

Recertification Notice of Intent (NOI)

Regulated Small Municipal Separate Storm Sewer Systems (MS4's) General Permit ARR040000

You must **complete, certify, and sign this Recertification Notice of Intent (NOI) form** and return it along with the **updated Stormwater Management Program (SWMP)** to the Department in order to continue permit coverage under the General Permit ARR040000. You must submit this form **no later than July 1, 2019.** Please keep a copy of this form for your records once completed and signed.

Permittee Name	Permit Tracking Number	AFIN
Jefferson County	ARR040012	88-00868

If any changes or additions need to be made to the information shown below, please update the new information in the corrections section below and/or attach documentation.

	Current Information in ADEQ's database	Corrections/Additions, If Needed
Small MS4 Physical Address	101 Barraque	
County	Jefferson	
Urbanized/Core Areas	Pine Bluff	
Receiving Stream	Caney Bayou	
Ultimate Receiving Stream	Arkansas River	
Contact Person & Title	Karen Blevins, Coordinator	
Telephone Number	(870) 541-5470	
Cognizant Official & Title	Booker T. Clemons , County Judge	Gerald Robinson
Responsible Official & Title	Booker T. Clemons , County Judge	Gerald Robinson

Are the mailing and invoice addresses the same?

Yes or No* *If "No," please provide invoice address: _____

Additional Comments: _____

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I certify that I have read and will comply with all the requirements of the Regulated Small Municipal Separate Storm Sewer Systems (MS4's) General Permit ARR040000.

Responsible Official Name: Gerald Robinson
 Responsible Official Title: County Judge
 Responsible Official Signature: [Signature]
 Date: 12-9-2019

Return the NOI form to the address below or send it electronically to: water.permit.application@adeq.state.ar.us or via ePortal at the following web address: <https://eportal.adeq.state.ar.us/>

NPDES Permits Section, Office of Water Quality
 Arkansas Department of Environmental Quality
 5301 Northshore Drive
 North Little Rock, AR 72118-5317

Jefferson County

Storm Water Management Plan

Permit No. ARR 040012

January 1, 2020

County of Jefferson
Stormwater Management Plan

Table of Contents:

	<u>Pages</u>
I. Introduction	2
II. Program Summary	2
III. Phase II Program Requirements	2
IV. The Six (6) Minimum Control Measures	2
1. Public Education & Outreach	3
2. Public Involvement/Participation	4
3. Illicit Discharge Detection & Elimination (IDDE)	5
4. Construction Site Runoff Control	7
5. Post-Construction Runoff Control	8
6. Pollution Prevention/Good Housekeeping	9
V. Legal Authority and SWMP Resources	9

Attachments

Attachment A	Jefferson County Regulated Area
Attachment B	Ordinance No. 2006-87
Attachment C	UA Cooperative Extension Service Public Education Agreement

I. Introduction

The Stormwater Phase II Final Rule was promulgated by the EPA and became effective in 1999.

II. Program Summary

Polluted Stormwater runoff often finds its way into the storm drain system. These drainage systems, known as Metropolitan Separate Storm Sewer System (MS4s), drain into the local rivers and streams without any treatment. The Phase II Rule established an MS4 stormwater management plan that seeks to improve the water quality in the nation's waterways by reducing the amount of polluted runoff that enters the system, thereby the local waterways. Water picks up pollutants such as motor oil and grease, erosion sediment from construction sites, improperly disposed trash, lawn pesticides and fertilizers and even cigarette butts as it moves across the surface of land making its way to the storm drain inlet or drainage ditch. Once this accumulated material makes its way to the local waterways, it has the ability to degrade the waterways, thereby reducing the ecological quality of the water. This may ultimately reduce the waterway's value as recreational resources or as a source of potential drinking water.

III. Phase II Program Requirements

Operations of regulated small MS4s must:

- Apply for National Pollutant Discharge Elimination System (NPDES) permit coverage under general permit number ARR 40000.
- Develop a Stormwater Management Program (SWMP) which includes the six (6) minimum control measures.
- Implement the SWMP using appropriate stormwater management controls, or "best management practices" (BMPs).
- Develop measurable goals for the program.
- Periodically evaluate effectiveness of the program.

This SWMP seeks to improve the quality of storm runoff before it enters the storm drain system, and thus the local waterways. Jefferson County recognizes the need to improve water quality as required by the Phase II Rule.

IV. The Six Minimum Control Measures

The Phase II Rule outlines a small MS4 stormwater management program which contains six (6) required elements which, when executed together, should significantly reduce the amounts of pollutants which ultimately enter the area waterways. These six (6) elements are described as follows:

1. Public Education and Outreach

The permittee shall have a Public Education and Outreach Program and shall develop and distribute educational materials and perform outreach activities to inform citizens about the negative impacts of polluted stormwater on area waterway quality. The program shall include more than one (1) mechanism and target at least five (5) different stormwater themes or messages over the permit term. At a minimum, at least one (1) theme or message shall be targeted to the land development community.

2. Public Participation/Involvement

Provide opportunities for citizens to participate in program development and implementation, including providing effective notice hearing and/or encouraging citizen representatives on a stormwater management panel.

3. Illicit Discharge Detection & Elimination

The permittee shall develop and implement a plan to detect and eliminate illicit discharges to the storm sewer system. A storm sewer system map shall be developed showing the location of outfalls and surface waters of the State that receive discharges from those outfalls. The permittee shall develop and implement a plan informing employees, businesses and the public of hazards associated with illegal discharges and improper disposal of waste.

4. Construction Site Runoff Control

Develop, implement and enforce an erosion and sediment control program for construction that disturb one or more acres of land (controls could include, e.g., silt fences and temporary stormwater detention ponds).

5. Post-Construction Runoff Control

Develop, implement and enforce a program to address discharges of post-construction stormwater runoff from new development and redevelopment areas. Applicable controls could include preventative actions such as protecting sensitive areas (e.g. wetlands) or the use of structural BMPs such as grassed swales or porous pavement.

6. Pollution Prevention/Good Housekeeping

Develop and implement a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program must include municipal staff training on pollution prevention measures and techniques (e.g. regular street sweeping, reduction in the use of pesticides or street salt, or frequent catch basin cleaning).

MINIMUM CONTROL MEASURES

1. Public Education and Outreach

Jefferson County will implement BMPs to perform Public Education and Outreach activities regrading stormwater impacts. The following activities will be implemented:

- A. **Develop and distribute utility bill inserts** - The UA Cooperative Extension Service, with assistance from Jefferson County, will prepare and distribute 25,000 one-page flyers to convey stormwater information to the general public living within the urbanized area. Subject theme to include: Preventing Stormwater Pollution from gardening and lawn activities.
- B. **Develop and distribute educational materials through the Libraries Learning Conservation Program** – The UA Cooperative Extension Service, with assistance from Jefferson County, shall provide educational information for school-aged youth through stormwater activity books, reading and book markers. Programs and materials distributed shall be tracked. Subject themes shall include littering, common stormwater pollutants, and actions to protect water resources.
- C. **Youth Stormwater Education Program** – The UA Cooperative Extension Service, with assistance from Jefferson County, will develop and present education programs for schools in the county. Elementary, middle school, junior and senior high students will be the target audience. Programs and materials distributed shall be tracked. Students will be engaged in hands-on, experimental learning activities using stormwater and pollution prevention concepts.

- D. **Business and Industry Program** – The UA Cooperative Extension Service, with assistance from Jefferson County, will teach adult residents about urban stormwater runoff functions and dynamics and how to implement Best Management Practices for pollution prevention. Contractors and land developers shall be a target audience. Educational materials and other informational brochures and fact sheets shall be developed that will provide standards at work sites for stormwater and erosion control plans.
- E. **Provide displays and exhibits** – The UA Cooperative Extension Service, with assistance from Jefferson County, shall develop displays that will provide stormwater educational materials and will set up exhibits in Jefferson County. The displays shall be placed in public buildings, such as the county courthouse. Exhibits shall be set up at local gatherings such as the county fair, Kids Fest and the annual White Hall Founders Day celebration. The Subject theme to include: Preventing Stormwater Pollution from littering and illegal dumping.

Responsible Parties

Jefferson County
 University of Arkansas Cooperative Extension Service

Summary of Measurable Goals

UA Cooperative Extension Service Staff may use a combination of public events, periodic neighborhood surveys and consulting with community and citizen group leaders to obtain public feedback on specific education and outreach efforts. The specific goals identified in the contract agreement will be described in detail in the Extension Service’s Annual Report to Jefferson County, which will be included as an attachment to the County’s Annual Report. A copy of the UA Extension Service Public Education Agreement is attached.

2. Public Involvement/Participation

BMP’S to address Public Involvement/Participation in Jefferson County

- A. **Regional Public Involvement/Participation in Jefferson County** – Jefferson County will actively participate in maintaining a regional public involvement/participation program involving Jefferson County, Pine Bluff, and White Hall in cooperative manner through a contract with the UA Extension Service to provide means to carry out the program. This plan is coordinated by the UA Cooperative Extension Service and is guided by the Urban Stormwater Steering Committee.

As mentioned in the first minimum control measure, this committee coordinates the actions undertaken by its members and the UA Cooperative Extension Service Staff to use the materials and strategies created and identified during implementation of the first minimum control measure to effectively engender public involvement in the County’s stormwater management plan (SWMP) and policy development.

- B. **Public Meetings** -- With the assistance of the UA Cooperative Extension Services, Jefferson County will conduct public interest meetings to inform the various interest groups about stormwater issues.
- C. **County-Wide Clean Day** -- The UA Cooperative Extension Service will work with Jefferson

County and the Pine Bluff/Jefferson County (PBJC) Clean & Beautiful Commission to establish and implement a fall and spring county-wide program with emphasis placed on cleaning up the stormwater system.

- D. **Public Review of the SWMP** – Jefferson County has posted a notice in the County Courthouse that states the draft Stormwater Management Plan (SWMP) is available for viewing in the Office of Emergency Management and invites public review and comment on it. The address and telephone number of the office is provided for the public if there are questions and/or comments regarding the plan.

Responsible Parties

University of Arkansas Cooperative Extension Service
Jefferson County
Pine Bluff/Jefferson County Clean & Beautiful Commission

Summary of Measurable Goals

The public will be provided with opportunities to provide their input into the stormwater management program. They have been invited to review and comment on the draft SWMP which has been posted at the County Courthouse. The University of Arkansas County Extension Service will work with the PB/JC Clean & Beautiful Commission to schedule citizen participation in the annual spring and fall clean-ups in the county. The Commission also schedules annual electronic recycling events where the public is invited to dispose of electronic waste free of charge at the County's Recycling Center for hazardous waste. The County will track its participation in and the activities of these various activities on an annual basis.

3. Illicit Discharge Detection & Elimination

- A. **BMP-Stormwater Sewer Systems Map** – A base map showing the existing storm sewer system will be created and maintained by the county to aid in eliminating illicit discharges. The map will show the location of all outfalls and the names and locations of all waterbodies that receive a discharge from those outfalls, tributary conveyance systems, and associated tributary drainage areas. The base map will be used to coordinate management activities to remove illicit connections and track storm drain system. Jefferson County OEM will update the map as needed should new drainage features or structures be discovered and also train employees on the Stormwater Sewer Systems Mapping.
- B. **Locate Problem Areas** – Jefferson County will identify priority areas for detailed screening of the system based on the likelihood of illicit connections. In addition to older areas, GIS zoning layers identify the industrial areas of the county that may have a higher likelihood of illicit discharges.
- C. **BMP-Dry Weather Outfall Screening** – Storm drain outfalls will be monitored to identify those areas where discharges that exceed water quality standards are occurring. Monitoring includes visual inspection to aid in identifying potential discharge sources. Dry weather visual inspection for the presence of non-stormwater discharges shall be conducted at all stormwater outfalls located in the MS4 coverage area. Field notes and pictures will be taken during the inspection and will be maintained for reference. The following factors will be considered and documented during each outfall inspection to include;

odor, color, turbidity, floatable matter, deposits, stains and vegetation. OEM will investigate citizen's complaints of dumping and odors. If non-stormwater discharges are identified at an outfall, the sources of the discharge will be investigated through several means including identification of potential sources within the basin illegal dumping odors and unusual activity.

D. Adopt an Ordinance Giving Legal Authority for IDDE –

Jefferson County Storm Water Ordinance 2006-87 adopted in 2006 in Section 17, gives the County legal authority to take necessary enforcement action to eliminate illicit discharges into the County's MS4 system. The ordinance also gives authority to enforce litter violations, sanitary overflows, illicit connections or any other violation deemed harmful to health, safety of the environment. Any necessary amendments to the county ordinance will be prepared and submitted to the Jefferson County Quorum Court for adoption.

E. Public Awareness of Hazards Associated with Illicit Discharges –

The University of Arkansas Cooperative Extension Service will proceed with implementation of its Stormwater Education Program Tasks and Objectives. The EPA recognizes the importance of educational outreach to public employees, businesses, property owners, the general community and elected officials regarding ways to detect and eliminate illicit discharges. The county executes various efforts such as coordinating volunteers for creek and roadside ditch clean-up efforts regularly during the year. The county works with the UA Cooperative Extension Service to develop and distribute informative brochures explaining the importance of avoiding illegal discharges into the storm sewer system and area waterways.

F. Enforcement of Illicit Stormwater Discharge Regulations -

The Jefferson County Office of Emergency Management will perform inspections on all reported incidents and violation notices will be issued. The county uses both educational efforts and working with the discharger in resolving the problem. Where necessary, the stormwater ordinance allows for the issuance of citations and fines as a result of continued violations of the illicit discharge ordinance.

Responsible Parties

Jefferson County
Jefferson County Road Department
Jefferson County Office of Emergency Management
UA Cooperative Extension Service

Summary of Measurable Goals

The Annual Report will include the following:

1. Progress report on the production of the stormwater drainage system map.
2. A list of any ordinance changes, with copies of amended ordinances that have been undertaken to comply with Phase II EPA rules regarding stormwater.
3. A list of all illicit discharges identified.
4. Copies of all violation notices sent.
5. A list of all illicit discharges eliminated.

4. Construction Site Stormwater Runoff Control

- A. **Stormwater Permit Required** - A county permit will be required for construction site activities and those activities associated with excavation, grading, and removal of trees and vegetation. The permit shall be required for only those sites where one (1) acre or more of the land is disturbed. *(A copy of the complete county code ordinance governing stormwater is included in the Appendix B of this Plan).* The permit will only be issued after review of the required documents as indicated in the stormwater ordinance.
- B. **BMP-Site Plan Review** –Jefferson County OEM will review SWPPPs prior to construction for sites greater than or equal to 1 acre of land disturbance. Review will include: SPCC plan and SWPPP maps. SWPPP site maps must show location and extent of significant structures and impervious surfaces, direction of stormwater flow, location of receiving waters in the immediate vicinity of site, locations of stormwater conveyances including ditches, pipes, and swales, and location of BMP controls. Operators will provide a SPCC plan for review addressing operating measures to prevent oil spills, control measures to prevent spills from reaching waters, and measures to contain, clean up, and mitigate spills. The Measurable goal- Train employees for SWPPP reviews. Create a checklist and review document plans.
- C. **BMP-Construction Inspection** – Sites with greater than or equal to 1-acre disturbance will be inspected pre-construction and monthly during active construction to ensure SWPPP compliance. Jefferson County OEM will inspect: Posted NOC, updated SWPPP maps, proper installation of sediment and erosion controls, soil stabilization, BMP maintenance, spill prevention. Measurable goals- Develop inspection forms, train inspectors and maintain records of inspections.
- D. **BMP-Enforcement** – Whenever Jefferson County OEM Administrator finds that an organization has violated a prohibition or failed to meet a requirement of this article, the OEM Administrator may order compliance by written notice of violation to the responsible person. The notice of violation will be a stop work order, a permit denial for non-compliance. Measurable goal- documented records of enforcement action.
- E. **Sanctions** – In the event a construction site fails to properly implement the required BMPs as outlined in its SWPPP, the program administrator will contact the responsible party and provide written notice of the deficiencies. Should identified problems remain uncorrected, the program administrator may issue a citation to the responsible party.
- F. **Create and/or adopt a Best Management Practices (BMP) manual** – This manual will be developed for the use of contractors in the preparation of their Stormwater Pollution Prevention Plans (SWPPPs) for applicable construction sites. This manual shall include BMPs for the control of construction site waste, concrete truck washouts, chemicals, litter and sanitary waste.

- G. **Information Submitted by the Public** – The public is provided the opportunity to review stormwater related information such as the county’s stormwater ordinance and Stormwater Management Plan (SWMP) that are maintained at the Office of Emergency Management. A telephone number is provided for public inquires and comments are requested in writing to be sent to the Office of Emergency Management address.

Responsible Parties

Jefferson County
Jefferson County Road Department
Jefferson County Office of Emergency Management

Summary of Measurable Goals

The annual Report will include the following:

1. The number of projects receiving stormwater permits
2. Number and frequency of site inspections
3. Number of violation letters issued
4. An update on the progress of a BMP manual
5. Number of enforcement actions taken
6. Number of complaints received and number inspected
7. Number of Stop Work orders issued
8. Number of Citations issued
9. Include Stormwater Program Administrator contact information in Annual Report

5. Post-Construction Stormwater Management for New Development and Redevelopment

- A. **Site Plan Review Required** – Screen plan review submittals for those projects which propose disturbance of one acre or more of ground. These projects will be subject to the issuance of a stormwater permit and review for the use of appropriate post-construction BMPs.
- B. **Post-Construction Program** - Develop procedures and/or ordinances where needed to require that all post-development BMPs are installed, maintained and operated properly. The permittee shall use an ordinance or other regulatory mechanism to address post-construction runoff from development or redevelopment projects to the extent allowable under State or local law. Permit holder should maintain BMP controls until site meets the requirement for final stabilization under the NPDES permit and is granted a NOT (notice of termination) by ADEQ. Jefferson County OEM should provide information to the permit holder for the responsible party of post construction BMP maintenance. (this is often a different contractor) Jefferson County should continue site inspections until NOT is approved.
- C. **Pre-Construction Enforcement** – Develop and implement an enforcement program to inspect stormwater facilities to ensure compliance. The enforcement will entail physical inspection of BMPs as well as enforcement of all O&M agreements in effect.

Responsible Parties

Jefferson County OEM

Summary of Measurable Goals

The annual Report will include the following:

1. Progress report on any work being done to revise county policies where necessary to incorporate BMPs into applicable post-construction sites.

6. Pollution Prevention/Good Housekeeping for Municipal Operations – BMPs

- A. County Operations Assessment** – Conduct an evaluation of county operations, where applicable, to determine what improvements can be made to reduce illicit stormwater discharges. Such discharges could include detergents and other cleansers in car or truck washing operations, fertilizer or pesticides from landscape maintenance functions and oil, gasoline, antifreeze and other product associated with vehicle maintenance functions.
- B. Annual Employee Training** – With UA Extension Service assistance, employees will be provided with training to make them aware of methods for improving County operations to reduce illicit stormwater discharges. In other words, they will be instructed in best management practices (BMPs) relevant to their work functions. Training will be conducted on an annual basis.
- C. Roadway Operations and Maintenance Program** - The Jefferson County Road Department oversees the cleaning out of ditches to remove sediment and debris in order to maintain their proper functioning. They also manage the cleaning and maintenance of County Roads.

Responsible Parties

Jefferson County
Jefferson County Road Department
Jefferson County Office of Emergency Management
UA Cooperative Extension Service

Summary of Measurable Goals

The annual Report will include the following:

1. Report on review of department operations policies and procedures
2. Manuals when they become available
3. Records of annual employee training sessions regarding best management practices (BMPS) applicable to departmental operations.

V. Legal Authority

County of Jefferson Ordinance No. 2006-87

Jefferson County Storm Water Ordinance

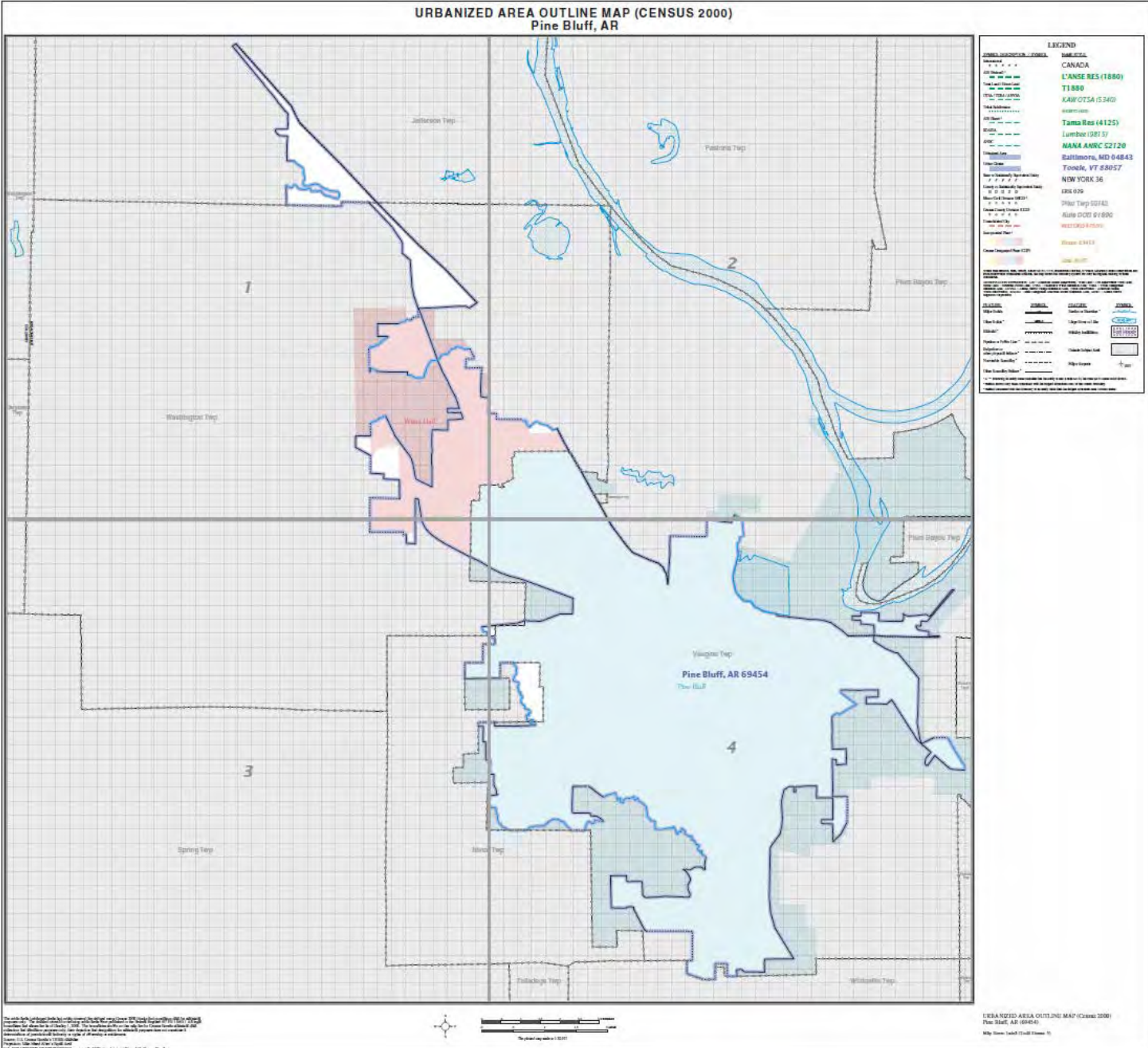
This ordinance shall only apply to the unincorporated area of Jefferson County that is located in the Pine Bluff-White Hall Urbanized Area as defined by the U.S. Census Bureau's 2000 Census (see attached map). The purpose of this ordinance is to regulate discharges to the stormwater drainage system in the county's unincorporated urbanized area as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II permit process. The objective of this ordinance is:

- a) To regulate the contribution of pollutants to the separate storm sewer system by stormwater discharges by any user.
- b) To regulate dust, silt and other construction site-point pollution.
- c) To prohibit illicit connections and discharges to the separate stormwater system.
- d) To establish legal authority and permitting fee to carry out inspections, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.
- e) To establish and collect fees for services provided for education, maintenance and construction of the county's stormwater systems.

Jefferson County Ordinance 2006-87 will be reviewed and revised as needed

Attachment A

Jefferson County Regulated Area



Attachment B
Ordinance No. 2006-87

State of Arkansas
County of Jefferson
Quorum Court

ORDINANCE NO. 2006 - 87

JEFFERSON COUNTY STORM WATER ORDINANCE

WHEREAS, under Phase II of the Clean Water Act as administered by the U. S. Environmental Agency, all entities are required to take measures to comply with “Best Management Practices (BMP’s)”, which are used to control silt, dust and other pollutants when disturbing one acre or more; and

WHEREAS, under Phase II of the Clean Water Act, the County will assist the State of Arkansas in regulating the construction sites and require the contractors to take the needed measures to control dust and silt runoff; and

WHEREAS, under Phase II of the Clean Water Act, the County will prohibit illegal discharges into the storm drain system and waterways; and

WHEREAS, a storm water permit and fee is established for disturbing one acre of land or more that involves clearing, filling in of land, grading or excavation, road construction, the construction of residential and industrial buildings.

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF JEFFERSON COUNTY, ARKANSAS THAT: a County Code entitled Storm Water Regulations is hereby enacted for the purpose of regulating storm water discharges, issuing permits and collecting fees.

SECTION 1: INTRODUCTION/PURPOSE

This ordinance shall only apply to the unincorporated area of Jefferson County that is located in the Pine Bluff-White Hall Urbanized Area as defined by the U. S. Census Bureau’s 2000 Census (see attached map). The purpose of this ordinance is to

regulate discharges to the storm water drainage system in the county's unincorporated urbanized area as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II permit process. The objective of this ordinance is:

- (a) To regulate the contribution of pollutants to the separate storm sewer system by storm water discharges by any user.
- (b) To regulate dust, silt and other construction site non-point pollution.
- (c) To prohibit illicit connections and discharges to the separate storm water system.
- (d) To establish legal authority and a permitting fee to carry out inspections, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.
- (e) To establish and collect fees for services provided for education, maintenance and construction of the county's storm water systems.

SECTION 2: DEFINITIONS

For the purpose of this ordinance, the following shall mean:

Authorized Enforcement Agency. Employees or designees of the County's Program Administrator.

Best Management Practices (BMP's). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters or storm water conveyance systems. BMP's also include treatment practices, operating procedures and practices to control site runoff, dust, spillage or leaks, sludge or water disposal or drainage from raw materials storage. Said BMP's shall comply with the Arkansas Department of Environmental Quality BMP's Practicing and Procedures Guidelines and the County BMP's Practices and Procedures as determined by the Program Administrator.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activities. Activities subject to a National Pollutant Discharge Elimination Permit. These include construction projects resulting in land disturbance including but not limited to clearing, grubbing, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste or combination thereof which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

- (a) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency or,
- (b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to National Pollutant Discharge Elimination System (NPDES) Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

MS4. Municipal Separate Storm Sewer System.

National Pollutant Discharge Elimination Permit. (NPDES) This means a permit issued by EPA or by a State under authority 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. This permit is also referred to as a MS4 permit for discharge of storm water runoff under the Arkansas Department of Environmental Quality.

Notice of Intent (NOI). Application form for obtaining coverage under a General Storm Water Permit for construction activities that disturb one or more acres or for industrial activities.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. Means any individual, association, organization, partnership, firm, corporation or other entity acting as either the owner or as the owner's agent.

Pollutant. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Program Administrator. The office or individual responsible for enforcing the requirements of this ordinance—Authorized Enforcement Agency.

Operator. Means the owner, party, person, general contractor, sub-contractor, corporation or other entity that has operations control over the construction project. The operator is responsible for ensuring compliance with all conditions for the elimination of dust and storm water pollution.

Storm Drainage System. Publicly or privately-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems,

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

Storm Water Pollution Prevention Plan (SWPPP). A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Unincorporated Urbanized Area. The area of the county which the U. S. Census Bureau has designated as being urbanized which is not located within the City of Pine Bluff and City of White Hall as shown on the attached map.

Wastewater. Means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3: APPLICABILITY

This ordinance shall apply to all water entering the unincorporated area of Jefferson County storm drain system generated on any public or private developed and undeveloped lands regardless of size and location unless explicitly exempted.

SECTION 4: RESPONSIBILITY FOR ADMINISTRATION

The Program Administrator or designated agent shall administer, implement and enforce the provisions of this ordinance acting in the beneficial interest of the county.

SECTION 5: STORM WATER PROGRAM ADMINISTRATOR

Section 5-1: The Judge shall appoint a Storm Water Administrator who shall administer this ordinance and be responsible to address other related storm water issues as they relate to the county's compliance with its Small MS4 Storm Water Permit as issued by ADEQ to the county.

Section 5-2: The Judge shall designate a person who shall administer the storm water regulations and its affairs in the same manner as all other departments under his jurisdiction.

SECTION 6: PERMITS

A county storm water permit will be required for those construction sites located in the Pine Bluff –White Hall, Arkansas Urbanized Storm Water Entities as defined by the 2000 Census. A County permit will be required for construction sites and those activities associated with excavation, grading and removal of trees and vegetation. The permit shall be required for only those sites where one (1) acre or more of land is disturbed. The permit application for sites between one (1) acre and five (5) acres shall consist of documentation that the applicant has filed his Notice of Intent (NOI) that is filed with the Arkansas Department of Environmental Quality (ADEQ) and providing the Program Administrator with a copy of the SWPPP for the construction site that meets ADEQ and the county BMP's practices and procedures as determined by the Program Administrator. The County Permit application for sites of five (5) acres or more shall consist of documentation that ADEQ has approved the construction site SWPPP and that

a copy of said SWPPP and documentation is submitted to the Program Administrator along with documentation as to complying with the County BMP's practices and procedures.

SECTION 7: PERMIT FEES

The permit and rates associated with the implementation of this ordinance will be on the disturbance for more than one or more acres of land as stated in this ordinance.

▪ Single family dwellings	\$ 25.00
▪ Multiple family dwellings 4 units or less	\$100.00
▪ Multiple family dwellings 5 units or more	\$250.00
▪ Commercial and industrial buildings 10,000 sq. ft. or larger	\$250.00
▪ Commercial and industrial buildings 5,000 sq. ft. to 9,999 sq. ft.	\$100.00
▪ Commercial and industrial building additions between 5,000 sq. ft. and 9,999 sq. ft.	\$ 50.00
▪ Commercial and industrial building additions 10,000 sq. ft. or larger	\$ 100.00
▪ Parking lots 10,000 sq. ft. or more	\$ 100.00
▪ Parking lots 5,000 sq. ft. to 9,999 sq. ft.	\$ 75.00
▪ Parking Lots less than 5,000 sq. ft.	\$ 50.00
▪ Subdivisions up to 5 lots	\$ 100.00
▪ Subdivisions from 6 lots to 12 lots	\$ 200.00
▪ Subdivisions with 13 lots or more	\$ 400.00

- Other activities that disturb between 1 acre and 3 acres \$ 100.00
- Other activities that disturb more than 3 acres \$ 200.00

Permit exceptions are as follows:

- (1) Land used for agricultural purpose.
- (2) Land where timber extraction takes place provided that it is to be re-seeded as timber land.

Enforcement Fee:

Where code enforcement action is needed to bring a site into compliance with the Clean Water Act, the following fees will be charged to the permit holder and or the property owner.

- Program Administrator or his designated agent hourly fee in monitoring and process violation compliance \$ 50.00 per minimum
- Street sweeper \$100.00 per minimum
- Other equipment or action as needed \$100.00 per minimum

SECTION 8: SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other application of this ordinance.

SECTION 9: RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this ordinance are

minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution nor unauthorized discharge of pollutants.

SECTION 10: PROHIBITIONS AND PERMISSIBLE DISCHARGE

A. Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited. The following is a partial list, provided for informational purposes only, of common substances which are illicit discharges when allowed to enter a public drainage control system: solid waste, human and animal waste, antifreeze, oil, gasoline, grease and all other automotive and petroleum products, flammable or explosive materials, metals in excess of naturally occurring amounts whether in liquid or solid form, chemicals not normally found in uncontaminated water, solvents and degreasers, painting products, drain cleaners, commercial and household cleaning materials, pesticides, herbicides, fertilizers, acids, alkalis, ink, steam-cleaning waste, laundry waste, soap, detergent, ammonia, chlorine, swimming pool or hot tub water, domestic or sanitary sewage, animal carcasses, food and food waste, yard waste, dirt, sand and gravel, and commercial car wash discharge water.

B. Permissible Discharges.

The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater de-watering systems), crawl space pumps, airconditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated – typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Arkansas Department of Environmental Quality provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

C. Prohibition of Illicit Connections.

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

SECTION 11: SUSPENSION OF MS4 ACCESS

A. Suspension due to Illicit Discharges in Emergency Situations.

The Program Administrator may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of persons or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

B. Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition in writing the Jefferson County Quorum Court for a reconsideration and hearing.

SECTION 12: INDUSTRIAL OR CONSTRUCTION ACTIVITY

DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Program Administrator prior to the allowing of discharges to the MS4.

SECTION 13: MONITORING OF DISCHARGES

A. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity and construction activity.

B. Access to Facilities.

The Program Administrator shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

Facility operators shall allow the Program Administrator ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

The Program Administrator shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

The Program Administrator shall have the right to require the discharger to install monitoring equipment as necessary. 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 storm water flow and quality shall be calibrated to ensure their accuracy.

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 operator at the written or oral request of the Program Administrator and shall not be replaced. The costs of clearing such access shall be borne by the operator.

Unreasonable delays in allowing the Program Administrator access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

If the Program Administrator has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**SECTION 14: REQUIREMENT TO PREVENT, CONTROL, AND
REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST
MANAGEMENT PRACTICES.**

Jefferson County requires Best Management Practices (BMP's) for any activity, operation or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system or waters of the United States. The owner or operator of a residential, commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMP's. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMP's to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMP's shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 15: WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other deleterious materials that would pollute, contaminate or significantly degrade the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 16: NOTIFICATION OF SPILLS OR RELEASES

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency responses for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County Program Administrator within five business days of the phone notice.

SECTION 17: ENFORCEMENT

Notice of Violation.

Whenever the Program Administrator finds that an organization has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person.

Such notice may require without limitation:

- The performance of monitoring, analyses, and reporting;
- The elimination of illicit connections or discharges;

- That violating discharges, practices or operations shall cease and desist;
- The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- Payment of fees to cover administrative and remediation costs; and
- The implementation of source control or treatment BMP's.

If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION 18: APPEAL OF NOTICE OF VIOLATION

A person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be in writing and received within 5 days from the date of the Notice of Violation. Hearing on the appeal before the Jefferson County Quorum Court shall take place at the next regularly scheduled Quorum Court Meeting. The decision of the Quorum Court shall be final.

SECTION 19: ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or in the event of an appeal, within 10 days of the decision of the Quorum Court upholding the decision of the authorized enforcement agency, then

representatives of Jefferson County may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated agent to enter upon the premises for the purposes set forth above.

SECTION 20: PENALTIES FOR VIOLATION

(A) Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. After the expiration date indicated by the notice of violation, any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof, be fined not less than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in this case. After the expiration date indicated by the notice of violation, each day such violation continues shall be considered a separate offense.

(B) The owner or tenant of the premises or part thereof, and builder, contractor, agent or other persons, who willfully commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

SECTION 21: VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a

threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

SECTION 22: REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(A) Full Force and Effect. This ordinance shall be in full force and effect the date of passage and publication as required by law.

(B) Severability of Provisions. If any section, subsection, sentence, clause, phase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

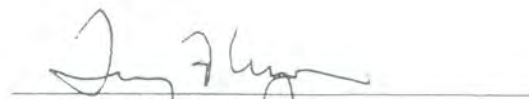
(C) Repeal. This ordinance shall be construed to repeal any prior ordinance inconsistent herewith.

INTRODUCED BY:



TED HARDEN
JUSTICE OF THE PEACE
JEFFERSON COUNTY, ARKANSAS

APPROVED BY:



TERRY WYNNE
COUNTY ATTORNEY
JEFFERSON COUNTY, ARKANSAS

APPROVED:



JACK JONES
JEFFERSON COUNTY JUDGE
JEFFERSON COUNTY, ARKANSAS

DATED: _____

ATTEST:



HELEN M. BRADLEY
JEFFERSON COUNTY CLERK
JEFFERSON COUNTY, ARKANSAS

DATED: 9/11/06

Community Development/Grants Committee