

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
City of Barling	ARR040030	88-00827

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	304 Church Street	307 FORT STREET
County	Sebastian	
Urbanized/Core Areas	Fort Smith	
Receiving Stream	Little Vache Grasse Creek	
Ultimate Receiving Stream	Arkansas River	
Contact Person & Title	Phillip Steve Core, Director Public Works	
Telephone Number	(479) 452-1550	
Cognizant Official & Title	Phillip Steve Core, Director Public Works	
Responsible Official & Title	Michael C. Tanner, City Administrator	PHILLIP STEVEN CORE ACTING CITY ADMINISTRATOR

Are the mailing and invoice addresses the same?

Yes or No*

*If "No," please provide invoice address:

**P. O. Box 23039
BARLING, AR
72923-0039**

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: **PHILLIP S. CORE**
 Responsible Official Title: **ACTING CITY ADMINISTRATOR**
 Responsible Official Signature: *Phillip S. Core*
 Date: **22 May 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

ORDINANCE NO. 334

AN ORDINANCE ADOPTING A STORM WATER CODE FOR THE CITY OF BARLING, ARKANSAS:

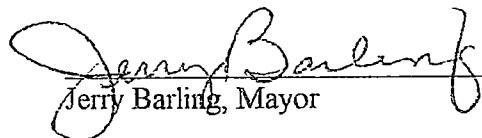
BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS, THAT:

Section 1. The 2007 Storm Water Code of the City of Barling, Arkansas is hereby adopted by reference herein, as if set out word for word. The City Clerk shall keep sufficient copies available for public view.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 3. It is ascertained and declared that said Storm Water Code is necessary for the public health, safety and welfare of the citizens of the City of Barling such that an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately following its passage.

PASSED AND APPROVED this 8th day of May, 2007.


Jerry Barling, Mayor

Attest:


City Clerk, Cindy DuBois



STORM WATER MANAGEMENT PLAN (SWMP)

City of Barling, Arkansas

Small Municipal Separate Storm Sewer System (MS4)

Phase II MS4 Permit No. ARR040000, Tracking No. ARR040030, AFIN 88-00827



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Acronyms

BMP	Best Management Practice
CWA	Clean Water Act
EPA	Environmental Protection Agency
PWD	City of Barling Public Works Department
GIS	Geographic Information Systems
HHW	Household Hazardous Waste
MEP	Maximum Extent Practicable
MCM	Minimum Control Measure
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
P2	Pollution Prevention
SIC	Standard Industrial Classification
SSO	Sanitary Sewer Overflow
SWMP	Storm Water Management Program
SWPP	Storm Water Pollution Prevention
SWP3	Storm Water Pollution Prevention Plan
SWQM	Surface Water Quality Monitoring
TMDL	Total Maximum Daily Load
ADEQ	Arkansas Department of Environmental Quality
NPDES	National Pollutant Discharge Elimination System

Definitions

Best Management Practices – schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. Best management

practices also include treatment requirements, operating procedures, practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Control Measure – any best management practice or other method used to prevent or reduce the discharge of pollutants.

Discharge – when used without a qualifier, refers to the discharge of storm water runoff or certain non-storm water discharges as allowed under the authorization of this general permit.

Illicit Connection – any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge – any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a National Pollutant Discharge Elimination System permit (other than the municipal separate storm sewer).

Municipal Separate Storm Sewer System – a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curb, gutters, ditches, man-made channels, or storm drains.

National Pollutant Discharge Elimination System – National program for issuing, modifying, revoking and reissuing, terminating, imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA.

Outfall – a point source at the point where a municipal separate storm sewer discharges to waters of the United States.

Permitting Authority – for the purposes of this general permit, the ADEQ.

Redevelopment – alterations of a property that change the footprint of a site or building in such a way that results in the disturbance of equal to or greater than 1 acre of land.

Storm Water – storm water runoff, snow melt runoff, and surface runoff and drainage.

Watershed – The region draining into a river, river system, or other body of water.

Waters of the United States – Waters of the United States or waters of the U.S. means:

- (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) all interstate waters, including interstate wetlands;
- (c) all other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) which are used or could be used for industrial purposes by industries in interstate commerce;

- (d) all impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) the territorial seas; and
- (g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Introduction

Regulatory Requirement

The Clean Water Act (CWA) is a law enacted by Congress and signed by the President that establishes environmental programs, including the National Pollutant Discharge Elimination System (NPDES) program, to protect the Nation's waters and directs the U.S. Environmental Protection Agency (EPA) to issue rules on how to implement this law. Under the NPDES program, a municipal storm water program was developed in two phases.

Phase I of the EPA municipal storm water program was promulgated in 1990 under the authority of the Clean Water Act (CWA). Phase I relied on the NPDES permit coverage to address storm water runoff from medium and large municipal separate storm sewer systems (MS4s), serving populations of 100,000 and greater.

The Arkansas Department of Environmental Quality (ADEQ) received authority to administer the NPDES permit program in Arkansas for those discharges under the regulatory authority of the agency.

The Storm Water Phase II rule, promulgated December 8, 1999, was the next step in the EPA's efforts to preserve, protect, and improve the nation's water resources from polluted storm water runoff. The Phase II program requires small MS4s (serving populations <100,000 based on the 1990 census) in urbanized areas to implement programs and practices to control polluted storm water runoff through the NPDES permit program. As of result of the 2010 census, this program now includes the City of Barling. The City is required to:

- reduce the discharge of pollutants to the maximum extent practicable (MEP);
- protect water quality;
- satisfy the appropriate water quality requirements of the Clean Water Act; and
- manage storm water quality activities through the Storm Water Management Program (SWMP).

Storm Water Management Program

On November 6, 2018 the ADEQ issued the MS4 NPDES General Permit ARR040000 authorizing storm water and certain non-storm water discharges to the City's MS4. Small MS4s that meet the regulated criteria for Phase II of the NPDES Storm Water Program were required to submit a Notice of Intent (NOI) and Storm Water Management Program (SWMP). By submitting a SWMP and NOI to comply with the NPDES Phase II regulations, the City of Barling acknowledges the regulatory authority of the ADEQ and agrees to comply with NPDES ARR040000 permitting requirements to discharge directly into surface waters. This permit and authorization shall expire one year after the date of issuance. An annual report documenting compliance with the SWMP will be submitted within 90 days of the end of each permit year which covers the previous twelve (12) months from January 1st to December 31st of a calendar year, **no later than March 31st of the following year** (March 31, 2020 anniversary date).

The annual report will address the previous permit year.

The City of Barling developed the SWMP in accordance with the requirements of the NPDES General Permit ARR040000. The SWMP will facilitate the City's efforts in reducing storm water pollutants from the City's MS4, thereby protecting the City's storm water quality to the maximum extent practicable (MEP). Included in the SWMP are specific best management practices (BMPs) that will be implemented to reduce pollutants, measurable goals for each BMP, and an implementation schedule developed for the one-year permit term. Various BMPs were developed for each of the six minimum control measures (MCMs) that are required by the Phase II Rule. These six MCMs are:

- " Public Education and Outreach on Storm Water Impacts;
- " Public Participation and Involvement;
- " Illicit Discharge Detection and Elimination;
- " Construction Site Runoff Control;
- " Post-Construction Runoff Control; and
- " Pollution Prevention and Good Housekeeping.

Program Overview

Background Information for the City of Barling

The City of Barling shares a common city limit with the City of Fort Smith and lies in the Fort Smith SMSA. The City of Barling was incorporated in 1956, covering an original urban area of 6 square miles with the additional area added from the old Fort Chaffee military reservation. The population in 2010 was 4649.

Drainage of storm water in Barling flows through Little Vache Grasse Creek through to Vache Grasse Creek and to the Arkansas River. The second stream, A Street Creek, ties into Bugg Creek which ties to Little Vache Grasse Creek and the Arkansas River. The north slope of the city drains to Massard Creek through open ditches along 9th Street and then to the Arkansas River.

Historical City Storm Water Management

The Public Works Department oversees and inspects the infrastructure construction of new development and redevelopment. The Code Enforcement Division ensures the effectiveness of erosion control measures during development and redevelopment through permitting. The Planning Commission also encourages the preservation of natural channels and requires drainage easements and control measures in the 100-year floodplain.

The Public Works Department has identified and addressed problematic areas pertaining to storm water in the past. These issues have been addressed through enforcement when necessary.

Management Program Development Process

The hydrology and water quality concerns of the City of Barling have been considered in developing this Storm Water Management Program. In preparing the Program, the City of Barling's Public Works Department has conducted meetings with city personnel to discuss the different activities that may have storm water impacts. Some of the functions that have been identified as having a potential impact have included streets services, equipment maintenance services, code enforcement, fire, parks and recreation, and building inspections.

The Program describes a number of BMPs that address storm water issues identified as most prevalent or problematic in the watersheds served by the MS4. The BMPs meet a number of objectives created by the aforementioned departments. These objectives, organized by minimum control measure, are to:

Public Education:

- Inform residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel of steps they can take to improve storm water quality and explain the impacts of non-point source pollution to storm water.

- Educate commercial, industrial, and institutional groups about the impacts of their work on the storm water quality and the steps needed to reduce these effects.
- Address the viewpoints of various economic and cultural groups in the design of the education program.

Public Involvement:

- Comply with any State and local public notice requirements when implementing a public involvement/participation program.
- Include the public in the development, implementation, and review of the storm water management program.
- Include input from different economic and cultural groups.

Illicit Discharge Detection and Elimination:

- Develop a comprehensive map of the storm sewer system.
- Develop a program for the detection and tracking of illicit discharges.
- Develop an ordinance that will effectively eliminate illicit discharges.

Construction:

- ³¹ Have an ordinance or other regulatory mechanism requiring the implementation of proper erosion and sediment controls, and controls for other wastes, on applicable construction sites.
- ³¹ Have procedures for site plan review of construction plans that consider potential water quality impacts.
- ³¹ Have procedures for site inspection and enforcement of control measures.
- ³¹ Have sanctions to ensure compliance (established in the ordinance or other regulatory mechanisms).
- ³¹ Establish procedures for the receipt and consideration of information submitted by the public.

Post-Construction:

- ³¹ Develop and implement strategies which include a combination of structural and/or non-structural BMPs.
- ³¹ Have an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls to the extent allowable under State, Tribal, or local laws.
- ³¹ Ensure adequate long-term operation and maintenance of controls.

Pollution Prevention/Good Housekeeping for Municipal Operations:

- Review maintenance activities.
- Review maintenance schedules.
- Long-term inspection procedures for structural and non-structural storm water controls to reduce floatables and other pollutants discharged from the separate storm sewer.
- Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, maintenance shops with outdoor storage areas, sand storage locations, disposal areas.

- Procedures for properly disposing waste removed from the separate storm sewers and areas listed above (such as accumulated sediments, floatables, and other debris).

Public Review of the Storm Water Management Program

In accordance with the General Permit ARR040000, Part 4.2.2, the NOI and SWMP will be available to the public if requested in writing at 307 Fort Street, Attention Public Works, Barling AR 72923-0039. As an extra outreach resource, they will be on the City website at <http://www.barlingar.gov>. Opportunity to comment is available on the website by return address to score@barlingar.gov.

Recordkeeping and Tracking

In accordance with the General Permit ARR040000, Part 4.2.2, Section A, the City of Barling will retain all records, a copy of the NPDES General Permit, and records of all data used to complete the application for the General Permit and make this information available to the public if requested to do so in writing.

The City of Barling will track all BMP activities, results, and changes to the SWMP through an annual report that will be submitted to the ADEQ by June for each year of the permit term. To keep the City of Barling in compliance with the General Permit conditions, the annual report will include all factors required by the General Permit, including the status of the compliance with permit conditions, assessments of BMPs, and any changes to the SWMP.

Table of Organization

The City of Barling, Arkansas operates under a City Administrator form of government, with a seven (7) member Board of Directors and a Mayor. The Board has four (4) members elected from wards and three (3) members and the Mayor elected at-large. The Board sets City policies and priorities. The City Administrator and employees implement those policies and projects. The City does not have a full-time attorney on staff but uses a local-area attorney for ordinance preparation and direction.

Table of Organization

Position/Department	Name/Contact Information	Responsibilities
Public Works Director	Steve Core, P.E. 307 Fort St Barling, AR 72923 479-452-1550 x 215, 218	Cognizant Official SWMP, Plan Review, Record Keeping of SWMP, NOI, SWPPP, Enforcement Items, Minimum Control Measures, Website
Code Enforcement	James Griffin 307 Fort St Barling, AR 72923 479-452-1550 x 251	Plan Review Code Enforcement Construction Site Inspection
Administrator Assistant	Kim Stark 307 Fort St Barling, AR 72923 479-452-1550 x 212	Website Posting Facebook Account Record Keeping
Barling Water	Matt Pierce 304 Church St Barling, AR 72923 479-883-0811	Water System Mtc/Repair Water Quality Testing Sewer System Mtc/Repair Plan Review
Barling Streets and Park	Alex Brewton 304 Church St Barling, AR 72923 479-462-3287	Mowing Streets Mtc Park Mtc/Repair

Minimum Control Measures
Section 1.0
Public Education and Outreach (MCM #1)

1.1 MCM #1 Regulatory Requirement(s)

(a) A public education program to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the following groups within the MS4 area:

- (1) residents;
- (2) visitors;
- (3) public service employees;
- (4) businesses;
- (5) commercial and industrial facilities; and
- (6) construction site personnel.

The outreach must inform the public about the impacts of polluted storm water run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and ways they can minimize their impact on storm water quality.

(b) Via documentation, the MS4 operator must reach at least 50% of the population within the MS4 area to meet this measure.

1.2 MCM #1 Current Programs

The City of Barling provides general public education to residents by several means of communication including:

- > News releases - The City publishes news releases in the local daily newspaper and posts them on the City website.
- > Water quality mailouts - The City sends mailouts with information regarding drinking water quality to residents annually as required by Arkansas Department of Health.
- > City website - News releases and public notices are posted on the City's website.
- > City Board of Directors meetings are covered by local media. Other media discuss upcoming city events and current issues.

No specific information has been provided to the general public regarding municipal storm sewer discharge quality.

1.3 MCM #1 Selected BMPs

1.3.1 BMP1-1 - Public Mailouts/Newsletter

Barling will develop and distribute information pieces on storm water quality and drainage issues in the City. These information pieces, which will target City residents, will provide information on what residents can do to help address these issues. The information pieces will be distributed as inserts in City utility bills.

Measurable Goals

The measurable goal for implementing this BMP 1-1 is to distribute one information piece per year for Years 2 through 5. Copies of the mailouts distributed and the dates of distribution will be kept in an appendix to this Plan. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The City Administrator has responsibility for development and implementation of Public Education BMP1-1.

Selection Rationale

Public mailouts were selected as a BMP for MCM#1 because this fits within the City's current activities (annual water quality mailout) and will reach a large percentage of the population.

1.3.2 BMP1-2 - News Releases

The City will develop storm water quality news releases of interest to the general public, which will be published in the local newspaper. Information related to the SWMP will be provided; along with announcements regarding upcoming events (refer to Section 2, Public Involvement/Participation).

Measurable Goals

The measurable goal for implementation of BMP1-2 is to develop and publish one storm water news release per year for Years 4 through 5. Copies of the releases and the dates published will be kept in an appendix to this Plan. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The City Clerk's Office and the Planning Department will share responsibility for implementation of BMP1-2. Content for the news releases will be developed by the Planning Department. The news releases will be provided to the City Clerk's Office for coordination with the local newspaper to publish the releases.

Selection Rationale

News releases were selected as a BMP for MCM#1 because this fits within the City's current activities.

1.3.3 BMP1-3 - City Storm Water Web Page

Barling will use their City website to inform the public about the SWMP. A web page will be created and include general storm water quality information as well as topics of interest to the general public. Information targeting tourists will be added to the web page.

Measurable Goals

The measurable goals for implementation of BMP1-3 include updating the storm water web page in Year 2 through 5. Copies of the website updates will be kept in an appendix to this Plan. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The City Clerk's office has responsibility for creating informational pieces and updating the webpage. Information necessary to create and update the web page will be provided by the Planning Department.

Selection Rationale

Updating the storm water web page was selected as a BMP for MCM#1 because the City has created a webpage and personnel capable of creating informational pieces and updating the existing webpage.

1.3.4 BMP1-4 - Business Storm Water Quality Flyer

The City will update and distribute storm water quality flyers for target businesses, such as vehicle service, garden suppliers, food service and shopping centers. These flyers will be distributed to area businesses.

Measurable Goals

The measurable goal for implementation of BMP1-4 is distributing one flyer per year for Years 3 and 5. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

Planning Department will coordinate responsibility for development and implementation of BMP1-4.

Selection Rationale

Barling selected business storm water quality flyers as one of their BMPs for MCM #1 because this is the most effective means of reaching local businesses.

1.3.5 BMP1-5 - Construction/Post-Construction Handout

The City will develop a handout describing erosion and sediment controls available for the development community. This handout will be updated with the City's new construction site storm water runoff control requirements, as well as post-construction storm water management requirements. The handout will be provided to all Development Permit applicants. In addition, the handout will be posted on the City's storm water web page. This BMP1-5 also meets the requirements for Construction Site Storm Water Runoff Control (refer to Section 5) and Post-Construction Storm Water Management in New Development and Redevelopment (refer to Section 6).

Measurable Goals

The measurable goal for implementation of BMP1-5 is to distribute the handout to 100 percent of Development Permit applicants in Years 2 through 5. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The City Clerk's office has responsibility for development and implementation of BMP1-5.

Selection Rationale

Barling elected to distribute construction/post-construction handouts as part of MCM #1 because this will help the City gain support for the SWMP from the development and construction community. In addition, the City has the ability to produce such a document.

1.3.6 BMP1-6 - Municipal Employee Training

The City will implement an orientation program for new employees and regular safety training for existing employees. A pollution prevention/good housekeeping video will be developed and shown to all current employees during the safety training. New employees will watch the video during their orientation. Additional training will be provided as necessary when new programs or procedures are implemented. The City will document that all employees receive the training. This BMP also meets the requirements for Pollution Prevention and Good Housekeeping for Municipal Operations (refer to Section 4).

Measurable Goals

The measurable goals for implementation of BMP1-6 include providing training to existing employees in Year 3, including the video in new employee orientation in Year 3, and beginning additional training as necessary in Year 4 and 5. Development and implementation will be according to the schedule below.

Responsible Persons

The Department Heads have responsibility for implementation of BMP1-6. The video will be provided by the Planning Department.

Selection Rationale

Use of a video to provide training to municipal employees was selected as a BMP for MCM #1 because the City already provides regular training to employees.

1.3.7 BMP1-7 - Documentation of Public Education and Outreach

The City will develop and implement procedures for documenting their public education and outreach efforts to show a reasonable attempt was made to reach all constituents, including residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel.

Measurable Goals

The measurable goals for implementation of BMP 1-7 include developing documentation procedures in Year 3 and implementing these procedures in Year 4. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

City Clerk's Office has responsibility for updating and implementation of BMP1-7.

Selection Rationale

Barling selected this BMP to meet the ADEQ permit requirement for documenting public education and outreach efforts.

Minimum Control Measures
Section 2.0
Public Involvement / Participation (MCM #2)

2.1 MCM #2 Regulatory Requirement(s)

- (a) Identify and implement a public involvement and participation program. This must include provisions to allow opportunities for all constituents within the MS4 area to participate in the storm water management program development and implementation.
- (b) The MS4 operator must, at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program.
- (c) The MS4 operator must, via documented efforts, ensure that sufficient opportunities were allotted to involve all constituents interested in participating in the program process to meet this measure.

2.2 MCM #2 Current Programs

Currently, the City has a few volunteer programs that promote public involvement. These programs, which are coordinated through the Planning Department includes Downtown Cleanup & Beautification Projects and Yard Waste Recycling. Barling citizens and groups are encouraged to undertake beautification projects for public parks and other areas.

2.3 MCM #2 Selected BMPs

2.3.1 BMP2-1 - Comply with State and Local Public Notice Requirements

Barling will comply with state and local public notice requirements when implementing a public involvement/participation program. The City typically follows the advertisement requirements outlined in the Arkansas Bid Laws (30 Arkansas Administrative Code Chapter 271, Section 271.025). These requirements will be followed for the public involvement/participation program.

Measurable Goals

The measurable goal for implementation of BMP 2-1 is to provide state and local required public notice for all public meetings held to discuss the SWMP. Copies of the notices provided to the local newspaper will be kept in an appendix to this Plan to document the notice requirements were met. Implementation will be according to the schedule in Section 7.0.

Responsible Persons

The person organizing the meeting or event has responsibility for publishing the public notice and providing a copy of the notice to the City Clerk's Office for documentation.

Selection Rationale

Barling selected this BMP to meet the ADEQ permit requirement for publicizing events and meetings related to the SWMP.

2.3.2 BMP 2-2 – Pre-Construction/Pre-Bidders Meetings

The City will hold meetings with contractors during the development of updates to the SWMP to inform the public about the SWMP and solicit input for the SWMP updates. Key stakeholder groups include residents/general public, developers, industry and local government. The public notice requirements outlined in Section 2.3.1 will be followed in publicizing these meetings.

Measurable Goals

The measurable goals for implementation of this BMP 2-2 is to hold meetings with developers, contractors, and the general public to inform and solicit opinions on the updates of the SWMP annually in years 2 through 5. Public notice and minutes will be kept in the appendix to this Plan.

Responsible Persons

The Planning Department is responsible for development and implementation of this BMP.

Selection Rationale

Pre-Construction/Pre-Bidder's meetings were selected as a BMP for MCM #2 to gain support for Barling's SWMP and involve different groups in the updates to this Plan.

2.3.3 BMP2-3 - Public SWMP Presentations

Barling will develop presentations annually on the City's SWMP and the Phase II requirements. The material will be presented periodically at public meetings to reach other local groups, including City staff, developers and contractors, industry, and the general public. Public notices in the newspaper and on the City website will be used to publicize the presentations.

Measurable Goals

The measurable goals for implementation of this BMP 2-3, the presentations occur annually beginning in Year 2. Copies of public notices and presentations will be kept in an appendix to this Plan.

Responsible Persons

The Planning Director has responsibility for developing the presentation and workshop materials, as well as coordinating the presentation and workshops.

Selection Rationale

Public presentations were selected as a BMP for MCM #2 to help educate City Council and other local groups on the City's SWMP.

2.3.4 BMP2-4 - Documentation of Public Involvement/Participation

The City will update and implement procedures for documenting their public involvement/participation efforts to show a reasonable attempt was made to involve all members of the community in the City's SWMP.

Measurable Goals

The measurable goals for implementation of BMP 2-4 include developing documentation procedures in Year 3 and implementing these procedures in Year 4 Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The City Clerk's Office has responsibility for updating and implementation of BMP2-4.

Selection Rationale

Barling selected this BMP to meet the ADEQ permit requirement for documenting public involvement/participation efforts.

Minimum Control Measure

Section 3.0

Illicit Discharge Detection and Elimination (MCM #3)

3.1 MCM #3 Regulatory Requirement(s)

- (a) Illicit Discharges A section within the SWMP must be developed to establish a program to detect and eliminate illicit discharges to the MS4. The SWMP must include the manner, ordinance or other regulatory mechanism, used to effectively prohibit illicit discharges.
 - (1) Detection - The SWMP must list the techniques used for detecting illicit discharges.
 - (2) Elimination - The SWMP must include appropriate enforcement procedures and actions for removing the source of an illicit discharge.

- (b) Non-Storm Water Discharges A section within the SWMP must be developed to establish a program to detect and address non-storm water discharges and illegal dumping to the MS4. All non-storm water flows, including those listed in Part II.B. and Part VII.B., must be considered by the permittee to determine if they are a significant contributor of pollutants to the MS4. All non-storm water discharges that significantly contribute pollutants to the MS4 must be effectively prohibited. The prohibition must be done through an ordinance or other regulatory mechanism unless the MS4 operator does not have the authority to develop ordinances or other regulatory mechanisms. The regulations must include appropriate enforcement procedures and actions.

Firefighting activities are excluded from being prohibited and only need to be addressed if they are determined to be a significant contributor of pollutants to the MS4.

- (c) Incidental Non-Storm Water Discharges A list of occasional incidental non-storm water discharges that will not be addressed as illicit discharges may also be developed. If developed, the listed discharges must not be reasonably expected to be significant sources of pollutants, because of either the nature of the discharge or the conditions that have been established for allowing these discharges to the MS4. Any local controls or conditions placed on these discharges must be documented in the SWMP. The SWMP must also include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to the MS4.

- (d) Storm Sewer Map
 - (1) A map of the storm sewer system must be developed and must include the following:
 - (i) the location of storm sewer pipes, ditches, and other conveyances owned by the permittee, or at a minimum, the drainage area for each outfall;
 - (ii) the location of all major outfalls; and
 - (iii) the names and locations of all waters of the U.S. that receive discharges from the outfalls.

- (2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls were verified and how the map will be regularly updated.

3.2 MCM #3 Current Programs

Barling has a Geographic Information System (GIS) based mapping system that currently includes a street base map and Parcel map. Although the water and sewer systems have been mapped, a different base map will be compiled in this mapping effort.

The City is currently developing a new base map using recent aerial photography. Once this base map is complete, an updated drainage map will be developed using the existing maps and the new base map. The City's Development Guide requires that as-built drawings for public infrastructure must be submitted to the City following project completion in both digital and hard copy format. This will allow the City to regularly update the drainage map.

3.3 MCM #3 Selected BMPs

3.3.1 BMP3-1 - Storm Sewer Map

Barling will create a storm sewer system map showing the location of all outfalls, the names and locations of all water of the U.S. that receive discharges from those outfalls, and all drainage conveyances (i.e. channels, pipes). As part of the mapping effort, the locations of outfalls will be verified. Once complete, this map will be updated using as-built drawings for new developments.

Measurable Goals

The measurable goals for implementation of BMP3-1 are to develop a new storm sewer system map using the existing maps and the new aerial base map in Year 1 through 2 and verify outfall locations in Years 2 through 5. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning Department has responsibility for development and implementation of this BMP.

Selection Rationale

Development of a storm sewer map was selected as a BMP for MCM#3 to meet the permit requirements. In addition, the City had planned to update their maps.

3.3.2 BMP3-2 - Illicit Discharge Ordinance

The City will review and modify existing ordinances to effectively prohibit non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions.

Measurable Goals

The measurable goals for implementation of this BMP are to develop, review, and modify existing ordinances in Year 2, finalize the ordinances in Year 3, and implement the ordinances in Year 4. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning Director will review and modify existing ordinances. The City Attorney's Office will assist in the finalization and implementation of the revised ordinances.

Selection Rationale

The development and implementation of an illicit discharge ordinance was selected as a BMP for MCM #3 to meet the NPDES general permit requirements. The City has existing ordinances that can be modified to meet these requirements.

3.3.3 BMP3-3 - Program to Detect and Address Illicit Discharges

Barling will evaluate existing programs and identify additional program requirements and resource needs to detect and address non-storm water discharges including illegal dumping into the storm sewer system. The program will move from the current reactive, complaint-driven program to a more proactive system-wide evaluation. At this time, specific elements of the program have not been identified. However, the City will continue tracking local commercial and industrial facilities through all Departments. The Planning Department will also continue conducting field surveys and monitoring stream locations to detect illicit discharges. Illicit discharges are currently investigated by the Planning Department. This practice will likely be continued. Finally, the City may conduct dry weather screening of outfalls during the outfall location verification activities conducted as part of BMP3-3.

Measurable Goals

The measurable goals for implementation of BMP3-3 are to evaluate the existing program and identify techniques to detect and address illicit discharges, non-storm water discharges, and illegal dumping in Year 2; develop procedures to track area commercial and industrial facilities in Year 2; finalize the program in Year 3; acquire additional resources and training in Year 3; implement the program in Year 4. This program will be documented in an appendix to this Plan. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning Department has responsibility for development and implementation of the illicit discharge program.

Selection Rationale

The NPDES permit requires the development of a program to detect and address illicit discharges. The City plans to continue their existing programs in this area and make modifications and conduct additional activities as necessary.

3.3.4 BMP3-4 - Identify Non-Storm Water Discharges

Barling will identify non-storm water discharges in the City and determine which discharges are acceptable and which should be prohibited. The allowable non-storm water discharges included in the NPDES general permit for Phase II MS4s will be reviewed and the potential impact of these discharges on storm water quality in the City will be evaluated. Any discharges that could have an adverse impact on water quality will be prohibited in the City's ordinances. Acceptable non-storm water discharges will be posted on the City's storm water web page.

Measurable Goals

The City will review and evaluate the potential impact of the allowable non-storm water discharges from the NPDES general Phase II MS4 permit in Year 2. Allowable non-storm water discharges will be posted on the City's storm water web page in Year 2. If necessary, non-storm water discharges that will not be allowed in Barling will be included in the City's ordinances (refer to Section 3.3.2). Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning Department will be responsible for reviewing and evaluating non-storm water discharges. Allowable non-storm water discharges will be posted on the City's storm water web page by the City Clerk's Office.

Selection Rationale

Barling selected identifying non-storm water discharges as a BMP for MCM #3 to meet the NPDES permit requirements.

3.3.5 BMP3-5 - Building Inspector Training

Building inspectors for the City currently receive training to help them identify cross-connections between sanitary sewer lines and storm sewer lines, as well as improper connection of floor drains to storm sewer lines. The City will continue this training to help prevent illicit discharges.

Measurable Goals

The City will continue training building inspectors to identify potential illicit discharges. Current training will be evaluated in Year 2. Any necessary changes to the training will be implemented in Year 3. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Building Official will be responsible for reviewing and evaluating current training for building inspectors, as well as making any necessary changes to the training.

Selection Rationale

This BMP was selected for MCM #3 because the City currently provides training to building inspectors.

3.3.6 BMP3-6 - Illicit Discharge/Dumping Call-In Program

The City will develop telephone hotline procedures for the public to report any illegal dumping or illicit discharges. A recorder will be provided for after-hours calls. The hotline number will be publicized on the City's storm water web page. This hotline will also be used for the public to report potential storm water issues at construction sites (refer to Section 5.0 for Construction Site Storm Water Runoff Controls).

Measurable Goals

The measurable goals for BMP3-6 are to set up and publicize the hotline in Year 3 and respond to all complaints received in Year 4. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Building Official will be responsible for updating the hotline procedures. The Planning Department will be responsible for implementing BMP3-6 to meet the measurable goals outlined in Section 3.3.6.1.

Selection Rationale

An illicit discharge/dumping hotline was selected as a BMP for MCM #3 because this will provide a means for citizens to become involved in the SWMP and assist City employees in detecting potential storm water problems.

3.3.7 BMP3-7 - Industrial/Commercial Storm Water Quality Brochure

This BMP is described in Section 1.3.6 (Public Education and Outreach).

Minimum Control Measure

Section 4.0

Pollution Prevention/Good Housekeeping for Municipal Operations (MCM #4)

4.1 MCM#4 Regulatory Requirement(s)

- (a) Good Housekeeping and Best Management Practices Controls must be used to reduce or eliminate the discharge of pollutants when runoff from municipal operations is determined to be a significant contributor of pollution to the MS4. Examples of municipal operations and municipally owned areas include, but are not limited to:
- (1) park and open space maintenance;
 - (2) street, road, or highway maintenance;
 - (3) fleet and building maintenance;
 - (4) storm water system maintenance;
 - (5) new construction and land disturbance;
 - (6) municipal parking lots;
 - (7) vehicle and equipment maintenance and storage yards;
 - (8) sand storage locations.
- (b) **Training**
A training program must be developed for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing storm water pollution from municipal operations. Examples or descriptions of training materials being used must be included in the SWMP.
- (c) **Structural Control Maintenance**
If best management practices include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following:
- (1) maintenance activities;
 - (2) maintenance schedules; and
 - (3) long-term inspection procedures for controls used to reduce floatables and other pollutants.
- (d) **Disposal of Waste**
Waste removed from the MS4, from structural controls, or collected as a result of municipal operations and maintenance activities must be properly disposed. A section of the SWMP must be developed to include procedures for the proper disposal of waste, including:
- (1) dredge spoil;
 - (2) accumulated sediments; and
 - (3) floatables.
- (e) **Municipal Operations and Industrial Activities**
The SWMP must include a list of all:
- (1) municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and

- (2) municipally owned or operated industrial activities that are subject to NPDES storm water regulations. The SWMP must include an individual permit number, general permit authorization number, or a copy of a signed NOI or NEC for each industrial activity conducted by the MS4 and subject to NPDES storm water regulations. If an NOI or NEC has been submitted, but an acknowledgment has not yet been received from the ADEQ, a copy of the submitted NOI or NEC Form may be made readily available.

4.2 MCM#4 Current Programs

The Streets and Drainage Division, which is part of the Public Works Department, is responsible for maintenance of public streets and drainage ways, as well as creeks. Barling has an annual overlay program and seal coat program for City streets. These programs are typically conducted by area contractors. The Streets and Drainage Division generally handles only minor repairs inhouse, with major repairs routed through the Capital Improvements Program (CIP). In addition, the City has a street sweeping program. A maintenance plan designed to keep City-owned drainage improvements functioning properly has been developed and implemented by the City. The sanitary sewer and water distribution systems are maintained by Barling Water Utilities.

City employees currently participate in a periodic safety-training program. In addition, employees receive training for specialized activities through outside seminars and association with technical or professional groups.

4.3 MCM#4 Selected BMPs

4.3.1 BMP4-1 - City Pollution Prevention Program

Barling will review current municipal operations and areas to identify potential sources of storm water pollution. The potential pollutant sources will be prioritized and any current good housekeeping practices and/or BMPs will be evaluated. Additional structural and/or nonstructural controls will be selected to address these pollutant sources. An inspection schedule and procedures will then be developed for the controls, and the controls and inspection program will be implemented.

Measurable Goals

The measurable goals for implementation of BMP4-1 are to identify municipal operations and document potential pollutant sources in Year 1, develop draft Pollution Prevention Program in Year 2, finalize the Program in Year 3, and implement Program in Year 4. The Pollution Prevention Program will be documented in an appendix to this Plan. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Public Works Director, Streets Superintendent and the Parks and Recreation Superintendent will share responsibility for reviewing municipal operations and developing the draft Program. The Planning Director will be responsible for implementing the Program.

Selection Rationale

The NPDES permit requires MS4s to use good housekeeping and BMPs for municipal

operations. The City currently has practices that will become part of this program. Modifications to these procedures will be made and new procedures will be developed as necessary.

4.3.2 BMP4-2 - Municipal Employee Training

This BMP is described in Section 1.3.8 (Public Education and Outreach).

4.3.3 BMP4-3 - Long-Term O&M Plan for Structural Controls

The City will identify operations and maintenance (O&M) requirements for existing and proposed structural controls identified as part of BMP4-3. An O&M schedule will be developed for each control, along with assignments for responsible person(s). This information will be documented in a Long-Term O&M Plan for Structural Controls.

Measurable Goals

The measurable goals for implementation of BMP4-3 include identifying O&M requirements, schedules, and responsible person(s) for each structural control in Year 4; and finalization and implementation of the Long-Term O&M Plan for Structural Controls in Year 5. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning and Public Works Directors will share responsibility for implementation of BMP4-3.

Selection Rationale

The NPDES permit requires that a maintenance program be developed and implemented for any structural controls employed by the municipality. The City currently has maintenance procedures in place for drainage channels and streets.

4.3.4 BMP4-4 - Municipal Waste Disposal Procedures

The City will identify any municipal operations that generate wastes and the types of wastes generated. Current waste disposal procedures will be evaluated and, if necessary, new or modified procedures will be developed. The procedures will be documented, and municipal employees will be trained in proper waste disposal procedures (refer to BMP 4-2).

Measurable Goals

The measurable goals for implementation of BMP4-4 include identifying municipal operations generating wastes and the types of wastes generated in Year 2, developing and documenting waste disposal procedures and training municipal employees in Years 3 and 4 and implementing waste disposal procedures in Year 5. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Public Works Director and the Parks and Recreation Director will share responsibility for implementation of BMP4-4.

Selection Rationale

Procedures for proper disposal of waste must be included in the SWMP according to the NPDES permit requirements. The City has waste disposal procedures in place that will be modified as necessary to meet the permit requirements.

Minimum Control Measure

Section 5.0

Construction Site Storm Water Runoff Control (MCM #5)

5.1 MCM#5 Regulatory Requirement(s)

- (a) The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law.
- (b) Requirements for construction site (equal to or greater than 1 acre) contractors to, at a minimum:
 - (1) implement appropriate erosion and sediment control best management practices; and
 - (2) control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- (c) The MS4 operator must develop procedures for:
 - (1) site plan review which incorporate consideration of potential water quality impacts;
 - (2) receipt and consideration of information submitted by the public; and
 - (3) site inspection and enforcement of control measures.

5.2 MCM #5 Current Programs

The City of Barling currently has no written requirements for control of construction site stormwater runoff. However, The City has been able to achieve erosion control in most sites by working with contractors and encouraging best management practices.

5.3 MCM #5 Selected BMPs

5.3.1 BMP5-1 – Develop Construction Storm Water Ordinance

The City will develop a manual of erosion and sediment controls for construction activities. This manual will be adopted by City ordinance. In addition, the City may create other ordinances related to construction storm water runoff. These ordinances will be reviewed and modified as necessary to meet the requirements outlined in the NPDES general Phase II MS4 permit, including enforcement provisions and other requirements in accordance with the NPDES construction general permit.

Measurable Goals

The measurable goals for implementation of BMP5-1 include development of City ordinances in Year 2, finalizing the ordinances in Year 2, and implementing the ordinances in Year 3. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning and Building Departments will compile ordinances. The City Attorney's Office will assist in the finalization and implementation of the revised ordinances.

Selection Rationale

The development and implementation of a construction storm water ordinance was selected as a BMP for MCM #5 to meet the NPDES general permit requirements. The City has the necessary staff to develop ordinances that can meet these requirements.

5.3.2 BMP5-2 - Develop Erosion Control Manual

Develop Erosion Control Manual to include erosion and sediment control requirements for construction activities. Waste control requirements/guidelines will be established and included in the Manual. During this process, the City will solicit input from area developers and contractors. These meetings also meet the requirements for Public Involvement/Participation (MCM #2).

Measurable Goals

The measurable goals for implementation of BMP5-2 include meeting with area developers and contractors in Year 2; developing erosion/sediment and waste controls in Year 2 and implementing the new requirements in Year 3. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning Director has responsibility for development and implementation of BMP5-2.

Selection Rationale

This BMP was selected for MCM #5 because the City has the ability to develop a manual with recommended erosion control measures that can be updated to meet the NPDES permit requirements.

5.3.3 BMP5-3 - Site Plan Review Procedures

The City will update their current site plan review procedures to consider factors that impact construction site storm water runoff (nature of construction, site topography, soil characteristics, condition of receiving stream, etc.).

Measurable Goals

The measurable goals for implementation of BMP5-3 include evaluating current site plan review procedures and identifying necessary changes in Year 2 and implementing any new procedures in Year 4. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning Director has responsibility for development and implementation of BMP5-3.

Selection Rationale

This BMP was selected for MCM #5 because the City has existing site plan review procedures that can be modified to meet the NPDES permit requirements.

5.3.4 BMP5-4 - Construction Site Inspection Procedures

The City will update their current site inspection procedures to consider storm water runoff controls.

Measurable Goals

The measurable goals for implementation of BMP5-4 include evaluating current site inspection procedures and identifying necessary changes in Year 2 and implementing any new procedures in Year 3. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Chief Building Official has responsibility for development and implementation of BMP5-4.

Selection Rationale

This BMP was selected for MCM #5 because the City has existing site inspection procedures that can be modified to meet the NPDES permit requirements.

5.3.5 BMP5-5 - Seminar/Training for Contractors and Developers

The City will provide training for area developers and contractors on the City's requirements related to construction site storm water runoff. The Erosion Control Manual will be reviewed along with City inspection and enforcement procedures.

Measurable Goals

The measurable goals for implementation of BMP5-5 include developing training materials and providing training in Year 3. Development and implementation will be according to the schedule below.

Responsible Persons

The Chief Building Official has responsibility for implementation of BMP5-5.

Selection Rationale

The City selected a seminar/training for contractors and developers as a BMP for MCM #5 to gain support for the SWMP and increase compliance with the new requirements for construction sites.

5.3.6 BMP5-6 - Illicit Discharge/Phone Call-In

This BMP is described in Section 3.3.6 (Illicit Discharge Detection and Elimination). Citizen complaints are logged into a database. The information is passed on the appropriate City personnel. The City's website (www.barlingar.gov) has a link (Storm Water Management). The link goes directly to the Public Works page. There are links there for educational materials and contacting the Planning Department.

5.3.7 BMP5-7 - Construction/Post-Construction Handout

This BMP is described in Section 1.3.7 (Public Education and Outreach).

Minimum Control Measure
Section 6.0
Post Construction Storm Water Management in New Development and
Redevelopment (MCM #6)

6.1 MCM #6 Regulatory Requirement(s)

- (a) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;
- (b) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State and local law; and
- (c) Ensure adequate long-term operation and maintenance of BMPs.

6.2 MCM #6 Current Programs

The City's subdivision and land development ordinance and zoning ordinance govern development in Barling. Drainage Design Standards and storm water controls are also covered by City ordinances.

For residential development, a proposal showing a detailed layout of the subdivision with existing and proposed features must be submitted for City approval. Building plans, a building permit application, and a site plan must be submitted to the Building Inspection Division for commercial development.

Once the proposal or site plan has been approved, the development permitting process begins. This process requires submission of engineering reports and technical information, and construction plans (including specifications) to the Building Department prior to construction. The Chief Building Official reviews this information for drainage, and floodplain considerations, as well as compliance with City ordinances.

6.3 MCM #6 Selected BMPs

6.3.1 BMP6-1 - Post-Construction Storm Water Ordinance

As discussed above, some of the City's existing ordinances address post-construction storm water controls. The City will review and modify these ordinances as necessary to meet the requirements outlined in the NPDES general Phase II MS4 permit, including enforcement provisions. Post-construction controls appropriate for Barling will be identified and included in the Erosion Control Manual (refer to BMP6-2).

Measurable Goals

The measurable goals for implementation of BMP6-1 include reviewing and modifying existing City ordinances in Year 4, finalizing the revised ordinances in Year 4, and implementing the revised ordinances in Year 5. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning Department will review and modify existing ordinances. The City Attorney's Office will assist in the finalization and implementation of the revised ordinances.

Selection Rationale

The development and implementation of a post-construction storm water ordinance was selected as a BMP for MCM #6 to meet the NPDES general permit requirements. The City has existing ordinances that can be modified to meet these requirements.

6.3.2 BMP6-2 - Develop Erosion Control Manual

As mentioned previously, the City will develop an Erosion Control Manual that will address erosion and sediment control requirements for construction activities. The Manual will include post-construction storm water runoff controls. During this process, the City will solicit input from area developers and contractors. These meetings also meet the requirements for Public Involvement/Participation (MCM #2).

Measurable Goals

The measurable goals for implementation of BMP6-2 include identifying post-construction control alternatives in Years 2 and 3; meeting with area developers and contractors in Year 3; completing the manual in Year 4; and implementing the new requirements in Year 5. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning Director has responsibility for development and implementation of BMP6-2.

Selection Rationale

This BMP was selected for MCM #5 because the City has the ability to develop a manual with recommended erosion control measures that can be updated to meet the NPDES permit requirements for post-construction.

6.3.3 BMP6-3 - Site Plan Review Procedures

The City will update their current site plan review procedures to consider factors that impact post-construction site storm water runoff.

Measurable Goals

The measurable goals for implementation of BMP6-3 include evaluating current site plan review procedures and identifying necessary changes in Year 4 and implementing any new procedures in Year 5. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Planning Director has responsibility for development and implementation of BMP6-3.

Selection Rationale

This BMP was selected for MCM #6 because the City has existing site plan review procedures that can be modified to meet the NPDES permit requirements.

6.3.4 BMP6-4 - Post-Construction Site Inspection Procedures

The City will update their current site inspection procedures to consider post-construction storm water runoff controls.

Measurable Goals

The measurable goals for implementation of BMP6-4 include evaluating current site inspection

procedures and identifying necessary changes in Year 4 and implementing any new procedures in Year 5. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Chief Building Official has responsibility for development and implementation of BMP6-4.

Selection Rationale

This BMP was selected for MCM #6 because the City has existing site inspection procedures that can be modified to meet the NPDES permit requirements.

6.3.5 BMP6-5 - Seminar/Training for Contractors and Developers

The City will provide training for area developers and contractors on the City's requirements related to post-construction storm water management. The Erosion Control Manual will be reviewed along with City inspection and enforcement procedures.

Measurable Goals

The measurable goals for implementation of BMP6-5 include developing training materials and providing training in Year 5. Development and implementation will be according to the schedule in Section 7.0.

Responsible Persons

The Chief Building Official has responsibility for development and implementation of BMP6-5.

Selection Rationale

The City selected a seminar/training for contractors and developers as a BMP for MCM #6 to gain support for the SWMP and increase compliance with the new post-construction requirements.

6.3.6 BMP6-6 - Structural Storm Water Control Maintenance

The City will identify all permanent storm water controls, determine maintenance requirements and schedules, and implement routine maintenance. Currently, the developer is responsible for maintenance of drainage channels for a one-year warranty period after construction is complete, after which the City assumes responsibility. The City will continue this policy for all structural storm water controls.

Measurable Goals

The measurable goals for implementation of BMP6-6 include identifying structural controls requiring maintenance in Year 3, establishing maintenance procedures and schedules in Year 4, and implementing inspections and maintenance in Year 5. Development and implementation will be according to the schedule in Section 7.0

Responsible Persons

The Public Works Department will be responsible for identifying structural controls requiring maintenance. Public Works Manager will be responsible for establishing procedures and schedules, as well as implementing inspections and maintenance.

Selection Rationale

The City selected this BMP to meet the NPDES permit requirements.

6.3.7 BMP6-7 - Construction/Post-Construction Handout

This BMP is described in Section 1.3.7 (Public Education and Outreach).

Section 7.0 BMP Implementation Schedule

Target Date	MCM	BMP	Activity	Responsible Party
Year 1	MCM #2	BMP2-1	Review and Follow advertisement requirements in Ark. Bid Laws	Person Organizing Meeting
	MCM #3	BMP3-1	Develop new Storm Sewer Map	Planning Director
	MCM #4	BMP4-1	Review municipal operations and areas to identify potential sources of pollutants	Planning Director Chief Building Official
Year 2	MCM #1	BMP1-1	Distribute one mailout	Planning Director
		BMP1-3	Update Stormwater Website	City Clerk's Office (create) & Public Works Director (content)
		BMP1-5	Distribute Handout	City Clerk's Office
	MCM #2	BMP2-1	Review and Follow advertisement requirements in Ark. Bid Laws	Person Organizing Meeting
		BMP2-2	Keep copies of notices and minutes	City Clerk's Office
		BMP2-3	Public presentation of SWMP	Planning Director
	MCM #3	BMP3-1	Verify/Screen Outfall Locations	Planning Director
		BMP3-2	Develop, Review and Modify Ordinances	City Attorney's Office
		BMP3-3	Evaluate existing program and identify techniques for detecting and addressing illicit discharges, non-storm water discharges and illegal dumping	Planning Director Chief Building Official
	Develop procedures to track area commercial/ industrial facilities			

		BMP3-4	Review and evaluate allowable non-storm water discharges	Planning Director
			Post allowable storm water discharges on web site	City Clerk's Office
		BMP3-5	Review and Evaluate current training for building inspectors	Chief Building Official
	MCM #4	BMP4-1	Develop draft Pollution Prevention Program	Planning Director Chief Building Official
		BMP4-4	Identify waste-generating activities and types of wastes	Chief Building Official
	MCM #5	BMP5-1	Review and Modify existing ordinances	Planning Director
			Finalize Revised Ordinances	
		BMP5-2	Meet with area developers and contractors	Planning Director Chief Building Official
			Develop erosion/sediment and waste controls	
		BMP5-3	Evaluate site plan review and procedures and identify changes	Chief Building Official
		BMP5-4	Evaluate site plan inspection procedures and identify changes	Chief Building Official
		BMP5-5	Develop training materials	Planning Director
			Provide training	
	MCM #6	BMP6-2	Identify post-construction control alternatives	Planning Director
Year 3	MCM #1	BMP1-1	Create and distribute one informational flyer	Planning Director
		BMP1-3	Update Stormwater Website	City Clerk's Office (create) & Planning Director (content)
		BMP1-6	Provide training to existing employees	Planning Director (content) Department Heads (training)

		Include video in new employee orientation	
MCM #2	BMP1-7	Develop documentation procedure	Planning Director
	BMP2-1	Review and Follow advertisement requirements in Ark. Bid Laws	Person Organizing Meeting
	BMP2-2	Keep copies of notices and minutes	City Clerk's Office
	BMP2-3	Public presentation of SWMP	Planning Director
	BMP2-4	Develop Documentation Procedures	Planning Director
MCM #3	BMP3-1	Verify/Screen Outfall Locations	Planning Director
	BMP3-2	Finalize Ordinances	City Attorney's Office
	BMP3-3	Finalize program and acquire resources and training	Planning Director
	BMP3-5	Implement changes to training (if necessary)	Chief Building Official
	BMP3-6	Develop methods for responding to complaints Set up and publicize phone call-in	Planning Director
MCM #4	BMP4-1	Finalize pollution Prevention Program	Planning Director Chief Building Official
	BMP4-4	Develop and document waste disposal procedures	Planning Director and Department Heads
		Train municipal employees	
MCM #5	BMP5-1	Implement revised ordinances	City Attorney's Office
	BMP5-2	Implement new requirements	Chief Building Official
	BMP5-4	Implement new site inspection procedures	Chief Building Official
MCM #6	BMP6-2	Identify post-construction control alternatives	Chief Building Official

			Meet with area developers and contractors	
		BMP6-6	Identify structural controls requiring maintenance	Planning Director
Year 4	MCM #1	BMP1-1	Create and distribute one informational flyer	Planning Director
		BMP1-2	Develop and publish one storm water quality message	City Clerk's Office (publish) & Public Works Director (create)
		BMP1-3	Update Stormwater Website	City Clerk's Office (create) & Public Works Director (content)
		BMP1-5	Distribute Handout	City Clerk's Office
		BMP1-6	Additional training as necessary for new programs and procedures	Planning Director
		BMP1-7	Implement updated documentation procedure	City Clerk's Office
		MCM #2	BMP2-1	Review and Follow advertisement requirements in Ark. Bid Laws
	BMP2-2		Keep copies of notices and minutes	City Clerk's Office
	BMP2-3		Public presentation of SWMP	Planning Director
	BMP2-4		Implement Documentation Procedures	City Clerk's Office
	MCM #3	BMP3-1	Verify/Screen Outfall Locations	Planning Director
	MCM #4	BMP4-1	Implement Pollution Prevention Program	Chief Building Official
		BMP4-3	Identify O&M requirements, schedules and responsible persons	Planning Director Chief Building Official
		BMP4-4	Develop and document waste disposal procedures	Planning Director Chief Building Official

			Train municipal employees	
	MCM #5	BMP5-3	Implement new site plan review procedures	Chief Building Official
	MCM #6	BMP6-1	Review and Modify existing ordinances	Planning Director
		BMP6-2	Complete manual	Planning Director Chief Building Official
		BMP6-3	Evaluate site plan review and procedures and identify changes	Planning Director
		BMP6-4	Evaluate site inspection procedures and identify changes	Chief Building Official
		BMP6-6	Establish maintenance procedures and schedules	Planning Director
Year 5		MCM #1	BMP1-1	Distribute one mailout
	BMP1-2		Develop and publish one storm water quality message	City Clerk's Office (publish) & Planning Director (create)
	BMP1-3		Update Stormwater Website	City Clerk's Office
	BMP1-4		Distribute one flyer	City Clerk's Office
	BMP1-5		Distribute handout	City Clerk's Office
	BMP1-6		Additional training as necessary for new programs and procedures	Planning Director
	MCM #2	BMP2-1	Review and Follow advertisement requirements in Ark. Bid Laws	Person Organizing Meeting
		BMP2-2	Keep copies of notices and minutes	City Clerk's Office
		BMP2-3	Public presentation of SWMP	Planning Director
	MCM #3	BMP3-1	Verify/Screen Outfall Locations	Planning Director Chief Building Official
	MCM #4	BMP4-3	Finalize and implement long-term O&M plan	Planning Director Chief Building Official
		BMP4-4	Implement waste disposal procedures	Planning Director Chief Building Official
	MCM #6	BMP6-1	Implement revised ordinances	City Attorney's Office

	BMP6-2	Implement new manual requirements	Chief Building Official
	BMP6-3	Implement new site plan procedures	Chief Building Official
	BMP6-4	Implement new site inspection procedures	Chief Building Official
	BMP6-5	Develop training materials	Planning Director
		Provide training	Department Heads
	BMP6-6	Implement inspections and maintenance	Chief Building Official

The logo for the City of Barling features the text "CITY OF BARLING" in a serif font, centered within a white rectangular box. This box is flanked by two dark, textured rectangular blocks on either side, all enclosed within a thin black border.

CITY
OF
BARLING

STORM
WATER
CODE

2007

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SECTION I. INTERPRETATION

- A. This Code, adopted by Ordinance of the City of Barling, sets forth the administrative procedures, standards, and enforcement remedies which shall be used by the City of Barling in meeting the requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) General Permit as promulgated by the NPDES Permitting Authority and applicable state laws.
- B. Whenever a provision of this Code and a provision of any other law, ordinance, rule, or regulation of any kind, including any other provision of this Code, contains any restrictions covering the same subject matter, the more restrictive shall govern.

SECTION II. INTENT AND OBJECTIVES

A. Intent

The intent of this Code is to prevent the pollution, impairment, or destruction of a natural resource or the public trust in the City of Barling unless (1) there is no feasible and prudent alternative and (2) the activity is consistent with the promotion of public health, safety, and welfare rather than the public's paramount concern for protection of its natural resources.

B. Objectives

The objectives of this Code are to protect the quality of water in the City of Barling's drainage ways and subsequent receiving waters in accordance with federal and state and local regulations.

SECTION III. ADMINISTRATION

Except as otherwise provided herein, the City of Barling Administrator, shall administer, implement, and enforce the provisions of this Code. Any powers granted to, or duties imposed upon the City of Barling Administrator, may be delegated to an appointed representative.

SECTION IV. SEVERABILITY

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this Code shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this Code.

SECTION V. DEFINITIONS

For the purposes of this Code, the following shall mean:

Affidavit - A sworn statement in writing, submitted by a person, or persons, to the City of Barling Administrator, that is to be used as a legal document committing the said person to a long-term maintenance agreement with the City of Barling for maintenance of post-construction control measures.

Applicant - Any person that submits an application for a Storm Water Permit and is (1) the owner of the property upon which construction is proposed or is taking place; or (2) the lessee if the lessee undertakes development of the property under the terms of the lease.

Best management practices (BMPs) - Schedules of activities; prohibitions of practices; maintenance procedures; material storage shelters or covers; drainage management; runoff control devices or structures; retention or detention structures; trapping, separating, or settling devices; spill prevention or control devices and tools; waste treatment plants and devices; managed waste disposal devices and procedures; and other management practices to prevent or reduce the pollution of waters of the U.S.

Closure activities - Activities, or the process thereof, that result in the final stabilization of a construction site and leave the site in good repair.

Commencement of construction - The first disturbance of soils associated with or caused by move-in of equipment, installation of access roads or trails, storage of materials or equipment, clearing, grading, demolition, building, excavation or similar activities at a construction site.

Compliance Order - An order issued by the City of Barling Administrator requiring a discharger to comply with this Code by means specified in the order.

Consent Order - An order issued by the City of Barling Administrator to which a discharger agrees to bring the discharge into compliance to this Code.

Construction activity - Activities involving clearing, grading, demolition, excavation, filling, or building of above and below ground structures and buildings, support and auxiliary facilities, transportation facilities, container and containment structures, above and below ground utilities and associated auxiliary facilities, pipelines and conveyances, and similar activities undertaken for public purposes or needs; for preparation of land, structures, or facilities for commercial purposes, use, or sale; or for preparation of land, structures, or facilities for industrial purposes, use, or sale.

Construction site - The entire location where any construction or construction related activities occur which are part of a common plan of development or project.

Discharge - Any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters

of the U.S.

Discharger - Any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site.

Emergency Cease and Desist Order - An order issued by the City of Barling Administrator requiring immediate cessation of a discharge because of imminent endangerment to the public or the environment.

Final stabilization - The condition, or the activities leading thereto, of a construction site wherein all soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover, or equivalent permanent erosion prevention measures, has been established over all areas not paved or covered by permanent structures or impervious surfaces.

Illicit connection - Any connection to a storm water conveyance without permit or exemption from prohibition of such connection.

Illicit discharge - A discharge of liquid or solid wastes, or combination thereof, which is discharged to a storm water conveyance without permit or exemption from prohibition of such discharge.

MS4 - The municipal separate storm sewer system, incorporating the entire system of storm water conveyances, but not sanitary or industrial wastewater sewers, or a single conveyance in such entire system, natural or man-made, lying within the boundaries of the City of Barling.

MS4 Permit - The NPDES permit issued to the City of Barling and other co-permittees for the discharge of storm waters from the MS4.

Municipal Separate Storm Sewer System (MS4) - Storm water conveyances lying within the corporate limits of the City of Barling, including but not limited to, storm water sewers, inlets, catch basins, traps, gutters, drains, ditches, culverts, canals, ponds, and other storm water conveyances, both natural and man-made, designed or used for collecting or conveying storm water, and which are not used for collecting or conveying sewage.

National Pollution Discharge Elimination System (NPDES) permit - National Pollution Discharge Elimination System permit issued by the EPA for the discharge of storm waters pursuant to authority delegated to the by the EPA for issuance of NPDES permits.

Notice of Termination of Construction (NOTC) - A notice provided by a construction site operator to the City of Barling notifying the City of Barling of intended completion of construction activities.

Notice of Violation (NOV) - A legal notice issued by the City of Barling Administrator

indicating a discharge is in violation of this Code and that the violator must eliminate such discharge.

NPDES Permitting Authority - The environmental agency that is responsible for the oversight and enforcement of the NPDES Phase II MS4 Storm Water Permit.

Open space design - A low impact site design technique that concentrates dwellings in a compact area in one portion of the development in exchange for open space and natural areas elsewhere on the site. Open space designs are used to reduce impervious surfaces, storm water pollutants, and the loss of natural areas on a site.

Operator of a construction site - The person or persons who either individually or taken together, (1) have, by virtue of ownership or lease, operational control over the construction specifications (including the ability to make modifications in specifications); (2) have by virtue of ownership, lease, or contract, the day-to-day operational control over those activities at the construction site sufficient to ensure compliance with pollution prevention requirements and any permit conditions; or (3) have financial control of construction and authority to direct, either directly or indirectly, the construction activities to be undertaken at the site.

Outfall - The outlet of a body of water, in particularly, the point where a storm conveyance reaches its receiving water.

Owner - The person who owns a facility, property on which a facility occurs, part of a facility, or part of the property on which a facility occurs; in the case of a mortgaged facility or property, the person who has a mortgage on the property and who will obtain, upon proper payment to a financial institution, ownership of the property; in the case of a facility or property for which a person has an option to purchase and such person acts, in effect, as an owner. Also, the person who owns a site or facility and who has ultimate financial responsibility for activities conducted at the site or facility.

Performance Bond - Bonds issued by commercial institution on behalf of contractors, such as construction companies, to protect project owners from the consequences the contractors' failure to complete contracts in accord with plans and specifications. Performance bonds can be particularly helpful in the case of especially environmentally risky or complex projects.

Person - Any individual; group of people by virtue of contract or mutual consent acting as a single entity; group of people assigned joint responsibility under requirements of this Code; partnership; co-partnership; firm, company, corporation, association, joint stock company, trust, e, governmental entity or any other legal entity; or the legal representatives, agents, or assigns of any person as defined in this paragraph. This definition includes all federal, , and local governmental entities.

Petition for Reconsideration - Written document submitted by a person to the City of

Barling Administrator requesting reconsideration of a previously issued SWO; Compliance Order; Remediation, Abatement, and Restoration Order; or Emergency Cease and Desist Order.

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

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

Receiving waters - Any water of the U.S. that accepts storm water runoff as overland sheet flow, channelized flow from a man-made or natural drainage channel, or similar structure, and is considered to be the ultimate destination of the storm water.

Remediation, Abatement, and Restoration Order - A legally issued order by the City of Barling Administrator to correct or repair damage; stop, or otherwise control pollutant discharge; and/or to rehabilitate and return to original quality some condition in the environment.

Runoff coefficient - A measurement of the amount of the precipitation that falls on a specific surface actually ends up as storm water runoff.

Scour velocity of storm water - The velocity of storm water, measured in feet per second, at which water has the ability to cause erosion. Scour velocities depend on topography, soils, and runoff rates.

Show Cause Hearing - A hearing for which a violator of this Code must provide reason why a proposed enforcement action by the City of Barling Administrator should not be undertaken.

Stop Work Order (SWO) - A legal order issued by the City of Barling Administrator to stop construction because of non-compliance to this Code.

Storm water - Water derived solely and directly from rainfall or snowmelt runoff and appearing as overland flow, flow in drainage conveyances, or flow in natural watercourses and man-made waterways.

Storm Water Permit - Authorization issued by the City of Barling to conduct construction

activities.

Storm Water Pollution Prevention Plan (SWPPP or SWP3) - A plan that describes the practices, and the procedures for their implementation, that are to be used to reduce the pollutants in storm water discharges associated with construction or other industrial activity at a facility.

Storm Water Quality Plan - A plan describing how construction is to be performed and how the site closure is to be accomplished, including post-construction control measures, at a construction site. A Storm Water Quality Plan is required to obtain a Storm Water Permit from the City of Barling.

Urban forestry - A low impact site design technique that utilizes environmentally sensitive practices and promotes the planting of trees and other vegetation to help control erosion and improve the quality of storm water runoff from construction sites within urbanized areas.

Warning Notice - A notice issued by the City of Barling Administrator stating that a discharge is in violation of this Code and requesting that the cause of discharge be investigated and that any violations be stopped.

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

Wetland - An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and which 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.

Working day - Any calendar day, 8 a.m. to 5 p.m., but not including Saturday, Sunday, any legal holiday recognized by the City of Barling or any day for which the City of Barling Administrator's offices are closed for ordinary and general business.

SECTION VI. ILLICIT DISCHARGES

A. Discharge Prohibitions

1. 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 and/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 except as described as follows:

- a. The following discharges are exempt from discharge prohibitions established by this Code: 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, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pool draining, fire fighting activities, and any other water source not containing pollutants.**
- b. Discharges specified in writing by the City of Barling as being necessary to protect public health and safety.**
- c. Dye testing is an allowable discharge, but requires a verbal notification to the City of Barling prior to the time of the test.**
- d. The prohibition shall not apply to any non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the NPDES Permitting Authority, 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.**

2. Prohibition of Illicit Connections

- a. The construction, use, maintenance, or continued existence of illicit connections to the storm drain are prohibited.**
- b. A person is considered to be in violation of this Code if the person**

connects a line conveying sewage to the MS4, or allows such a connection to continue.

B. Suspension of MS4 Access

1. Suspension due to Illicit Discharges in Emergency Situations

- a. The City of Barling Administrator may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that 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.**
- b. If the violator fails to comply with a suspension order issued in an emergency, the City of Barling Administrator 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 the public.**

2. Suspension due to the Detection of Illicit Discharge

- a. Any person discharging to the MS4 in violation of this Code may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City of Barling Administrator will notify a violator of the proposed termination of its MS4 access. The violator may petition the City of Barling for a reconsideration and hearing (See SECTION XII).**
- b. A person commits an offense if the person reinstalls MS4 access to premises terminated pursuant to this Section, without the prior approval of the City of Barling Administrator.**

SECTION VII. CONSTRUCTION STORM WATER MANAGEMENT

A. General Provisions

1. Construction Related Violations

- a. Construction not conducted in accord with the requirements of this Code shall be deemed a violation of this Code.**
- b. Construction not initiated or terminated within the time frame authorized by the City of Barling Administrator by notice, permit or license when such authorization is required by this Code shall be a violation of this Code.**

- c. **It shall be a violation of this Code to not comply with requirements for timely application for a Storm Water Permit, requirements for a Storm Water Quality Plan, and a Notice of Termination of Construction (NOTC).**

2. Pollution Prevention Requirements

- a. **Any and all owners and/or operators of a construction site and any and all other persons undertaking construction activities as a contractor or subcontractor at a construction site shall use best management practices to control, reduce, and prevent, to the maximum extent practicable, the discharge of pollutants to the MS4 and/or waters of the U.S.**
- b. **The discharge of pollutants to the MS4 and/or waters of the U.S. from activities conducted by said operator, contractor, or subcontractor include but is not limited to: sediment, silt, earth, soil, dirt, sand and gravel; lime, liquids, solids, and semi-solids used for soil treatment, preparation, or amendment; concrete, slurries, grout, tar, and asphalt; construction vehicle cleaning and wash waters; construction vehicle maintenance fluids such as hydraulic fluids, lubricants, fuels, brake fluids, and coolants; hazardous or extremely hazardous materials; materials resulting from repair, renovation, or demolition such as concrete, reinforcing bar, steel, wire, tar paper, roofing materials, sheet rock, plaster, wood, cellar dirt and carpeting; residual and surplus construction materials; paint, paint thinner, paint equipment cleaner and wastewater from the cleaning of painting equipment and supplies; waste construction material packaging and containers; and construction trash, debris, and waste.**

3. Stop Work Order (SWO)

- a. **Whenever the City of Barling Administrator determines that the operation of a construction site has violated, or continues to violate, any provision of this Code, or any order issued hereunder, as it may pertain to the operation of the construction site, the City of Barling Administrator may issue a SWO.**
- b. **When a SWO is issued, it shall be issued to the operator of the construction site for which construction is to stop, be posted at the site, and distributed to all City of Barling departments and divisions whose decisions affect any activity at the site.**
- c. **Unless express written exception is made by the City of Barling Administrator, the SWO shall prohibit any and all further**

construction activity at the site.

- d. Issuance of a SWO shall not be a bar against, or a prerequisite for, taking any other action against the construction site operator.

B. Construction Site

1. Site Limits

A construction site is the location and all the areas wherein construction activity, which is all or part of a common development or project, are occurring, proposed to occur, or have occurred, irrespective of whether that construction is in compliance with this Code, irrespective of whether that construction activity is ongoing or temporarily suspended for any purpose, and irrespective of whether the City of Barling Administrator has granted authorization to undertake the construction activity. For purposes of this Code, a construction site shall encompass:

- a. all land and surface water areas where the construction activities of any type, including all areas of land surface disturbed by or as a consequence of the construction activities or other activities in support of the construction activities, are undertaken as part of a common plan of development or project;
- b. all areas of land to be disturbed by construction of a common plan of development or project, irrespective of whether such construction is undertaken or planned to be undertaken in one phase or stage or different phases or stages and irrespective of whether such construction is undertaken or planned to be undertaken at different, separate, or simultaneous times;
- c. all areas of land where the land is to be disturbed by construction of a common plan of development or project, irrespective of whether undertaken at contiguous or separate locations within the general area encompassed by the common plan of development or project, provided such boundary lies on or is within the boundary of property collectively owned or leased by one or more parties undertaking any or all of the construction activities.

2. Redefining of Construction Site Limits

The City of Barling Administrator shall have the right to redefine, for purposes of compliance with this Code, the limits of a construction site and the extent of the limits sufficient in the judgment of the City of Barling Administrator to prevent the actual or potential discharge of pollutants from the construction site to the MS4 or waters of the U.S. to the maximum extent practicable, provided the limits so defined

lies on or within the boundary of property collectively owned or leased by one or more operators undertaking any or all of the construction activities at the site.

3. Cessation of Construction Site

A construction site shall, for the purposes of this Code, cease to be a construction site only at such time that all requirements for closure of the construction site as specified by this Code have been met.

C. Operators, Owners and Applicants

1. Definition of Owner and/or Operator

A construction owner/operator, as defined by and for the purposes of this Code, is the person or persons who, individually or collectively, own or lease the property upon which the construction activity is proposed to, or does, take place; has legal, financial, and operational control over construction specifications (including the ability to make modifications in specifications); has control over activities at the construction site sufficient to ensure compliance with applicable requirements of this Code either directly, by delegation, by authorized representative, or by contract; and has the authority for undertaking or directing the undertaking of any or all construction activities at a construction site in accord with plans and specifications.

a. Owner and/or Operator Responsibility

A construction owner and/or operator shall be fully responsible for compliance with all requirements of this Code for construction activities, as may be applicable to the type of construction activities being conducted, proposed to be conducted, or that have been conducted by the owner and/or operator at a construction site, including but not limited to making application for a Storm Water Permit, preparing a Storm Water Quality Plan, performing closure of the construction site, and filing a Notice of Termination of Construction.

b. Change in Owner and/or Operator

In the event that the owner and/or operator of the construction site changes, all or in part, any and all Storm Water Permits, Storm Water Quality Plans, and Notices of Termination of Construction for construction yet to be completed must name the new and continuing owners' and/or operators' names. Any permits, plans, or notices that have been issued or approved by the City of Barling for the construction to the original owner(s) must be reissued or re-approved,

as appropriate, with the name(s) of the new owner(s) and/or operator(s) in the same manner as the original owner and/or operator, such reissuance or re-approval being obtained no later than two (2) working days after such change.

2. Applicant

For the purpose of any applications for construction activities that may be required by this Code, an applicant is the person or persons making such application and is:

- a. An owner of the property upon which construction is proposed or is taking place; or
- b. A lessee if the lessee undertakes development of the property under the terms of the lease.

3. Division of Responsibility

In the event the owner and/or operator of a construction site is more than one legal entity, the City of Barling Administrator may, but is not required to, define those areas or sub areas of a construction site or those construction activities at a construction site for which each entity shall be considered responsible and held liable for complying to this Code.

D. Construction Activities

1. Types of Construction Activities

- a. Construction activities are those activities which result in exposure of raw soil on a temporary or permanent basis and may include, but are not necessarily limited to, one or more of the following activities or practices when such activities are done for the purpose(s) of: smoothing, clearing, removing trees and vegetation, configuring or shaping the land surface or subsurface; modifying drainage, drainage patterns, drainage conveyances, or drainage facilities; removing, destroying, or demolishing existing structures, surfaces or facilities; preparing the land for construction of roads, highways, curbs, gutters, drainage devices, vehicle parking, buildings, structures, walls, roofs, floors, pads, foundations, tanks, basements, pipes, or utilities.
- b. For the purposes of this Code, the City of Barling Administrator may define any activity or practice that is similar to, in support of, or associated with said activities as a construction activity.

2. Construction Conduct

- a. Any construction at a construction site shall be performed so as to reduce, to the maximum extent practicable, the discharge of sediments and other pollutants from the construction site.
- b. An owner and/or operator of a construction site shall maintain on-site and make available for inspection by the City of Barling Administrator, or appointed representative thereof, any notice, permit or license for construction, and any pollution control plan that may be required by this Code or other state or federal regulation.
- c. Application for a Storm Water Permit shall be submitted to the City of Barling Administrator at least two (2) working days prior to beginning construction activities of any type, including clearing and leveling activities, for any construction site for which construction activities at the site will disturb in total one (1) acre or more of land surface area.
- d. A Storm Water Permit, issued by the City of Barling Administrator prior to commencement of construction activities, shall be obtained for any construction site for which construction activities at the site will disturb in total one (1) acre or more of land surface area.
- e. A Storm Water Quality Plan shall be submitted to, and approved by, the City of Barling Administrator prior to commencement of any construction activity at a construction site for which a Storm Water Permit is required.
- f. A Notice of Termination of Construction (NOTC) shall be submitted to the City of Barling Administrator prior to final completion of construction activities for any construction site for which a Storm Water Permit was required.
- g. The City of Barling Administrator may require that a construction site of any size conform to any and all conditions of this Code for construction activities if the City of Barling Administrator determines that such requirements are necessary to prevent a significant discharge of pollutants to the City of Barling's MS4 or waters of the U.S., or are necessary because of imminent harm to the public or the environment.

3. Closure and Final Stabilization of Construction Site

a. Closure Activities

Construction activities at a site, for the purposes of this Code, shall

not be complete until proper closure of the site has been accomplished. Until such time proper closure has been achieved, the owner and/or operator of the site is subject to all applicable requirements for conduct and completion of construction activities at the construction site. Any owner and/or operator of a construction site shall complete all construction activities at a construction site in compliance with the requirements of this Code for proper closure.

b. Proper Closure

Proper closure includes, but is not limited to, the following:

- i. Final stabilization of the site;
- ii. Removal of all construction surplus and residual materials, supplies, packaging, drums, cans, and containers;
- iii. Removal of all surplus and residual soaps, cleaners, pastes, mastics, solvents, materials for soil amendment or preparation and similar construction materials;
- iv. Removal of all excess, surplus, and unused construction vehicle maintenance fluids, including lubricants, fuels, brake fluids, and coolants;
- v. Removal of all wastes, trash, and debris
- vi. Removal of any waste bins, enclosures, drums, or similar containers which are not intended to serve as permanent waste storage containers at the site;
- vii. Removal of all temporary storm water pollution control devices, structures, and materials;
- viii. Repair or replacement of damaged storm water conveyances and appurtenances;
- ix. Repair or replacement of damaged drainage works and facilities; and
- x. Restoration of proper function and capacity of storm water conveyances.

3. Inactive Construction Sites

A construction site for which active and ongoing on-site construction activities have halted for a period of fourteen (14) continuous calendar days and for which proper closure actions as required by this Code have not been conducted, shall be considered in violation of this Code, unless the construction site owner and/or operator has submitted a NOTC for the site, or it is demonstrated to the satisfaction of the City of Barling Administrator that:

- i. Such lack of active and ongoing on-site construction activity is a result of only temporary suspension of activities; and
- ii. Site conditions are and will be maintained in a condition satisfactory to prevent the discharge of pollutants to the City of Barling's MS4 or waters of the U.S. to the maximum extent possible during the period of temporary suspension of construction activities or until a NOTC is submitted and approved.

4. Notice of Termination of Construction (NOTC)

A Notice of Termination of Construction (NOTC) shall be submitted by the owner and/or operator at the completion of construction for any site for which a Storm Water Permit is required or issued. No construction activities can take place at a construction site identified in a Storm Water Permit after a NOTC has been submitted to the City of Barling Administrator, unless the Storm Water Permit has been amended, or another Storm Water Permit has been applied for.

a. Contents of NOTC

When a NOTC is submitted for a construction site, the following shall be submitted with the NOTC:

- i. A description of the means, methods and extent of final stabilization of the construction site, including a summary of actions, procedures or practices that the construction owner and/or operator proposes to perform or be performed by agreement with others after issuance of the NOTC; any other information the City of Barling Administrator may deem necessary, whether or not required of all construction owners and/or operators; and
- ii. Certification by the operator of the construction site that the site has been stabilized or that agreement for stabilization has been accomplished in accordance with a Storm Water Quality Plan approved by the City of Barling Administrator.

b. Application Timeline

A NOTC must be submitted by the owner and/or operator of a construction no later than fourteen (14) calendar days after the date for termination of construction given in the Storm Water Permit.

c. Amendment to NOTC

- i. Amendment to a NOTC can be made without penalty by filing application of an amended NOTC at least two (2) working days prior to the date of termination of construction specified in the NOTC.**
- ii. If amendment to a NOTC is filed less than two (2) working days prior to the date of termination of construction specified in the NOTC, such amendment may be rejected or require reasonable additional fee as may be established by the City of Barling Administrator.**

d. Acceptance, Conditional Acceptance, or Rejection of NOTC

i. Acceptance of NOTC

The City of Barling Administrator shall issue an Acceptance of an NOTC by written communication or default (without written communication) when the City of Barling Administrator is satisfied that:

- 1) Conditions for closure have been met;**
- 2) The site has been adequately stabilized or provision for final stabilization of the site has been accomplished;**
- 3) The person submitting the NOTC is not in violation of this Code.**
- 4) The submission of the NOTC has been made in a timely fashion and all other conditions that the City of Barling Administrator may specify have been met.**

ii. Conditional Acceptance

The City of Barling Administrator may issue a conditional acceptance of the NOTC if the City of Barling Administrator determines there is reasonable expectation that the applicant will meet the conditions specified for conditional acceptance and, by doing so, will meet all conditions for acceptance of the NOTC. Conditions for which the

City of Barling Administrator may issue a conditional acceptance include but are not limited to the following:

- 1) Final stabilization of the construction site is not complete, but is progressing satisfactorily and can be reasonably expected to reach a satisfactory level of complete stabilization without further action on the part of the owner and/or operator;**
- 2) Adequate provision has been made by the owner and/or operator to ensure that satisfactory stabilization will be accomplished by others;**
- 3) Deficiencies in meeting closure requirements will be remedied by others; or**
- 4) Site conditions are such that as to not warrant further stabilization activities at the current time but would warrant further stabilization in the future if site conditions were to change.**

iii. Final Acceptance to Conditional Acceptance

The owner and/or operator receiving the conditional acceptance shall make application to the City of Barling Administrator in a manner specified by the City of Barling Administrator to receive the final acceptance of the NOTC. Means by which the owner and/or operator can demonstrate satisfaction of the terms of the conditional acceptance include but are not limited to the following:

- 1) All mandatory deadlines for inspection by the City of Barling Administrator of the areas of the construction site for which the conditions established in the conditional acceptance have passed;**
- 2) The owner and/or operator submits a certification to the City of Barling Administrator that the conditions of the conditional acceptance have been met, the owner and/or operator requests in writing to the City of Barling Administrator that such certification be accepted and the City of Barling notifies the owner and/or operator that the request for such acceptance of such certification is accepted; or**
- 3) The owner and/or operator submits a certification to the City of Barling Administrator that the conditions of the**

conditional acceptance have been met, the owner and/or operator requests in writing to the City of Barling Administrator that such certification be accepted and the City of Barling does not notify the operator within thirty (30) calendar days of receipt of such written request that the request for such acceptance of such certification is accepted or denied.

iv. Rejection of NOTC

The City of Barling Administrator may reject an application for issuance of a NOTC if the City of Barling Administrator determines conditions for issuance of acceptance of the NOTC are not satisfied.

1) Any rejection of a NOTC shall include notice to the owner and/or operator receiving the rejection, with the reasons for the rejection.

v. Revocation of NOTC

The City of Barling Administrator shall have the right to revoke a NOTC within three years of issuance if:

1) Acceptance is found to have been based upon false or misleading information submitted by the owner and/or operator; or

2) Conditions specified in the conditional acceptance were not met.

E. Storm Water Permit

1. General Provisions

- a. A Storm Water Permit authorizes a construction owner and/or operator to conduct construction activities. Obtaining a Storm Water Permit does not relieve an owner and/or operator of complying to any and all applicable requirements of this Code exclusive of those dealing with construction.
- b. A State Stormwater Permit must be obtained for sites 5 acres or greater. A Storm Water Permit, when required, shall be obtained prior to the start of any construction activity at a site by application to the City of Barling Administrator by the owner and/or operator of the construction site at which construction occurs or is proposed, such

application providing such information the City of Barling Administrator may require.

- c. Application for a Storm Water Permit shall require the submission of a Storm Water Quality Plan to the City of Barling Administrator for review, such plan providing the information the City of Barling Administrator shall deem as necessary to judge the sufficiency of the plan, when implemented, to reduce the discharge of pollutants from the site to the maximum extent practicable.
- d. The Storm Water Permit must be obtained from the City of Barling Administrator at least two (2) working days prior to commencement of construction. Only that construction activity which is described in the Storm Water Permit can be undertaken.
- e. The Storm Water Permit shall be posted at the construction site, and no construction activity can occur prior to the date of commencement, or after the date of termination, authorized by the Storm Water Permit.
- f. Construction must be started no later than thirty (30) calendar days after the date of commencement of constructions specified in the Storm Water Permit. Failure to begin construction within the specified time frame will render the Storm Water Permit void.
- g. Application for a change in the date of commencement of construction or the date of termination of construction specified in a Storm Water Permit, must be made at least two (2) working days prior to: (1) the date of the proposed change for commencement; and/or (2) the date of the originally specified termination date or latest previously approved date of extension.
- h. If for any reason the Storm Water Permit is suspended, revoked, terminated, or voided, construction activity at the site shall immediately cease.

2. Contents of a Storm Water Permit

- a. Address or other description of location of the construction site;
- b. Name and address of the construction site owner and/or operator, either property owner or lessee, and name and address of general construction contractor, if different from property owner or lessee;
- c. Name, address, and business telephone number of the construction

- site owner and/or operator's on-site representative;
- d. **Earliest date of commencement of construction activity;**
 - e. **Proposed dates of termination of construction activity, completion of final stabilization activities, and closure of the site;**
 - f. **Practices to be employed for site stabilization during the course of the construction;**
 - g. **A site plan identifying land areas to be disturbed and types of disturbance proposed, with identification of those areas which will, after completion of all construction activity, be pervious and impervious;**
 - h. **Description of means by which the site is to be stabilized during suspension of construction activity for periods of fourteen (14) or more days and permanently stabilized by the time of completion of construction activities;**
 - i. **Any other information the City of Barling Administrator may deem necessary, whether or not required of any other owner and/or operator making application for a Storm Water Permit; and**
 - j. **Certification by the applicant for the Storm Water Permit that the information provided on the Storm Water Permit application is true and accurate.**

3. Amendment to Storm Water Permit

- a. **Application for amendment to a Storm Water Permit can be made at any time two (2) or more working days prior to the time identified in the Storm Water Permit for completion of construction activities, provided the person(s) making application is not in violation of this Code.**
- b. **If the application for amendment to a Storm Water Permit requires a change in the Storm Water Quality Plan in order for the Storm Water Quality Plan to remain true and accurate should construction be undertaken in accordance with the amendment, an appropriately modified Storm Water Quality Plan shall also be provided at the time of application for amendment to the City of Barling Administrator.**

4. Exemptions

Exemptions from requirements for a Storm Water Permit and Storm Water Quality Plan shall apply for the following situations or conditions:

- a. **The construction activity is undertaken at a single or multiple family residential property site for the sole purpose of maintenance of the residential property site;**
- b. **The City of Barling Administrator determines the construction is necessary on an emergency basis because of imminent harm or endangerment to the public or environment, in which case the construction may be continued only so long as such imminent harm or endangerment or threat of harm or endangerment exists;**
- c. **The City of Barling Administrator may provide a waiver to the requirement for a Storm Water Permit upon the request of the owner and/or operator seeking such waiver. The waiver is to be provided only if the construction for which waiver is sought is demonstrated to the satisfaction of the City of Barling Administrator to meet all of the following conditions:**
 - i. **Will not contribute to a violation of this Code or any permit or license the City of Barling may hold to discharge storm water;**
 - ii. **The construction activity is of such size, extent, magnitude, or location as to neither allow, cause, or have potential to cause a significant discharge of sediments or other pollutants to the City of Barling's MS4 or waters of the U.S.;**
 - iii. **There is a compelling public interest for issuance of a waiver;**
 - iv. **It is in the general interest of the health and safety of people in the City of Barling or protection of the environment that such waiver be provided, such interest not to be based upon cost or economic considerations as they may apply to or affect the owner and/or operator seeking waiver of the permit; and**

F. Storm Water Quality Plan

A Storm Water Quality Plan is required for a City of Barling Storm Water Quality Permit. The Storm Water Quality Plan shall be prepared in accordance with good pollution control practices.

The main objective of the plan is to identify potential sources of pollution, including sediment, which may reasonably be expected to affect the quality of storm water discharges associated with construction and development. The plan must describe the implementation of best management practices (BMPs), which will be used to reduce the pollutants in storm water discharges associated with construction and post-development runoff.

Storm Water Quality Plans shall be retained on site during the course of construction and shall be available for inspection by the City of Barling upon request.

1. Contents of Storm Water Quality Plan

a. Site Description

- i. A description of the construction activity;**
- ii. A copy of any development plans;**
- iii. A proposed construction schedule;**
- iv. Total area of the site, and total disturbed area, including off-site staging/storage areas;**
- v. An estimate of the runoff coefficient before and after construction activities are completed, and existing data describing the soil and soil erosion potential.**
- vi. A description of the existing vegetation at the site, including coverage;**
- vii. The location of other sources of pollution, such as vehicle fueling, storage of chemicals, concrete washout areas, etc.; and**
- viii. The name of the receiving water(s) and description of any outfalls (size, type, and location), if the discharge is to a MS4, the name of the system, the location of the storm sewer discharge, and the ultimate receiving water(s).**

b. Best Management Practices (BMPs)

The plan should indicate locations for and descriptions of control measures that will be used. The plan should clearly describe the implementation of BMPs relevant to each phase of site development such as:

- i. before clearing and grading activities begin;**

- ii. during all phases of construction; and
- iii. post-construction/post development.

c. Control Measures

i. Construction Phase

Construction phase control measures to be described in the Storm Water Quality Plan may include, but are not limited to, the following:

1) Temporary Sediment Control Measures

- a) silt fence
- b) sand bag berms
- c) hay bales
- d) check dams
- e) interceptor swales/dikes

2) Temporary Stabilization Measures

- a) temporary seeding
- b) erosion control blankets/matting
- c) mulch/compost
- d) temporary sodding

3) Final Stabilization Measures

- a) permanent seeding
- b) permanent sodding
- c) impervious surfaces

ii. Post-Construction Phase

Post-construction phase control measures should be incorporated into the Storm Water Quality Plan to preserve pre-development

hydrologic regimes. Post-construction phase control measures to be described in the Storm Water Quality Plan may include, but are not limited to, the following:

1) Velocity of Dissipation Measures

a) On-Site

- i) vegetated swales**
- ii) check dams**
- iii) vegetated filter strips**

b) Off-Site

- i) surrounding local topography**
- ii) concrete-lined drainage channels**

2) Pre-development Peak Flow Preservation

a) On-Site

- i) detention basins/ponds**
- ii) constructed wetlands**
- iii) bio-retention**
- iv) wet basins**

b) Off-Site

- i) in-line detention**
- ii) outfall pump systems**

3) Low Impact Development Standards

For construction sites located within watersheds that are considered to be impaired by the Arkansas Commission for Environmental Quality, or in buffer zones designated by the City of Barling, the owner and/or operator of the site, may be required, at the discretion of the City of Barling Administrator, to utilize Low Impact Development Standards

that include, but are not limited to:

a) Minimization of the width or size of:

i) roads/streets

ii) sidewalks

iii) cul-de-sacs

iv) parking lots

b) Open-space design

c) Urban forestry

d) Roof drainage control

4) Guidance Documents for Developers

The City of Barling will make available, upon request, a Post-Construction Control Measures Guidance and Low-Impact Development Standards Guidance for owners and/or operators, i.e. developers, of new and re-development projects.

d. Certification of Non-Impact to Pre-development Peak Flow

The City of Barling Administrator may relieve an owner and/or operator, i.e. developer, of a construction site from requirements to incorporate on-site post-construction control measures if the City of Barling Administrator determines that post-construction runoff from the said site will not impact the pre-development hydrologic regime.

i. Non-Impact Certification Form

A Non-Impact Certification Form (provided by the City of Barling) may be submitted to the City of Barling Administrator, within fourteen (14) calendar days of the date of termination of construction, if the owner and/or operator, i.e. developer, of a construction site can prove to the City of Barling Administrator that post-construction storm water runoff will have no impact to the pre-development hydrologic regime.

ii. A copy of any Non-Impact Certification Forms that are submitted to the City of Barling Administrator shall be maintained as a part of the Storm Water Quality Plan.

iii. **Non-Impact Certification Forms** shall be submitted to the City of Barling Administrator in accordance with the City of Barling's Post-Construction Control Measures Guidance (made available by the City of Barling).

e. **Commitment of Long Term Maintenance of On-Site Post-Construction Control Measures**

For new and significant redevelopment projects that are determined by the City of Barling to require on-site control post-construction control measures such as detention ponds, constructed wetlands, bio-retention systems, or the like, the developer shall be required to make a long term commitment to the City of Barling for maintenance of the said control measure(s).

i. An affidavit, signed by the developer, or the person or persons who will be responsible for the maintenance of the control measure(s), must be submitted to the City of Barling Administrator no later than two (2) calendar days after the date of termination of construction, and will serve as a legal commitment to the City of Barling.

ii. Once an affidavit has been submitted to the City of Barling Administrator, the City of Barling Administrator may require that a Performance Bond be issued to ensure the maintenance is performed according to the said legal commitment.

iii. A copy of any affidavits or performance bonds must be maintained as a part of the Storm Water Quality Plan

f. **Good Housekeeping**

The plan should include inspection and maintenance procedures during the entire construction phase to ensure that BMPs are in good and effective operation condition.

i. **Inspections**

1) An inspection of the entire construction site should be performed every fourteen (14) calendar days, or following a rainfall of at least 0.5 inches.

2) Complete an inspection report (provided by the City of Barling) for each inspection performed.

3) Provide a copy of each inspection report to the City of

Barling.

4) Inspection reports should be retained on site as part of the Storm Water Quality Plan.

ii. Maintenance

1) Maintenance shall be performed on applicable BMPs as soon as possible in areas identified in the inspection reports.

2) Maintenance shall be performed in accordance with manufacturer's specifications or other sources determined by the City of Barling Administrator to be acceptable.

3) Maintenance records shall be retained on site as part of the Storm Water Quality Plan.

iii. Non-storm water discharges

The Storm Water Quality Plan should include a location and description of non-storm water discharges including but not limited to:

1) Return flows from landscape irrigation

2) Ground water

3) Water line flushing

4) Discharges from potable water sources

g. Revisions to Storm Water Quality Plan

i. The Storm Water Quality Plan shall accurately reflect site conditions and the construction activities proposed to be undertaken. Revisions necessary to maintain an accurate and up-to-date Storm Water Quality Plan shall be made in a timely fashion but in no case later than two (2) working days after the occurrence of conditions or activities requiring such revisions.

ii. If the conditions or activities described by a Storm Water Quality Plan revision could be reasonably expected to result in an increase in the actual or potential discharge of pollutants from the site, such revision must be approved by the City of Barling Administrator prior to implementation of the proposed revision at least two (2) working days prior to the implementation of activities described by the revision.

iii. The City of Barling Administrator shall have two (2) working

days to approve or reject a revision to a Storm Water Quality Plan after submittal of a proposed revision. If the City of Barling Administrator does not issue an approval or rejection of the revision within the acceptable time frame, the revision(s) shall be assumed to be approved.

C. Storm Water Pollution Prevention Plan (SWP3)

1. For a construction site that is five (5) or more acres and that is required by state or federal regulation to have an SWP3, the SWP3 shall be prepared in accordance with applicable state and federal regulations.
2. For a construction site that is one (1) or more acres but less than five (5) acres and that is required by state or federal regulation to have an SWP3, the SWP3 shall be prepared in accordance with applicable state and federal regulations.
3. Any storm water pollution prevention plan required by federal or state regulation shall be retained on site during the all phases of construction and made available to inspection by the City of Barling upon request. Failure to produce such required SWP3s shall be grounds for issuance of a SWO.
4. The City of Barling Administrator may request and receive in a timely fashion, at the time of, or after application for a Storm Water Permit, a copy of any SWP3 required by federal or state regulation for discharge of storm waters from a construction site. Failure to provide such requested pollution control plan within a timeframe specified by the City of Barling Administrator shall be grounds for a SWO.
5. The City of Barling Administrator may require additional information, plans, or specifications are provided in an SWP3 for a construction site if the City of Barling Administrator determines such additional information, plans, or specifications are necessary to prevent the discharge of pollutants to the MS4 or waters of the U.S.

SECTION VIII. NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response 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 waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such 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 City of Barling Administrator in person or by phone, email or facsimile no later than the next working day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Barling

Administrator within three (3) working days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the action taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

SECTION IX. REPORTS OF VIOLATIONS

The City of Barling Administrator or a designated City of Barling office shall receive all reports of violations of this Code by telephone, electronic mail transmission, in writing or in person. A written or electronic record of each such report will be maintained and kept on file for a period of at least five (5) years by the City of Barling, and a copy of the City of Barling's record of the report will be furnished to the reporting person upon request at no charge. Also upon request, the City of Barling Administrator will inform the person making such report of any action undertaken by the City of Barling in response to such report.

SECTION X. ENFORCEMENT

A. Warning Notices

- 1. When the City of Barling Administrator finds that any person has violated, or continues to violate, any provision of this Code, or any other order issued hereunder, the City of Barling Administrator may serve upon that person a written Warning Notice specifying the particular violation determined to have occurred and requesting the violator to immediately investigate the violation and initiate preventative or corrective actions to stop the conditions causing, contributing to or resulting in the violation.**
- 2. Investigation of the matter in response to the Warning Notice in way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice.**
- 3. Nothing in this subsection shall limit the authority of the City of Barling Administrator to take any action, including emergency action or any other enforcement action, prior to issuing a Warning Notice.**

B. Notification of Violation (NOV)

- 1. When the City of Barling Administrator finds that any person has violated, or continues to violate, any provision of this Code, or any order issued hereunder, the City of Barling Engineer may serve upon that person a written NOV. Within ten (10) calendar days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention of recurrence thereof, including specific required actions, shall be**

submitted by the alleged violator to the City of Barling Administrator. If the alleged violator denies that any violation occurred, or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the City of Barling Administrator within ten (10) calendar days of receipt of the notice.

2. Submission of an explanation or plan in no way relieves the alleged violator of liability for any violations of this Code or any state or federal regulation occurring before or after receipt of the NOV.
3. Nothing in this section shall limit the authority of the City of Barling Administrator to take any action, including emergency action or any other enforcement action, without first issuing a NOV.

C. Consent Orders

The City of Barling Administrator may enter into Consent Orders, assurances of voluntary compliance, or other written agreements with any person for noncompliance with any provision in this Code or any order issued hereunder. Such agreements may include specific action to be taken by the person to correct the noncompliance within a time period specified by the agreement. Such agreements shall have the same force and effect as administrative orders issued pursuant to this Code and shall be judicially enforceable.

D. Show Cause Hearing

The City of Barling Administrator may order any person who has violated, or continues to violate, any provision of this Code, or any order issued hereunder, to appear before the City of Barling Administrator and show cause why a proposed enforcement action should not be taken. Notice shall be served on the alleged violator specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action and a request that the alleged violator show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days prior to the hearing. Such notice may be served on any representative of the alleged violator. The hearing shall be conducted pursuant to the rights and procedures specified in this Code.

E. Compliance Order

1. When the City of Barling Administrator finds that any person has violated, or continues to violate, any provision of this Code, or any order issued hereunder, the City of Barling Administrator may issue a Compliance Order to the violator directing that the violator come into compliance with this Code within a specified time limit. Compliance Orders also may contain other requirements to address the noncompliance, including self-monitoring and implementation of best management practices designed to minimize the amount of pollutants discharged to the MS4 and waters of the U.S.

2. **A Compliance Order may not extend the deadline for compliance established by a state or federal standard or requirement.**
3. **A Compliance Order does not relieve a person of liability for any violation, including any continuing violation.**
4. **Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, any other action against the violator.**

F. Remediation, Abatement and Restoration Orders

1. **When the City of Barling Administrator finds that any person has violated, or continues to violate, any provision of this Code, or any order issued hereunder, and the City of Barling Administrator has reasonable evidence to suspect that such a violation has adversely affected the MS4 or waters of the U.S., the City of Barling Administrator may issue a Remediation, Abatement and Restoration Order to the violator directing said violator to undertake and implement any appropriate action the City of Barling Administrator may designate to remediate or abate any adverse effects of the violation upon the MS4, and to restore any part of the MS4 within the City of Barling that has been harmed, provided such ordered actions are limited to actions lying within City of Barling boundaries. Such remediation, abatement, and restoration actions may include but shall not be limited to:**
 - a. **Monitoring, assessment, and evaluation of the adverse effects and determination of the appropriate remedial, abatement, or restoration actions;**
 - b. **Confinement, removal, cleanup, treatment, and disposal of any discharged or released pollution or contamination.**
 - c. **Prevention, minimization, or mitigation of any damage to the public health or the environment that may result from the violation; and**
 - d. **Restoration or replacement of City of Barling property or natural resources damaged by the violation**
2. **The Remediation, Abatement, and Restoration Order may direct that the remediation, abatement, or restoration be accomplished on a specified compliance schedule and be completed within a specified period of time.**
3. **The cost for preparation, implementation, construction, and maintenance of any remediation, abatement, or restoration as may be ordered by the City of Barling Administrator shall be borne by the person to whom the City of Barling Administrator has issued such order.**

4. An order issued under this subsection does not relieve the violator of liability for any violation, including any continuing violation.
5. Issuance of an order under this subsection shall not be a bar against, or a prerequisite for, taking any other action against any responsible party.

G. Emergency Cease and Desist Orders

1. When the City of Barling Administrator finds that any person has violated, or continues to violate, any provision of this Code, or any order issued hereunder, or that the person's past violations are likely to recur, and that the violation(s) has caused or contributed to an actual or threatened discharge to the MS4 or waters of the U.S. which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City of Barling Administrator may issue an Emergency Cease and Desist Order to the violator directing said violator to immediately cease and desist all such violations and directing the violator to:
 - a. Immediately comply with all Code requirements;
 - b. Terminate any discharges which the City of Barling Administrator determines to present an imminent or substantial endangerment to persons or to the environment; and
 - c. Take such appropriate preventative action as may be needed to properly address a continuing or threatened violation, including immediately halting operations, terminating the discharge or both.
2. Any person to which an Emergency Cease and Desist Order has been directed, shall, upon receipt of such Order, immediately take action to stop or eliminate the endangering discharge. In the event of said person's failure to immediately comply voluntarily with said Order, the City of Barling Administrator may take such action(s) as deemed necessary to prevent or minimize harm to the MS4 or waters of the U.S. or endangerment to persons or to the environment. Such actions may include, but are not limited to, immediate termination of water supply, sewer connection or other municipal utility service provided to said person; any facility owned, leased or operated all or in part by said person; or any site for which said person is all or in part an owner or lessee.
3. The City of Barling Administrator shall allow the person to whom an Emergency Cease and Desist Order has been issued to recommence discharges when the City of Barling Administrator determines that the period of endangerment has passed, unless further termination proceedings

are initiated against the person to whom the order was issued.

4. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a written ment, in a form as may be acceptable to the City of Barling Administrator, describing the causes of the harmful discharge and measures taken or to be taken within a timely fashion to prevent any future occurrence, to the City of Barling Administrator within fourteen (14) calendar days of receipt of the emergency order.
5. Issuance of an Emergency Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

SECTION XI. RIGHTS TO RECONSIDERATIONS, HEARING AND APPEALS

A. Reconsideration of and Hearing of Petitions

1. Any person subject to a Stop Work Order; Compliance Order; a Remediation, Abatement and Restoration Order; or an Emergency Cease and Desist Order may petition in writing the City of Barling Administrator to reconsider the basis for the order within fourteen (14) calendar days of the affected person's notice of issuance of such an order.
2. Failure to submit a written Petition for Reconsideration within fourteen (14) calendar days of the affected person's notice of issuance of such an order shall be deemed to be a waiver of any further right to administrative reconsideration or review of the order.
3. In its Petition for Reconsideration, the petitioning party must indicate the provisions of the order objected to, the reasons for the objection(s), any facts that are contested, the evidence that supports the petitioner's view of the facts, any alternative terms of an order that the petitioner would accept, and whether the petitioning party requests a hearing on its petition.
4. The effect of any Compliance Order; and any Remediation, Abatement, and Restoration Order shall be stayed pending the City of Barling Administrator's consideration of the Petition for Reconsideration, and any hearing thereon, unless the City of Barling Administrator expressly makes a written determination to the contrary. The effectiveness of any Emergency Cease and Desist Order shall not be stayed pending the City of Barling Administrator's reconsideration, or any hearing thereon, unless the City of Barling Administrator expressly and in writing stays the Emergency Cease and Desist Order.
5. Within fourteen (14) calendar days of the submittal of a Petition for Reconsideration, the City of Barling Administrator shall either: (1) grant the petition and withdraw or modify the order accordingly; (2) deny the petition,

without hearing if no material issue of fact is raised; or (3) if a hearing has been requested and a material issue of fact has been raised, schedule a Show Cause Hearing on the petition.

6. Written notice of any hearing set by the City of Barling Administrator as a result of a Petition for Reconsideration shall be served on the petitioning party personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days prior to the hearing. Such notice may be served on any authorized representative of the petitioning party.
7. The City of Barling Administrator may conduct the hearing and take evidence, or may designate any employee of the City of Barling or any specially-designated attorney or engineer to:
 - a. Issue the name of the City of Barling notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing;
 - b. Take and gather evidence; and
 - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City of Barling Administrator for action thereon.
8. At any hearing held pursuant to a Petition for Reconsideration, testimony taken shall be under oath and recorded. Any party is entitled to legal representation and may present his or her case or defense by oral or documentary evidence and may conduct such cross-examination as may be required for a full and true disclosure of the facts. A transcript will be made available to any party to the hearing upon payment of the usual charges thereof.
9. After the City of Barling Administrator has reviewed the evidence, the City of Barling Administrator shall either: (1) grant the petition; (2) deny the petition; or (3) grant the petition in part and deny it in part. The City of Barling Administrator may modify the order giving rise to the Petition for Reconsideration as may be the appropriate based upon the evidence and arguments presented at the hearing and the City of Barling Administrator's action on the petition. Further orders and directives as are necessary and appropriate may be issued.

B. Appeal

1. If a discharger or operator is penalized as a result of a Stop Work Order; Compliance Order; a Remediation, Abatement and Restoration Order; or an Emergency Cease and Desist Order, such discharger or operator may file a written appeal to the Director of Public Works. The appeal must include

evidence proving that the discharger or operator did not violate this Code. The appeal must be filed within five (5) working days of the discharger or operator receiving the penalty.

2. Failure to submit an appeal within five (5) working days of the discharger or operator receiving the penalty shall be deemed to be a waiver of further administrative review.

SECTION XII. CIVIL AND CRIMINAL PENALTIES

A. Civil Remedies

The City of Barling shall be entitled to all relief available under Arkansas law.

B. Criminal Penalties

1. Any person who has violated any provision of this Code, or any order issued hereunder, shall be strictly liable for such violation and shall, upon conviction, be subject to a fine of not more than \$1,000 per violation, per day.
2. Any person who has knowingly made any false statement, representation or certification in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this Code, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Code shall, upon conviction, be subject to a fine of not more than \$500 per violation, per day.

C. Determination of Fines

In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, the knowledge, intent, negligence, or other of mind of the violator, and any other factor as justice requires.

SECTION XIII. VIOLATORS DEEMED 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 Code 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 nuisances may be taken.

SECTION XIV. REMEDIES NOT EXCLUSIVE

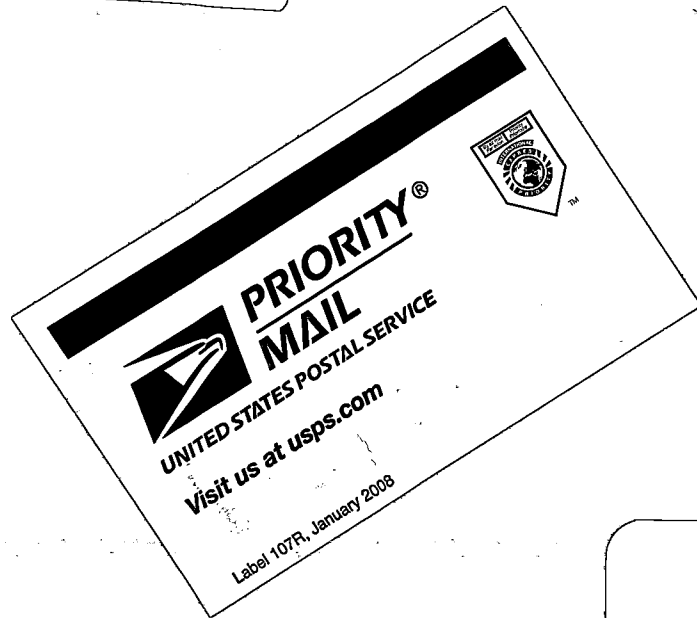
The remedies listed in this Code are not exclusive of any other remedies available under any applicable federal, , or local law and it is within the discretion of the City of Barling Administrator to seek cumulative remedies.

SECTION XV. FEES

The City of Barling may adopt reasonable fees for reimbursement of costs of implementing this Code, which costs may include, but not limited to, the following:

1. \$50 for water meter per month.
2. \$25.00 for issuance of permits.
3. \$.01 per square foot floor area for new residential construction and \$.01 per square foot for total property area for new commercial construction.
4. \$35.00 for determination of site inspections requested by operator of a site or facility.
5. \$35.00 for site inspections pursuant to determination of compliance to conditions of termination of construction.
6. Actual cost.

CITY OF BARLING
PO BOX 23039
BARLING, AR 72923-0039



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

