

Chapter 28

ARTICLE 3- SUBSURFACE DRAINAGE

SECT. 28-30

**STORMWATER**

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**ARTICLE I. GENERAL PROVISIONS**

**Sec. 28-30.1 Title.**

This chapter shall be known as the “Stormwater Code of the City of Hammond, Louisiana” and may be cited and referred to herein as “this chapter.”

**Sec. 28-30.2 Purpose.**

The purpose and objectives of this chapter are as follows:

- (1) To maintain and improve the quality of surface water and groundwater within the City of Hammond;
- (2) To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters affected by the City of Hammond;
- (3) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of the City of Hammond;

- (4) To encourage the recycling of used motor oil and safe disposal of other hazardous consumer products;
- (5) To facilitate compliance with state and federal standards and permits by owners and operators of industrial and construction sites within the City of Hammond; and
- (6) To enable the City of Hammond to comply with all federal and state laws and regulations applicable to stormwater discharge.

**Sec. 28-30.3 Administration.**

Except as otherwise provided herein, the city building official shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the city building official shall be carried out by that person and may be delegated by the city building official to other city personnel.

**ARTICLE II. ABBREVIATIONS AND DEFINITIONS**

**Sec. 28-30.4 Abbreviations.**

BMP—Best management practices.

BTEX—Benzene, toluene, ethylbenzene and xylene.

CFR—Code of Federal Regulations.

COH—City of Hammond

DEQ – Louisiana Department of Environmental Quality

DHH – Louisiana Department of Health and Hospitals

EPA—U.S. Environmental Protection Agency

HHW—Household hazardous waste.

mg/l—Milligram per liter.

MS4—Municipal separate storm sewer system.

NOI—Notice of intent.

NOT—Notice of termination.

NPDES—National pollution discharge elimination system.

ppb—Parts per billion.

PST—Petroleum storage tank.

RPE—Registered professional engineer.

RQ—Reportable quantity.

SWPPP—Stormwater pollution prevention plan.

TPH—Total petroleum hydrocarbon.

### **Sec. 28-30.5 Definitions.**

*Agricultural stormwater runoff.* Any stormwater runoff from cultivated crops, pastures, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.3 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

*Back washing.* The rinsing and /or cleaning of cartridge or sand filters.

*Best management practices (BMP).* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff.

*Cellar dirt.* Construction site waste materials such as natural rock and soil overburden.

*City.* City of Hammond, Louisiana.

*City Building Official.* The person appointed by the mayor to the position of city building official, or his/her duly authorized representative.

*City engineer.* The person appointed by the mayor to the position of city engineer, or his/her duly authorized representative.

*Commencement of construction.* The disturbance of soils associated with clearing, grading, excavating activities, or other construction activities.

*Commercial.* Pertaining to any business, trade, industry, or other activity engaged in for profit.

*Compliance officer.* The person appointed by the mayor to the position of compliance officer, or his/her duly authorized representative. The compliance officer is the city building official or his/her duly authorized representative.

*Contaminated.* Pertaining to containing a harmful quantity of any substance.

*Contamination.* Pertaining to the presence of or entry into a public water supply system, the MS4, waters of the state, or waters of the United States of any substance which may be deleterious to the public health and/or quality of the water.

*Cosmetic cleaning.* Pertaining to cleaning done for cosmetic purposes. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

*Department of Environmental Quality (DEQ).* The Louisiana Department of Environmental Quality, whose mission is to provide service to the people of Louisiana through comprehensive environmental protection in order to promote and protect health, safety and welfare while considering sound policies regarding employment and economic development.

*Department of Health and Hospitals (DHH).* The Louisiana Department of Health and Hospitals, whose mission is to protect and promote health and to ensure access to medical, preventive, and rehabilitative services for all citizens of the State of Louisiana.

*Director of planning and development.* The person appointed by the mayor to the position of director of planning and development, or his/her duly authorized representative.

*Director of public works.* The person appointed by the mayor to the position of director of public works, or his/her duly authorized representative.

*Director of utilities.* The person appointed by the mayor to the position of director of utilities, or his/her duly authorized representative.

*Discharge.* Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into 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.

*Domestic sewage.* Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, office buildings, industrial sites, and institutions, that is free from industrial waste.

*Environmental Protection Agency (EPA).* The United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

*Extremely hazardous substance.* Any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification.

*Facility.* Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

*Final stabilization.* Stabilization of least seventy (70) per cent of the project site.

*Fire code.* The “Fire Prevention and Protection” chapter of the City Code.

*Fire protection water.* Any water, and any substance 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 material 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.

*Grading permit.* Permit to commence grading or other land disturbance activity prior to obtaining a building permit.

*Harmful quantity.* The amount of any substance that will cause pollution of water in the state.

*Hazardous household waste (HHW).* Any waste generated in a household by a consumer which, except for the exclusion provided in 40 CFR Part 261.4(b) (1), would be classified as a hazardous waste under 40 CFR Part 302.

*Hazardous substance.* Any substance listed in Table 302.4 of 40 CFR 302.

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

*Industrial waste.* Any waterborne liquid or solid substance that results from any process of industry, manufacturing, production, trade, or business.

*Mobile commercial cosmetic cleaning.* Any power washing, steam cleaning, and other mobile cosmetic cleaning operation, of vehicles and/or exterior surfaces, engaged in for commercial purposes.

*Motor vehicle fuel.* Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in a motor vehicle.

*Municipal landfill or landfill.* An area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, an injection well, or a pile.

*Municipal separate storm sewer system (MS4).* The system of conveyances, gutters, ditches, manmade channels, or storm drains owned and operated by the city and designated 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.

*NPDES general permit for stormwater discharges associated with industrial activity or industrial general permit.* The Industrial General Permit issued by EPA on August 27, 1992 and published in Volume 57 of the Federal Register at page 41304 on September 9, 1992, and any subsequent modifications or amendments thereto.

*NPDES general permit for stormwater discharges from construction sites or construction general permit.* The construction general permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41217 on September 9, 1992, and any subsequent modifications or amendments thereto.

*NPDES permit.* A permit issued by EPA (or by the state under authority delegated pursuant to 33 USC 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Nonpoint source.* Any source of any discharge of a pollutant that is not a “point source”.

*Notice of intent (NOI).* The notice of intent that is required by either the industrial general permit or the construction general permit.

*Notice of termination (NOT).* The notice of termination that is required by either the industrial general permit or the construction general permit.

*Oil.* Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, and pressure, sludge, oil refuse, and oil mixed with waste.

*Operator.* The person or persons who, either individually or taken together, meet the following two (2) criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications); and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

*Owner.* The person who owns a facility or part of a facility.

*Person.* Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local entities.

*Petroleum product.* A petroleum product that is obtained from distilling and processing crude oil, and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

*Petroleum storage tank (PST).* Any one or combination of above ground or underwater storage tanks that contain petroleum products and any connecting underground pipes.

*Point source.* Any discernable, confined, and discrete conveyances, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

*Pollutant.* Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water. The term “pollutant” does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated pasture land or farm land.

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

*Registered landscape architect (RLA).* A person who has been duly licensed and registered to practice landscape architecture.

*Registered professional engineer (RPE).* A person who has been duly licensed and registered by the state board of registration for professional engineers to engage in the practice of engineering in the State of Louisiana.

*Release.* Any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.

*Reportable quantity (RQ).* For any “hazardous substance,” the quantity established and listed in Table 302; for any “extremely hazardous substances,” the quantity established in 40 CFR Part 302; for any “extremely hazardous substance,” the quantity established in 40 CFR Part 355 and listed in Appendix A thereto.

*Rubbish.* Nonputrescible solid waste, excluding ashes, that consist of (a) combustible waste materials, including paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

*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 the city sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

*Septic tank waste.* Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Service station.* Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.

*Sewage or sanitary sewage.* The domestic sewage and/or industrial waste that is discharged into the city sanitary sewer system and passes through the sanitary sewer system to the city sewage treatment plant for treatment.

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

*Solid waste.* Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from community and institutional activities.

*State.* State of Louisiana.

*Stormwater.* Stormwater runoff, snow melt runoff, surface runoff and drainage.

*Stormwater discharge associated with industrial activity.* The discharge from any conveyances which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at or directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one (1) of the categories of facilities listed in 40 CFR 122.26 (b) (14), and which is not excluded from EPA's definition of the same term.

*Stormwater pollution prevention plan (SWPPP).* A plan required by either the construction general permit or the industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

*Uncontaminated.* Not containing a harmful quantity of any substance.

*Used oil (or used motor oil).* Any oil that has been refined from crude oil or synthetic oil that, as a result of use, storage, or handling has become unsuitable for its original purpose because of impurities or the loss of original properties, but that may be suitable for further use and is recyclable in compliance with state and federal law.

*Water in the state (or water).* Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, 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.

*Water quality standard.* The designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical deemed by 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 tide; all interstate waters, including interstate wetlands; all other waters by which the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all 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 requirement of the federal Clean Water Act.

*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.

*Yard waste.* Leaves, grass clippings, yard and garden debris, and brush that result from landscaping maintenance and land-clearing operations.

### **ARTICLE III. USER REQUIREMENTS**

#### **Sec. 28-30.6 General provisions.**

- (a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of stormwater.
- (b) It is an affirmative defense to any enforcement action for violation of subsection (a) of this section that the discharge was composed entirely of one (1) or more of the following categories of discharges:
  - (1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);
  - (2) A discharge or flow resulting from the fire fighting by the fire department;
  - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;
  - (4) Agricultural water runoff;
  - (5) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by superchlorination or other means unless it contains no harmful quantities of chlorine or any other chemical used in the line disinfection;
  - (6) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
  - (7) A discharge of flow from a diverted stream flow or natural spring;

- (8) A discharge or flow from uncontaminated pumped ground water or rising groundwater;
  - (9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(2) to the MS4);
  - (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
  - (11) A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant;
  - (12) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
  - (13) A discharge or flow from individual residential car washing;
  - (14) A discharge or flow from riparian habitat or wetland;
  - (15) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or
  - (16) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant.
- (c) No affirmative defense shall be available under subsection (b) of this section if the discharger or flow in questions has been determined by the stormwater committee to be a source of a pollutant or pollutants to the waters of the United States or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than ten (10) days beyond such notice. The correctness of the stormwater committee's determination that a discharge is a source of a pollutant may be reviewed in any administrative or judicial enforcement proceeding.

**Sec. 28-30.7 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 xx-51.
- (b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a water

quality standard, the city's NPDES permit, or any state-issued discharge permit for discharges from its MS4.

- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
- (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
  - (2) Any industrial waste;
  - (3) Any hazardous waste, including hazardous household waste;
  - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
  - (5) Any garbage, rubbish, or yard waste;
  - (6) Any wastewater from a commercial carwash facility; 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, by a business or public entity;
  - (7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
  - (8) Any wastewater from commercial floor, rug, or carpet cleaning;
  - (9) Any effluent from a cooling tower, condenser, compressor, emission scrubber, emission filter, or the blowdown from a boiler;
  - (10) Any runoff or wash down from any animal pen, kennel, or fowl or livestock containment area;
  - (11) Any discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
  - (12) Any fire protection water containing oil or hazardous substances or materials;
  - (13) Any water from a water curtain in a spray room used for painting vehicles or equipment;

- (14) Any contaminated runoff from a vehicle wrecking;
- (15) Any substance or material that will damage, block, or clog the MS4;
- (16) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contamination by leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of such PST release, unless the discharge satisfies all of the following criteria:
  - a. Compliance with all state and federal standards and requirements;
  - b. No discharge containing harmful quantity of any pollutant; and
  - c. No discharge containing more than fifty (50) parts per billion of benzene, five hundred (500) parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene, (BTEX); or fifteen (15) mg/l of total petroleum hydrocarbons (TPH).
- (17) The following non-storm water sources may be discharged from the MS4 provided that they have been determined by the city not to be substantial sources of pollutants to the MS4. The operator must utilize best management practices to limit discharge of the following non-storm water sources:
  - a. Any waste water from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or other harmful cleaning substance;
  - b. Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed; and

- c. Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material, or material from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material.
- (d) No person shall 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, or other construction activities 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 shall connect a line conveying sanitary sewage, domestic, or industrial, to the MS4, or allow such a connection to continue.
- (f) No person shall cause or allow any pavement washwater from a commercial facility to be discharged into a MS4 unless such wastewater has passed through a proper functioning and maintained grease, oil, and sand interceptor before discharging into the MS4.

**Sec. 28-30.8 Used oil regulation.**

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

**Sec. 28-30.9 Swimming pool regulation.**

Requirements for two (2) types of discharges:

- (a) Filter backwashing:
  - 1. Backwash water may be disposed of and filters may be rinsed on the pool/spa owner's property. This should be done in an area that will absorb the water.

2. Water from backwashing a pool or spa containing chlorine <1 mg/l, total suspended solids <45 mg/l, pH in the range of 7 to 8, no harmful quantities of muriatic acid or other chemical used in the treatment or disinfection of the water, free of color, algae, and other contaminants may be discharged off the owner's property to the MS4.
3. The following restrictions apply to backwash water discharge activities;
  - a. Discharges may not be drained onto a neighbor's property or across a sidewalk.
  - b. Discharge water may not cause erosion or transport sediment.
  - c. Discharges may not be drained into unpaved alleys.
  - d. Discharges may not cause an accumulation of water along the curblin gutter of a paved street.
  - e. Backwash water discharge unable to meet the restrictions outlined above must be discharged to the sanitary sewer system with approval from the wastewater superintendent and the city plumbing inspector.

(b) Swimming pool/spa draining;

1. Water from draining a pool or spa containing chlorine <1mg/l, total suspended solids <45mg/l, pH in the range of 7 to 8, no harmful quantities of muriatic acid or other chemical used in the treatment or disinfection of the water, free of color, algae, and other contaminants may be discharged off the owner's property to the MS4.
2. The following restrictions apply to swimming pool and spa discharge activities:
  - a. Discharges may not be drained onto a neighbor's property or across a sidewalk.
  - b. Discharge water may not cause erosion or transport sediment.
  - c. Discharges may not be drained into unpaved alleys.

- d. Discharges may not cause an accumulation of water along the curb-line gutter of a paved street.
- e. Swimming pool or spa water discharge unable to meet the restrictions outlined above must be discharged to the sanitary sewer system in the event there is no subsurface drainage available. To discharge to the sanitary sewer, prior approval from the wastewater superintendent must be obtained.

**Sec. 28-30.10 Discharge from dumpster area.**

All new construction of commercial facilities requiring suitable cleaning and supplies such as high pressure pumps, hot water, steam, and detergents necessary for the effective cleaning of equipment and receptacles of solid waste collection must meet the following requirements:

- (a) Liquid waste generated by the cleaning operations cannot be discharged into the MS4 without a valid NPDES permit;
- (b) Liquid waste generated by cleaning operations not meeting criteria in subsection (a) above must be discharged to the sanitary sewer. Stormwater runoff must be prevented from entering the sanitary sewer by means approved by the City of Hammond; and
- (c) Discharge entering the sanitary sewer must meet local discharge limits found in city ordinances. Discharges unable to meet these discharge limits must be pretreated on site to reduce pollutant concentration prior to discharging to the sanitary sewer.

**ARTICLE IV. STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES**

**Sec. 28-30.11 General requirements.**

The operator shall certify all state requirements have been met by signing a certification statement as part of the grading application and/or building permit application. Refer to current specific NPDES permit for site applicability and NOI requirements:

- (1) All operators of construction sites shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the United States, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, and other construction activities to the maximum extent practicable. Such best management practices may include, but not be limited to, the following measures:

- (a) 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;
- (b) Use of structural practices to divert flows from exposed soils, stored flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;
- (c) Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;
- (d) Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the United States;
- (e) Providing general good housekeeping measures to prevent and contain spills of paints, solvent, fuel, septic water, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleaning and disposal of any such spills in compliance with state, federal, and local requirement;
- (f) Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash;
- (g) Timely maintenance of vegetation, erosion and sediment control measures, and other best management practices in good and effective operating condition; and
- (h) Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soil to the degree attainable. Such installed structural measures may include, but not be limited to, the following: stormwater detention structures (including wet ponds); 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 only responsible for the installation and maintenance of stormwater management

measures prior to final stabilization of the site and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.

- (2) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site (meeting criteria of current NPDES permit) that have not been finally stabilized, areas used for storage of material that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site in accordance with the current NPDES permit. All erosion and sediment control measures and other identified best management practices shall 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 inspections, best management practices shall be revised as appropriate and as soon as is practicable.
- (3) The city may require any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection (1) (a) above that will be implemented at the construction site. The city may deny approval of any building permit, site development plan, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon the site inspection by the city are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other material associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable.
- (4) 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.
- (5) 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 best management practice control measures, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit, or any state-issued discharge permit for discharges from its MS4.
- (6) Based on the results of the inspections required by subsection (2), the site description and/or the pollution prevention measures shall be revised as appropriate, but in no case later than one (1) calendar day following the inspection. Such modifications shall provide for timely implementation of

any changes to the SWPPP within one (1) calendar day following the inspection.

- (7) Upon final stabilization of the construction site, the owner or the duly authorized representative thereof shall submit written certification to the city that the site has been finally stabilized. The city may withhold an occupancy or use permit for any premises constructed on the site until certification of final stabilization has been filed and the city has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

**Sec. 28-30.12 Site applicability.**

Construction activity, including clearing, grading, and excavation activities, that result in the disturbance of one (1) or more acres of total land area shall comply with the requirements of this chapter. This also applies to building construction (including residential) on lots less than one (1) acre.

**ARTICLE V. GRADING PERMIT**

**Sec. 28-30.13 Purpose.**

The purpose of this section is to regulate grading property within the incorporated area of the City of Hammond to safeguard life, limb, health, property, and public welfare; to avoid pollution of watercourses with nutrients, sediments, or other earthen material generated on or caused by surface runoff on or across the permit area; and to ensure that the intended use of a graded site is consistent with applicable city ordinances.

**Sec. 28-30.14 Exemptions.**

The following described activities shall not require a grading permit in order to perform clearing, excavation, or related earthwork:

- (1) If building permit is obtained, no grading permit is required;
- (2) Utility or public works improvements do not require a grading permit;
- (3) Excavation in connection with a building, swimming pool, retaining wall, or other structure authorized by a valid building permit;

- (4) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
- (5) Septic repair and/or alteration;
- (6) Cemetery graves;
- (7) Temporary stockpiling or storing of materials provided that such operations do not affect adjacent properties and all drainage and erosion control requirements;
- (8) Accepted agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations, tree cutting, logging operations leaving the stump and root mat intact, and cultivated sod operation;
- (9) Minor landscaping and sprinkler installation.

**Sec. 28-30.15 Permitting procedures.**

Unless otherwise stated, no person(s) shall perform any clearing, excavation, or earthwork within the City of Hammond without first having obtained a grading permit or building permit from the building department.

The grading permit is applicable, but is not limited, to the following activities:

- (1) Excavating, cutting, filling, grading, draining, or paving lots, parcels, or other areas;
- (2) Altering, rerouting, deepening, widening, obstructing, or changing in any way an existing drainage system or feature;
- (3) Development for: residential, commercial, institutional, industrial, utility, or other activities;
- (4) Commencing any other development or excavation which may: significantly increase or decrease the rate and/or quantity of surface water runoff; degrade the quality of water; or adversely affect any sinkhole, water course, or water body.

**Sec. 28-30.16 Responsibility not waived.**

The grading permit exceptions listed in section 28-30.13 do not relieve the owner, developer, contractor, or other legal representative of the responsibility of installing and properly maintaining the proper erosion/ sedimentation control measures or other liability resulting from such activities.

**Sec. 28-30.17 Site plan and/or conceptual grading plan requirements.**

- (a) An approved site sketch is required to obtain a grading permit. The site sketch shall contain in addition to such basic information as owner name and address, date and parcel number the following:
  - (1) The actual shape, location, and dimension of the lot to be built upon;
  - (2) The shape, size, and location of all existing and proposed buildings or other structures;
  - (3) The location and approximate dimension of all points of access to a public street or road;
  - (4) The location of all driveways and entrances; and
  - (5) Locations of areas subject to flooding, if applicable.
  
- (b) An approved site plan is required to obtain a grading permit. The site plan shall contain, as a minimum, the following items or information, as applicable:
  - (1) Total land area;
  - (2) Existing and proposed topography of existing land and impervious areas shown;
  - (3) Elevations of all existing and proposed streets, alleys, utilities, sanitary and storm water sewers, and existing buildings and structures;
  - (4) All existing and proposed impervious area;
  - (5) Natural or artificial watercourses;
  - (6) Limits of floodplains, if applicable;
  - (7) All existing and proposed slopes, terraces, or retaining walls;
  - (8) All existing and proposed stormwater drainage structures or features;
  - (9) All stormwater structures/features immediately upstream and downstream of the site;

- (10) Erosion and siltation controls plans;
- (11) Drainage calculations when required; and
- (12) Drainage easement when required.

**Sec. 28-30.18 Plan submittal, review, and approval process for grading permits.**

If site, drainage, grading, and erosion plans for the purpose of obtaining a grading permit are required, they shall be submitted to the building department. They are to be submitted not less than ten (10) days prior to the intended date to begin site alterations. The issuance of all other permits is based upon approval of submitted plans.

The grading permit is valid for a period of one (1) year from the date of issue. Extensions will be considered based on circumstances.

**Sec. 28-30.19 Grading permit fees.**

The fee for the grading permit is intended to assist the City of Hammond in recovering some of the expenses associated with the permitting process. These costs consist primarily of administration, inspection, and enforcement activities and shall be approved and set by the city council.

The fee schedule for grading permits is as follows:

Grading/excavation/earthworks projects

Areas less than or equal to one (1) acre.....	\$50.00
Areas more than one (1) acre, per additional acre.....	\$25.00

**Sec. 28-30.20 Erosion and sedimentation control.**

Developers and/or property owners shall use appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to an acceptable minimum and does not cross to an adjoining property, right-of-way, or stream.

**ARTICLE VI. COMPLIANCE MONITORING**

**Sec. 28-30.21 Right of entry: inspection and sampling.**

The city shall have the right to enter the premises of any person discharging stormwater to municipal separate storm sewer system (MS4), or to waters of the United States, to determine if the discharger is complying with all requirements of this chapter and with state or federal discharge permits, limitations, or requirements.

Dischargers shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, record examination and copying, and for the performance of any additional duties. Dischargers shall make available to the city, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this chapter and with any state or federal discharge permit.

- (1) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, city personnel will be permitted to enter without delay for the purpose of performing his/her responsibilities.
- (2) The city shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operation.
- (3) The city may require any discharger to the MS4 or waters of the United States to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges, and may specify the frequency and parameters of any such required monitoring.
- (4) The city may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- (6) Unreasonable delays in allowing the city access to the discharger's premises shall be a violation of this chapter.

## **ARTICLE VII. PENALTIES AND ENFORCEMENT**

### **Sec. 28-30.22 Notice of noncompliance.**

The city building official or his designee shall deliver to the owner, contractor, and/or representative of any premises, or to any person responsible for an illicit

connection, prohibited discharge, maintenance of a threatened discharge, failure to implement BMPs in accordance with this chapter, or any other violation of this chapter a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with section 28-30.24.

The notice of noncompliance shall identify the provision of this chapter which has been violated. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions, including the recovery of any cost incurred by the city.

The notice of noncompliance shall identify a compliance date that must be met.

**Sec. 28-30.23 Cease and desist orders.**

The city building official may issue a cease and desist order. A cease and desist order shall be delivered in accordance with section 28-30.24 and may be delivered simultaneously with the notice of noncompliance as set forth in section 28-30.22. A cease and desist order may direct the owner, contactor, and/or representative responsible for any violation of this chapter to take any of the following actions:

- (1) Immediately discontinue any prohibited discharge to the city's stormwater conveyance system.
- (2) Immediately discontinue any other violation of this chapter.
- (3) Clean up the area affected by the violation.
- (4) The city building official may direct by a cease and desist order that any person immediately cease any activity which may lead to a violation of receiving water limitations.
- (5) The city building official may terminate the building permit for the site.

**Sec. 28-30.24 Delivery of notice.**

Any notice of noncompliance, cease and desist order, or other enforcement order pursuant to the requirements of this chapter shall be subject to the following requirements:

- (1) The notice shall state that the recipient or the property owner, or both, may be liable for all enforcement costs incurred by the city in correcting the violation.
- (2) The notice shall state that the recipient has a right to appeal the matter as set forth in section 28-30.26.

- (3) Delivery shall be deemed complete upon either personal delivery to the recipient or deposit in the U.S. mail postage prepaid for first class delivery.

**Sec. 28-30.25 Penalties.**

Any person violating any provision of this chapter shall be punished by a fine imposed by the city building official according to the following schedule:

First offense: \$250.00 per day per offense.

Second offense: \$500.00 per day per offense.

Third offense and thereafter: \$1,000.00 per day per offense.

**Sec. 28-30.26 Administration appeals.**

- (1) *Initiating an appeal.* Any person wishing to appeal the decision of the city building official shall provide a notice of intent to appeal with the city building official. The city building official shall make an informal attempt to resolve the dispute. If the dispute is not resolved within ten (10) business days from the date of the notice of intent to appeal, such person may file a petition for appeal of the decision of the city building official with the City Director of Administration. The following information shall be contained in the petition:
  - (a) The name, address, and telephone number of the petitioner, and the name of the owner and/or customer if the appeal is being filed by an interested party other than the owner and/or customer;
  - (b) The property address and a contact person if different from the petitioner;
  - (c) The decision, enforcement action, or other action being appealed with copies of all notices received from the City and decisions being appealed;
  - (d) An indication of the petitioner's status as an interested party;
  - (e) A statement giving specific reason why the petitioner believes the decision of the city building official is incorrect or does not comply with the rules and regulations found in this chapter; and
  - (f) All documents, drawings, plans, or other material petitioner believes supports the appeal.

- (2) *Hearing.* The city council may itself conduct the hearing and take the evidence, or may designate any of its members, or employee of the City, or any other person to:
  - (a) Issue in the name of the city council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (b) Take the evidence; and
  - (c) Transmit a report of the evidence and hearings, including transcripts and other evidence, together with recommendations to the city council for action thereof.

At any hearing held pursuant to this article, testimony must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the city council has reviewed the evidence, it may issue an order to the person responsible for the violation, following a specified time period, that corrective action be completed, and/or penalties be paid. Further orders and directives as are necessary and appropriate may be issued.

A party or person aggrieved by the city council decision shall have the right of judicial review of such decision.

## **ARTICLE VIII. CITIZEN PARTICIPATION**

### **Sec. 28-30.27 Citizen Reports of Violations.**

- (1) All citizens are encouraged to report to the city any spills, releases, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the United States, and any other violation of this chapter of which they become aware.
- (2) Calls received by the first call system will be referred to the city building official. All citizen reports received by telephone, in writing, and in person will be kept on file for a period of three (3) years. When necessary, complaints will be referred to the Department of Environmental Equality, Department of Health and Hospitals, or other appropriate local, state, or federal agency.

## ARTICLE IX. MISCELLANEOUS PROVISIONS

### Sec. 28-30.28 Charges and fees.

The city may adopt reasonable fees for reimbursement of costs of constructing, Operating, and maintaining the city's MS4, and for reimbursement of costs of implementing its stormwater management program as required by EPA or the state, and the cost of implementing this chapter, which costs may include, but not limited to, the following:

- (1) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;
- (2) Fees for spills and release reports and responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants;
- (3) Fees for the discharges of stormwater into the city's separate storm sewer system; and
- (4) Other fees as the city may deem necessary to carry out the requirements contained in this chapter. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.