denial hearings. In permit denial hearings, the burden of proof shall be on the petitioner.

I. The Manager shall act as the hearing officer.

J. After the conclusion of the hearing, the Manager shall make written findings of the fact and conclusions of law and shall issue a written decision without undue delay.

K. A hearing shall exhaust all administrative remedies of the petitioner/violator.

15-610. Variances.

A. The Manager may grant a revocable variance from the requirements of this article providing to do so would not result in the violation of any State or Federal law or regulation and if exceptional circumstances applicable to the site exist such that strict adherence to the provisions of this article will result in unnecessary hardship and will not result in a condition contrary to the intent of the ordinance.

B. A written petition for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, why a variance should be granted. The request shall include all information necessary to evaluate the proposed variance. The petition shall be filed with the Manager.

C. The Manager shall conduct a review of the request for a variance and may either support the petition or may object to the petition. If the Manager objects to the variance, the Manager shall state the reasons therefore.

D. Once the Manager's review is complete, the petition shall be subject to action at the discretion of the Manager.

Ord. No. 600(07)
Stormwater Management Program

Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS _____ DAY OF _____, 2007.

GLENN LEWIS, Mayor

ATTEST: (Seal)

JIM CORBETT, JR., City Clerk

APPROVED AS TO FORM AND LEGALITY:

RANDY C. BRINK, City Attorney