STORMWATER POLLUTION CONTROL ORDINANCE UPDATES

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PURPOSE

Ordinance updates are necessary to:

- Update city rules to comply with state and federal stormwater regulations – Construction General Permit (CGP) and Multi-Sector General Permit (MSGP)
- Include regulations associated with city-created programs (Automotive Related Businesses (ARB)) and new MS4 permit requirements (Post-Construction, TMDLs)
- Establish new enforcement remedies or update as necessary
- Improve flow; clarify language
APPLICABLE PERMITTING

- Construction General Permit (CGP)
  - Authorizes and outlines the allowable and non-allowable stormwater and non-stormwater discharges associated with regulated small and large construction activities into surface waters of the state.
Multi-Sector General Permit (MSGP)

- Authorizes and outlines the allowable and non-allowable stormwater and non-stormwater discharges associated with regulated industrial activity.

- Sector specific
APPLICABLE PERMITTING

- Municipal Separate Storm Sewer System (MS4) Permit
  - City specific
  - Authorizes allowable and non-allowable stormwater discharges within the MS4.
  - Outlines program and resources requirements for the MS4.
    - Stormwater Management Program (SWMP)
OUTLINE OF UPDATES

- **By Article**
  - Current ordinance contains 13 separate articles
  - Updated ordinance contains 12 separate articles
    - 2 consolidated and 1 added

- **Changes for improved clarity**
  - Articles: 1, 2, 3, 7, 8, 10, 11, and 12
  - Changes to language for clarity, flow, better comprehension, etc.

- **Compliance Changes**
  - Articles: 4, 5, 6, and 9
  - Comply with state and federal regulations, provide for enforcement remedies, include language for programs not previously covered
COMPLIANCE CHANGES

- Article 4: Construction Activities
  - 4.01 – Responsibility
  - 4.02-4.04 – Mirrored Construction General Permit (CGP) requirements; included clearer final stabilization language
  - 4.05-4.06 – Post-Construction Requirements (NEW)
    - Post-construction language not previously included in ordinance
    - Fulfills requirement established by TCEQ that the MS4 is responsible for ensuring the long-term maintenance of post-construction best management practices (BMPs)
      - New program creation is necessary to identify and track BMPs and to inspect BMPs annually to ensure maintenance and proper reporting.
      - Will require some internal process changes (an outline of necessary changes has been developed.)
      - Education is always the first goal, but a compliance mechanism must be in place.
COMPLIANCE CHANGES

- Article 5: Industrial Activities
  - 5.01 – Responsibility
  - 5.02 – 5.06 – Mirrored Multi-Sector General Permit (MSGP) requirements as necessary
  - 5.07 – Water Quality Monitoring Requirements including Total Maximum Daily Loads (TMDLs) (NEW)

- Current MSGP expires on August 14, 2021
  - Final draft approved by EPA
  - No changes in the draft that will impact ordinance revisions before next MSGP expiration
COMPLIANCE CHANGES

- Article 6: Automotive Related Businesses (NEW)
  - Includes previous “Used Oil Regulation” language from Article 3: Specific Prohibitions
  - Establishes purpose
  - Applicability (which activities will be regulated)
  - General operating requirements
  - General prohibitions for stormwater discharges
  - Auto salvage specific prohibitions & bulk storage requirements
  - Responsibility for cleanup costs, damages
  - Does not cover used tires (tires are regulated by TCEQ)
COMPLIANCE CHANGES

- Article 9: Enforcement Remedies
  - Updated existing administrative enforcement remedies
    - Written and verbal warnings
    - Notices of Violation (NOVs)
    - Consent Orders, Abatement Orders, Compliance Orders, etc.
  - New section outlining judicial enforcement remedies
    civil and criminal) and fines
    - Eliminates the need for current article 10 and 11
- 9.03 – Supplemental Enforcement Action
  - 9.03 C – Public Nuisances
    - Remediation of nuisances
  - 9.03 D – Administrative Liability
POST-CONSTRUCTION RELATED PROGRAM
CHANGES
(CITY)

- Long-Term Maintenance and Operation of Post-Construction BMPs
  - Scope: 2003 to present; Historical BMPs (if found and require maintenance)
    - Location verifications of BMPs and database creation.
    - Update Maintenance Agreement format to include a list of all BMPs.
    - Maintenance agreements stored and tracked by Environmental Management along with Stormwater Management Site Plan (SWMSP).
    - Ensure SWMSP checklist and requirements are updated as appropriate.
    - Provide inspection checklist template for qualified professional (QP).
    - Annual inspections by responsible party’s QP and City of Arlington personnel (as needed).
POST-CONSTRUCTION RELATED PROGRAM CHANGES
(RESPONSIBLE PARTIES)

- Include a list of Post Construction BMPs with Stormwater Management Site Plan (SWMSP) (or Site Plans for <12,000 sq. ft.)
  - These will also appear in the Maintenance Agreement.

- Include and Operations and Maintenance (O&M) Plan for each BMP with the SWMSP.

- Responsible parties for each site will use a qualified professional to inspect BMPs yearly and submit an inspection report (annual deadline TBD).
COMMUNICATING CHANGES TO THE REGULATED COMMUNITY

- Post-Construction
  - Specific and individualized communication with property owners once location of BMPs are verified.
    - Update City website with information on post-construction program requirements.
      - What it is; what it applies to; maintenance requirements; annual inspection and reporting requirements; etc.
    - Provide access to BMP checklists
    - Infographics or explainer videos although qualified professionals will be required for inspections.
DEADLINE FOR ORDINANCE APPROVAL

- Approval of ordinance updates must occur by December 2021 to comply with TCEQ requirements set forth in the City’s new MS4 permit (approved August 2019).
QUESTIONS?