

# Storm Water Management Program Plan July 2016

City of Helena, Alabama  
Individual Phase I – Municipal Separate Storm Sewer System  
(MS4) Permit

NPDES Permit No. ALS000012







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## **1.0 Introduction**

The Storm Water Management Program (SWMP) Plan is required by Part II of the Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Individual Permit ALS000012 for discharges from the City of Helena (City) municipal separate storm sewer system (MS4). The goal of the MS4 Storm Water Program is to reduce Non-Point Source (NPS) pollution, which occurs from rain runoff from various sites.

### **1.1 Permit History**

In 1987, the EPA was required under Section 402 (p) of the Clean Water Act (40CFR Part 112.26) to establish final regulations governing storm water discharge permit application requirements.

In 1996, the first five-year MS4 permit, NPDES Permit No. ALS000003, was issued to Shelby County and eight additional Co-Permittees, including the City of Helena. NPDES Permit ALS000003 covered all areas within the corporate boundaries of the City of Helena. In October 2001 a second five-year permit was issued and administratively extended through order of ADEM. Shelby County acted as lead permittee for the Shelby County Cahaba River Basin MS4 Permit from 1996-2015.

Upon expiration of the Shelby County MS4 Permit, ADEM required all of the previous Co-Permittees to apply for individual NPDES permits. ADEM determined that the City of Helena should have an Individual Phase I Permit. In March of 2015 the City met with ADEM to discuss the transition to an Individual Phase I Permit. The City of Helena received a draft NPDES permit on September 9, 2015. At this time the draft version of Individual NPDES Permit ALS000012 was filed under PUBLIC NOTICE - 605. Subsequently a 30 day comment period was held before ADEM issued the final permit. On December 4, 2015, ADEM made a final determination to issue the City of Helena an individual permit.

Individual Phase I NPDES Permit No. ALS000012 for storm water discharges from the Helena MS4 was issued to the City of Helena with an effective date of **January 1, 2016**. The Phase I permit replaces coverage provided by NPDES Permit ALS000003 previously issued to the Shelby County Commission and Co-Permittees. Individual Permit ALS000012 now covers all areas within the corporate boundaries of the City of Helena located within the Cahaba River drainage basin. The permit will expire on **December 31, 2020**. A copy of the individual Phase I NPDES Permit is included in Appendix B.

### **1.2 Helena MS4 Area**

The Helena MS4 applies to the corporate boundaries of the City of Helena within the Cahaba River drainage basin. The Helena MS4 comprises approximately 21.5 square miles. A map outlining the approximate boundary of the Helena MS4 Area is included in Appendix A as Figure 1.

According to the 2010 Census, the City of Helena has a total population of 16,793, all of which are included within the Helena MS4 area.



## **2.0 SWMPP Development, Review, and Update**

The City's SWMP is designed to implement the controls necessary to reduce pollutants to the MS4; the program is built around the ten minimum control measures listed below and wet weather monitoring:

- 1) Storm Water Collection System Operations
- 2) Public Education and Public Involvement on Storm Water Impacts
- 3) Illicit Discharge and Elimination (IDDE)
- 4) Construction Site Storm Water Runoff Control
- 5) Post-Construction Storm Water Management in New Development and Re-Development
- 6) Spill Prevention and Response
- 7) Pollution Prevention/Good Housekeeping for Municipal Operations
- 8) Application of Pesticides, Herbicides, and Fertilizers (PHFs)
- 9) Oils, Toxics, and Household Hazardous Waste Control
- 10) Industrial Storm Water Runoff

Details of the City's work toward each of these measures are outlined in subsequent sections.

The SWMPP is in a continual state of review and revision as feedback is received from ADEM, the public, and from monitoring results. Updates to the SWMPP will be made at least annually and provided in the Annual Report. Modifications made outside of that cycle will be provided to ADEM separately.

### **2.1 Responsible Party**

The City's Building, Planning, and Development Department is responsible for the coordination and implementation of the Storm Water Management Program Plan. Coordination between City departments is important to the City's implementation of the SWMP.

### **2.2 Record Keeping**

The SWMPP shall be retained for at least five years after coverage under the Individual Phase I permit is terminated. The following records shall be maintained for at least three years following termination of permit coverage:

- Records of all monitoring information
- Copies of all reports required by the permit
- Records required by the permit
- Records of all other data required by or used to demonstrate compliance with the permit



### 3.0 SWMP Elements

#### 3.1 Storm Water Collection System Operations

The City owns and maintains two structural controls: a basin located at the end of Old Kendrick Road in Laurel Woods Subdivision, and a retention basin of Joe Tucker Park Lake. Three of the structural controls mentioned in the previous Shelby County SWMPP as related to the City of Helena are not owned and/or maintained by the City. Structural controls located on Shelby County Road 95 at the Shoppes of Dearing Downs and on Shelby County Road 58 in Village Parrish Subdivision are privately owned and maintained. The detention basin located on Alabama Highway 261 North at Chadwick Subdivision has been de-annexed and is now owned and maintained by the City of Pelham. A map of the structural controls that are owned, operated and maintained by the City is provided as Figure 2 in Appendix A.

The following activities and practices implemented by the City are aimed at reducing NPS pollution from structural controls in the MS4:

Activity	Schedule	Measurable
Develop/Review and revise inspection SOP and form	First year of permit cycle	Documents to be provided in Annual Report
Inventory/Map maintenance	Ongoing	Map to be provided in Annual Report
Inspect structural controls	Semi-annual	Inspection records
Repair of controls	As needed	Work records
Debris removal	As needed	Estimated quantity of material removed

The City does not use contracted maintenance currently, but those records will be included if new contracts are put in place.



### 3.2 Public Education and Public Involvement

The City aims to provide the general public and key business-people with the education and tools needed to reduce their impact on pollution in the MS4. This includes the dissemination of information to these groups aimed at reducing their pollution contribution, but also educating them on recognizing problems that should be reported. As individuals are made aware of issues related to storm water management, they become partners with the City in the implementation of this plan and the MS4 is benefitted.

The following activities and practices implemented by the City are aimed at involving the public in reducing NPS pollution in the MS4:

Activity	Schedule	Measurable
Seek public input on SWMPP	Completed (6/27/2016)	Public meeting documentation
Distribute information to general public; flyers and pamphlets will be placed at many public locations and on the City's website	Ongoing; initial upload and distribution in first year of permit	Examples of materials
Distribute issue-specific information to targeted business-owners, contractors and developers ; provided as encountered and information/tools posted on the City's website	Ongoing; initial upload and distribution in first year of permit	Examples of materials
Participate in the clean-up days put on by Renew our Rivers and Cahaba River Society; assist in debris removal and provide educational materials at event	Annual	Record of event and participation
Label storm inlets and post signs at public access points	Ongoing; inventory drains and sign locations in first permit year to identify any missing labels	Photos of labels and signs, and number of new labels and signs installed
Create/update page on City website to house SWMPP, educational materials, etc.	Ongoing updates	Screenshots



### 3.3 Illicit Discharge Detection and Elimination

The City's program to detect and eliminate illicit discharges in the MS4 consists of several strategies aimed at establishing legal prohibitions and recourse, maintaining accurate outfall information, and regular screening. The program is also closely coordinated with other SWMP elements, primarily through the education and involvement of the public. The City has retained digital maps created and maintained by previous lead permittee and will be utilizing those as a starting point for this permit; the current outfall locations map is shown as Figure 3 in Appendix A.

Other program elements are being reviewed and refined to align with the current permit. The 2004 EPA guidance manual for Illicit Discharge Detection and Elimination will be used as the protocol basis.

The following activities and practices implemented by the City are aimed at reducing NPS pollution from illicit discharges in the MS4:

Activity	Schedule	Measurable
Mapping of major outfalls, waters of the State, and MS4-owned structural BMPs	Ongoing	Map to be provided in Annual Report
Review and revise City Storm Water Management ordinance	Annual	Revised ordinance to be provided in Annual Report
Develop inspection, tracing, elimination SOP	First permit year	SOP provided as part of revised SWMPP in Annual Report
Dry weather screening, tracing and eliminating illicit discharges	20%/year	List of inspected outfalls and any enforcement actions
Staff training on IDDE	Annual	Training records
Post ordinance to website	Annual, as revised	Screenshot
Solicit public reporting of suspected illicit discharges	Ongoing; initially in first year of permit	Screenshot/documentation of reports



### 3.4 Construction Site Storm Water Runoff Control

All applicable construction sites are required to obtain coverage under ADEM general permit ALR10000; other sites are required by City ordinance to get a City of Helena Storm Water Discharge Permit prior to commencement of land disturbing activities.

Applicants for a City discharge permit for land disturbance and construction are required to submit structural and non-structural storm water management BMPs for their site. These BMPs are reviewed and approved by a qualified professional prior to construction. Best Management Practices must incorporate structural and non-structural controls as described in the Alabama Soil and Water Conservation Committee (ASWCC) handbook.

Land clearing and construction sites in the project area are monitored by trained City inspector to ensure compliance with the appropriate Best Management Practices, the site-specific storm water management plan as provided in the discharge permit application, and/or the City's storm water management ordinance.

The following activities and practices implemented by the City are aimed at reducing NPS pollution from construction activity in the MS4:

Activity	Schedule	Measurable
Review and revise City Storm Water Management ordinance, including Enforcement Response Plan	Annual	Revised ordinance to be provided in Annual Report
Develop/Revise inspection and enforcement SOP	First permit year	SOP provided as part of revised SWMPP in Annual Report
Conduct inspections of construction sites	Monthly	Summary of inspection and enforcement actions
Staff training on inspections and enforcement (QCI)	Annual	Training records
Provide relevant educational materials to operators	At beginning of each project	Example materials
Post ordinance to website	Annual, as revised	Screenshot
Solicit public reporting of complaints	Ongoing; initially in first year of permit	Screenshot/documentation of complaints



### 3.5 Post-Construction Storm Water Management

The City's program to address the discharge of pollutants in post-construction storm water runoff is in development and will address the requirements laid out in Part II.B.5.a. The City has retained qualified professional engineers to develop the procedures that will make up the program, including:

- Identify appropriate BMPs and performance standards
- Encourage use of green infrastructure and LID
- Develop and ensure compliance with City Ordinance
- Inspection and enforcement of performance requirements
- Ensure long-term operation and maintenance
- Inventory maintenance

In the interim period before the post-construction program is formally in place, the City will work to achieve the objectives and meet the spirit of this permit element through plan review, mapping, and inspections. Two currently mapped private controls are shown in Figure 2 in Appendix A.

The following activities and practices implemented by the City are aimed at reducing NPS pollution from new residential and commercial development in the MS4:

Activity	Schedule	Measurable
Develop a Post-construction Storm Water Management Program	December 31, 2016	Program to be attached to SWMPP and provided in Annual Report
Inspect privately-owned structural controls	Annual	Inspection records
Develop/Review and revise ordinance	Annual	Ordinance to be provided in Annual Report
Mapping of post-construction structural controls	Ongoing	Map to be provided in Annual Report
Post ordinance to website	Annual, as revised	Screenshot



### **3.6 Spill Response Program**

The City works closely with the Shelby County Emergency Management Agency (EMA) on any spills in the MS4. The County EMA is equipped and trained to provide environmental protection services.

In the event of a spill, the EMA, local fire department, and City personnel typically respond and coordinate efforts to address the impacts.

The following activities and practices implemented by the City are aimed at reducing NPS pollution from spills of hazardous materials in the MS4:

<b>Activity</b>	<b>Schedule</b>	<b>Measurable</b>
Develop/Revise formal Spill Prevention and Response Plan	Annual	Plan to be attached to SWMPP and provided in Annual Report
Track and map any spills that occur	As needed	Map and information to be provided in Annual Report
Train staff on spill prevention and response	Annual	Training records



### 3.7 Pollution Prevention / Good Housekeeping

The City's in-house operations are also important to consider when minimizing pollution in the MS4. The City's program to monitor and prevent pollution from its own activities includes trash removal, training, and inspections. These programs are not currently formalized but will be as part of this permit.

The City shop and WWTP currently have their own NPDES permits and their discharge potentials are regulated as part of those permits. The majority of the City's potential pollution activities (e.g. fuel storage, etc.) occur at these facilities.

The following activities and practices implemented by the City are aimed at reducing NPS pollution from the City's operations:

Activity	Schedule	Measurable
Inventory/Map City facilities with pollutant discharge potential	Annual	Map to be provided in Annual Report
Provide trash removal services for City events and storm water protection (e.g. Buck Creek Festival, Market days, movie nights, etc.)	Ongoing	Estimated quantity of material removed
Removal of trash from waterbodies	Regular events	Estimated quantity of material removed
Inspect City facilities for storm water management issues	Annual	Summary of inspection results
Develop/Review and revise SOPs for good housekeeping practices performed by the City	Annual	SOPs to be attached to SWMPP and provided in Annual Report
Train staff on storm water management issues related to their jobs	Annual	Training records
Evaluate potential to retrofit controls with pollutant removal capabilities	Annual	Results



### **3.8 Application of Pesticides, Herbicides, and Fertilizers (PHFs)**

The City limits its use of pesticides, herbicides, and fertilizers (PHFs) as much as possible, and currently only apply fertilizer and herbicide at City parks and ball fields when necessary.

- Helena Sports Complex - 110 Sports Complex Dr, Helena, AL 35080
- Cahaba Lily Park - 3200 Hwy 52 Helena, AL 35080
- Joe Tucker Park - 230 Tucker Rd Helena, AL 35080
- Penhale Park – Penhale Park Road Helena, AL 35080

The City’s use and storage of PHFs is minimal, but the overall PHF program will be assessed and inspected in coordination with the previous Municipal Operations/Good-housekeeping permit element. Recently, the City has resumed the previously-halted practice of mosquito spraying in order to address public health concerns.

The following activities and practices implemented by the City are aimed at reducing NPS pollution from PHFs in the MS4:

<b>Activity</b>	<b>Schedule</b>	<b>Measurable</b>
Inventory/map PHF application areas	Annual	Map to be provided in Annual Report
Inventory stored PHFs and inspect storage facilities	Annual	Inspection results
Train staff in use, storage, and disposal of PHFs	Annual	Training records



### 3.9 Oils, Toxics, and Household Hazardous Waste Control

The City currently provides notice to citizens and businesses of opportunities to safely dispose of hazardous materials. Shelby County hosts an annual household hazardous waste collection day, and local businesses provide used oil collection services.

The following activities and practices implemented by the City are aimed at reducing NPS pollution from hazardous materials in the MS4:

Activity	Schedule	Measurable
Promote local collections days in Shelby County and other nearby authorities	As scheduled	Estimated quantity of material collected
Staff training on waste control	Annual	Training records
Provide relevant educational materials to public via postings and website	Ongoing	Example materials; screenshot



### 3.10 Industrial and High-Risk Runoff

The City houses several businesses that may be considered high-risk sites and/or have the potential for pollutant contribution to the MS4. These sites are listed below and mapped on Figure 4 in Appendix A. There are no municipal waste landfills or TSDFs located in the MS4.

The following activities and practices implemented by the City are aimed at reducing NPS pollution from industrial sites located in the MS4:

<b>Activity</b>	<b>Schedule</b>	<b>Measurable</b>
Update inventory/map of industrial and high-risk facilities	Annual	List/map to be provided in Annual Report
Develop/Review and revise SOP for inspection of facilities	Annual	SOPs to be attached to SWMPP and provided in Annual Report
Collect copies of all NPDES permit information for facilities located in the City	Ongoing	Summary provided in Annual Report
Inspect facilities that are not covered by individual NPDES permit	Annual	Inspection records



## 4.0 Monitoring Programs

Monitoring locations for the Cahaba River and Buck Creek have been established for the Helena MS4. Monitoring of each waterbody will occur on a semi-annual basis as stated in Part III, Section A.1 and the sampling procedures outlined in Part III, Section B of the NPDES MS4 Permit will be employed.

Samples from the Cahaba River will be taken from the location where the river crosses under Shelby County Road 52 (33°17'4.96"N, 86°52'57.15"W). The Buck Creek sampling point will be located where Buck Creek crosses Highway 261 at Low Head Dam (33°17'49.52"N, 86°50'32.87"W). See Figure 5 in Appendix A.

Grab samples will be collected from the Cahaba River location and analyzed for the following parameters at the frequencies shown:

Parameter	Frequency
E. Coli	Semi-annually
Total Nitrogen	Semi-annually
Total Phosphorus	Semi-annually
Total Suspended Solids	Semi-annually
Temperature	Semi-annually (first year); Annually (remainder of permit)
pH/ORP	Semi-annually (first year); Annually (remainder of permit)
Turbidity	Semi-annually (first year); Annually (remainder of permit)
Conductivity	Semi-annually (first year); Annually (remainder of permit)
Dissolved Oxygen	Semi-annually (first year); Annually (remainder of permit)
Fecal Coliform	Semi-annually (first year); Annually (remainder of permit)
Ammonia Nitrogen	Semi-annually (first year); Annually (remainder of permit)
BOD	Semi-annually (first year); Annually (remainder of permit)
COD	Semi-annually (first year); Annually (remainder of permit)
Hardness	Semi-annually (first year); Annually (remainder of permit)
Nitrate/Nitrite Nitrogen	Semi-annually (first year); Annually (remainder of permit)
Oil and Grease	Semi-annually (first year); Annually (remainder of permit)
Total Dissolved Solids	Semi-annually (first year); Annually (remainder of permit)
Total Kjeldahl Nitrogen	Semi-annually (first year); Annually (remainder of permit)



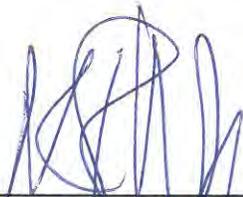
Grab samples will be collected from the Buck Creek location and analyzed for the following parameters at the frequencies shown:

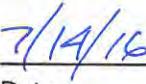
<b>Parameter</b>	<b>Frequency</b>
Fecal Coliform	Semi-annually
Total Nitrogen	Semi-annually
Total Phosphorus	Semi-annually
Total Suspended Solids	Semi-annually
Temperature	Semi-annually (first year); Annually (remainder of permit)
pH/ORP	Semi-annually (first year); Annually (remainder of permit)
Turbidity	Semi-annually (first year); Annually (remainder of permit)
Conductivity	Semi-annually (first year); Annually (remainder of permit)
Dissolved Oxygen	Semi-annually (first year); Annually (remainder of permit)
E. Coli	Semi-annually (first year); Annually (remainder of permit)
Ammonia Nitrogen	Semi-annually (first year); Annually (remainder of permit)
BOD	Semi-annually (first year); Annually (remainder of permit)
COD	Semi-annually (first year); Annually (remainder of permit)
Hardness	Semi-annually (first year); Annually (remainder of permit)
Nitrate/Nitrite Nitrogen	Semi-annually (first year); Annually (remainder of permit)
Oil and Grease	Semi-annually (first year); Annually (remainder of permit)
Total Dissolved Solids	Semi-annually (first year); Annually (remainder of permit)
Total Kjeldahl Nitrogen	Semi-annually (first year); Annually (remainder of permit)



## 5.0 Agency Certification

I certify under penalty of law that this Storm Water management Program and all attachments pertaining to the City of Helena Municipal Separate Storm Sewer System (MS4) were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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 or imprisonment for knowing violations.

  
\_\_\_\_\_  
Mark R. Hall, Mayor  
City of Helena, Alabama

  
\_\_\_\_\_  
Date

## **Appendices**

## **Appendix A - Figures**

Figure 1 – Helena MS4 Area

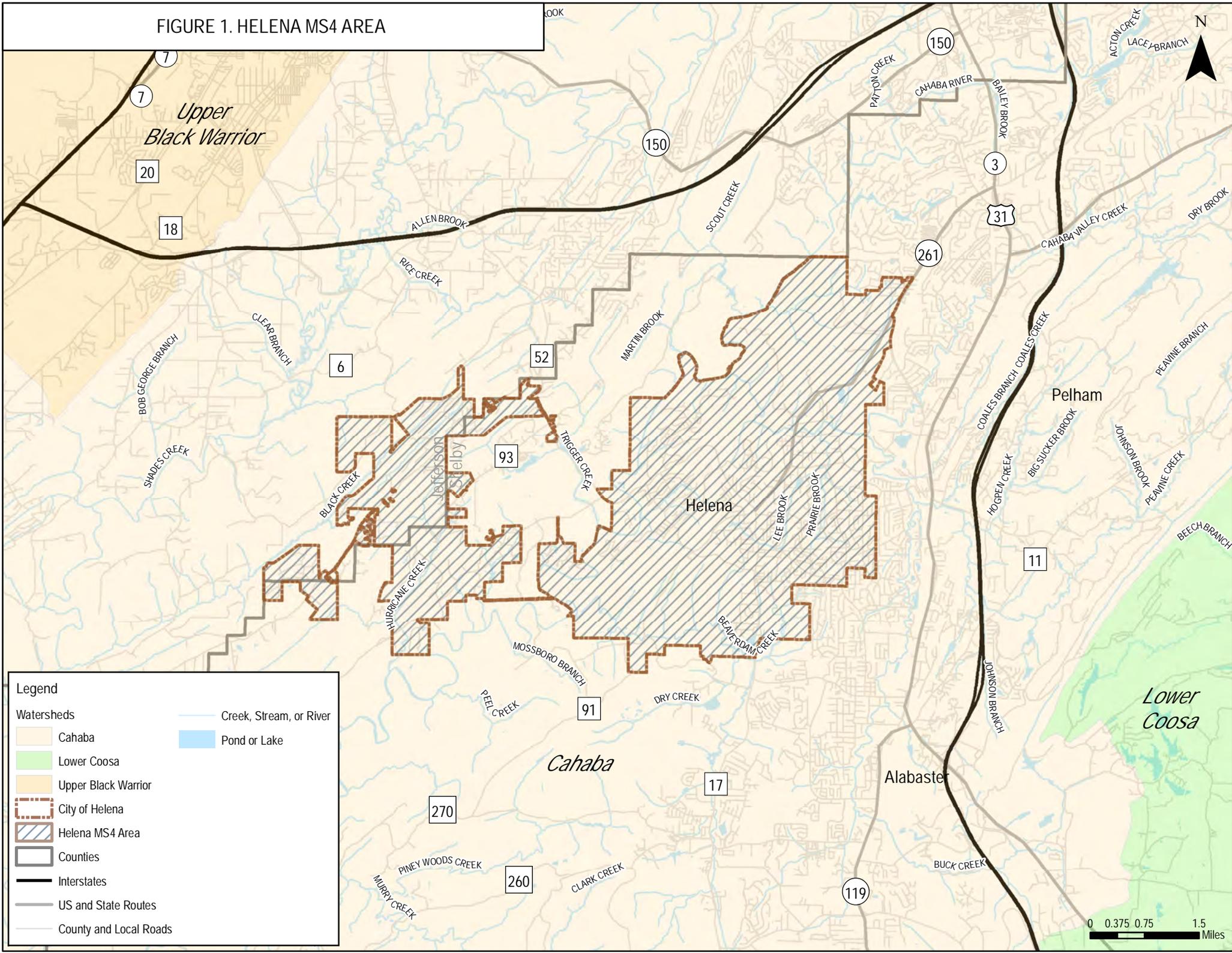
Figure 2 – City-Owned and Maintained Structural Controls

Figure 3 – Helena MS4 Outfall Locations

Figure 4 – Industrial Inspection Sites

Figure 5 – Wet Weather Monitoring Sites

FIGURE 1. HELENA MS4 AREA



**Legend**

**Watersheds**

- Cahaba
- Lower Coosa
- Upper Black Warrior

**City of Helena**

- City of Helena

**Helena MS4 Area**

- Helena MS4 Area

**Counties**

- Counties

**Interstates**

- Interstates

**US and State Routes**

- US and State Routes

**County and Local Roads**

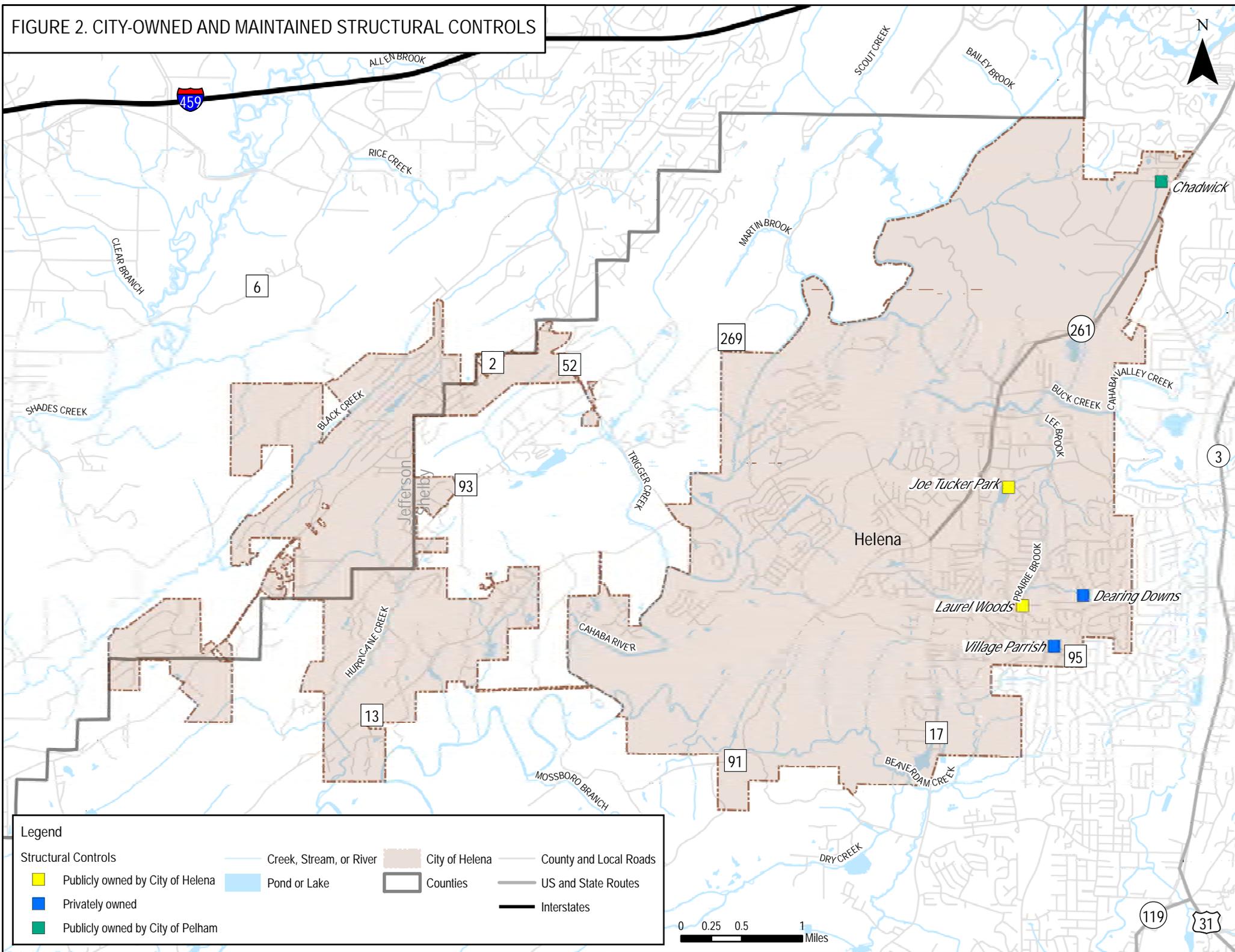
- County and Local Roads

**Water Features**

- Pond or Lake
- Creek, Stream, or River

0 0.375 0.75 1.5 Miles

FIGURE 2. CITY-OWNED AND MAINTAINED STRUCTURAL CONTROLS



Legend

Structural Controls

- Publicly owned by City of Helena
- Privately owned
- Publicly owned by City of Pelham

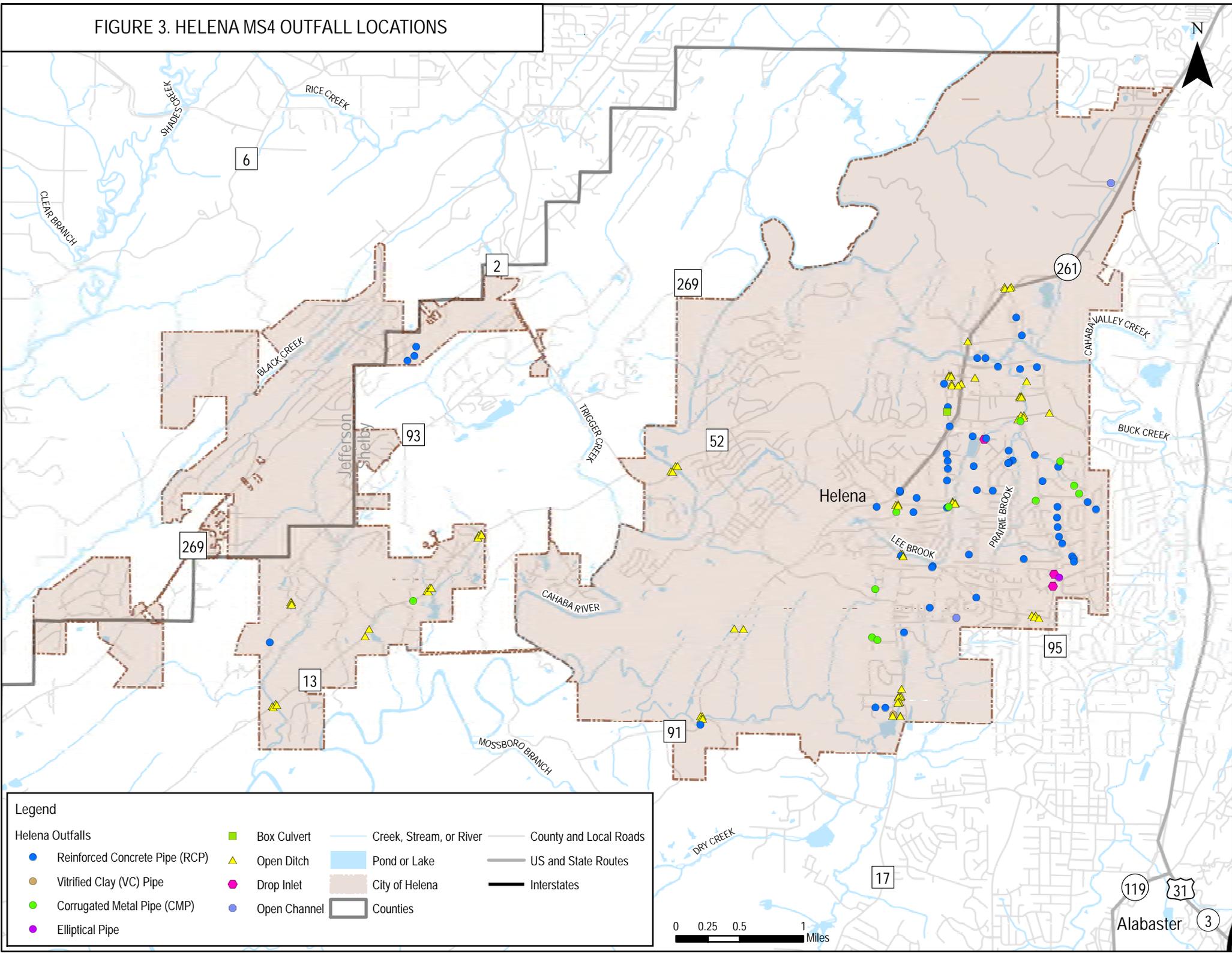
- Creek, Stream, or River
- Pond or Lake

- City of Helena
- Counties

- County and Local Roads
- US and State Routes
- Interstates

0 0.25 0.5 1 Miles

FIGURE 3. HELENA MS4 OUTFALL LOCATIONS



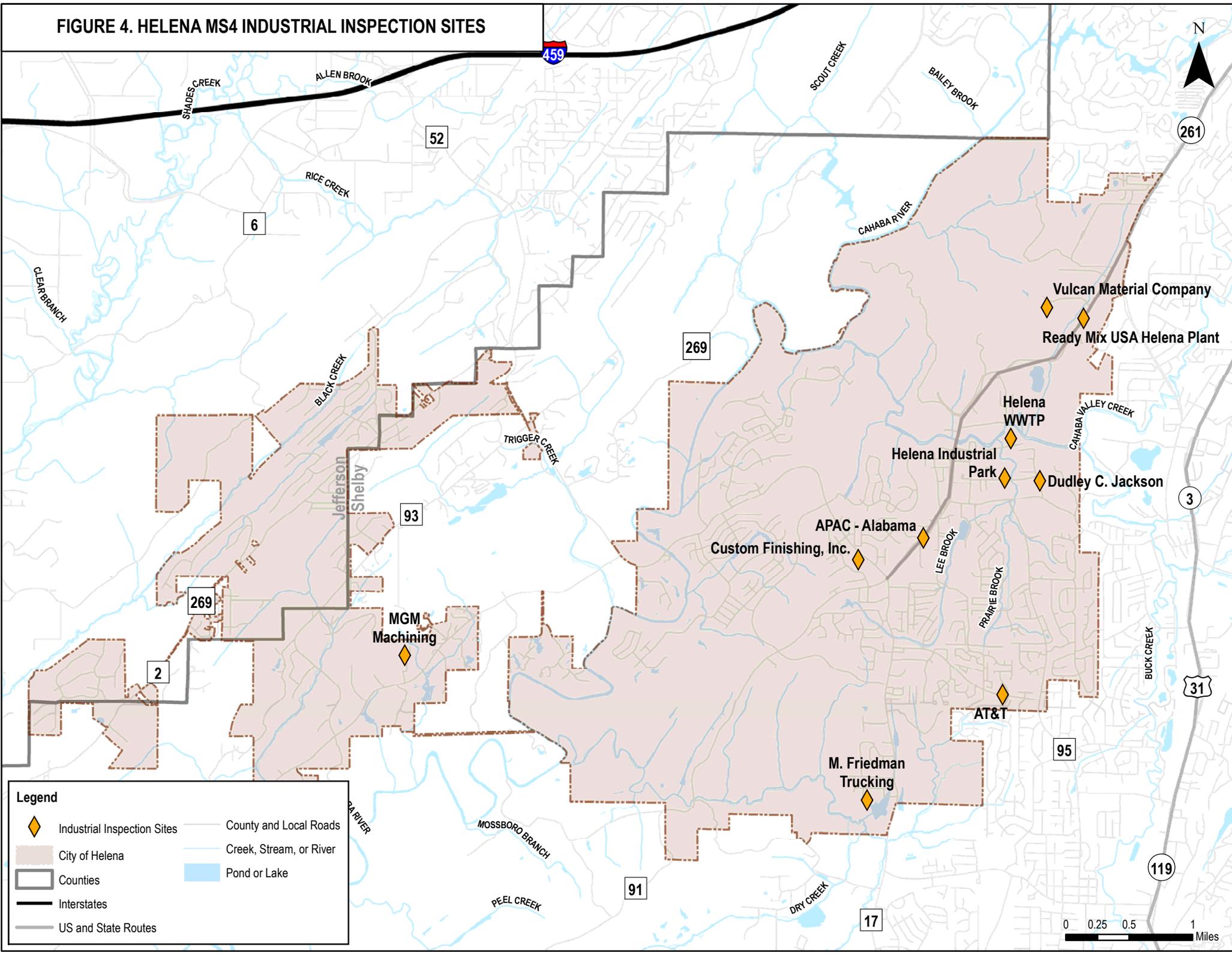
**Legend**

<b>Helena Outfalls</b>		Box Culvert	Creek, Stream, or River	County and Local Roads
Reinforced Concrete Pipe (RCP)	Open Ditch	Pond or Lake	US and State Routes	
Vitrified Clay (VC) Pipe	Drop Inlet	City of Helena	Interstates	
Corrugated Metal Pipe (CMP)	Open Channel	Counties		
Elliptical Pipe				

0 0.25 0.5 1 Miles

Alabaster 119 31 3

**FIGURE 4. HELENA MS4 INDUSTRIAL INSPECTION SITES**

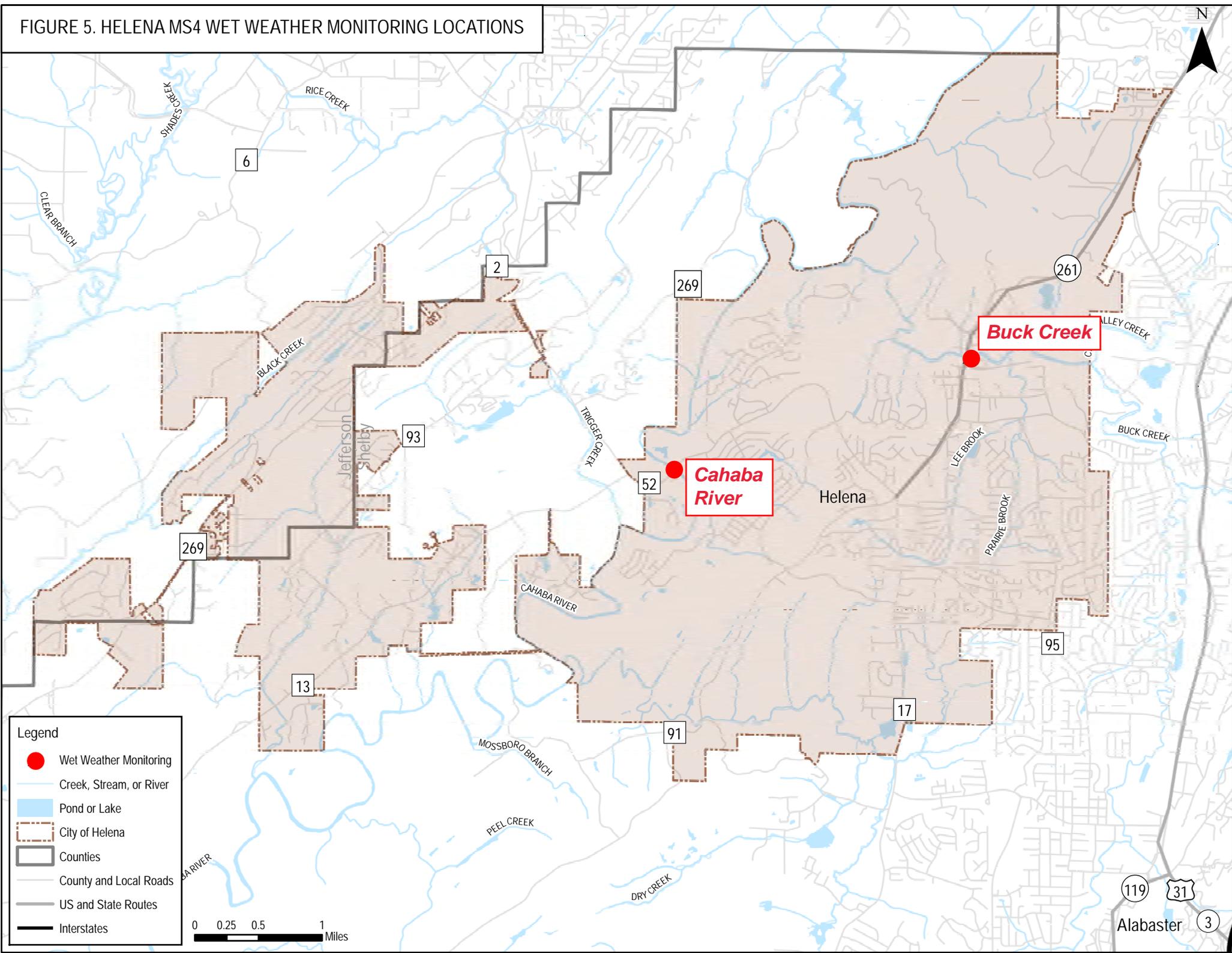


**Legend**

- ◆ Industrial Inspection Sites
- City of Helena
- Counties
- Interstates
- US and State Routes
- County and Local Roads
- Creek, Stream, or River
- Pond or Lake

0 0.25 0.5 1 Miles

FIGURE 5. HELENA MS4 WET WEATHER MONITORING LOCATIONS



## **Appendix B – MS4 Permit**

Alabama Department of Environmental Management  
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

DEC 04 2015

Certified Mail # 91 7108 2133 3936 7148 1142

Honorable Mark R. Hall  
Mayor, City of Helena  
816 Hwy 52 E  
Helena, Alabama 35080

RE: Municipal Separate Storm Sewer System (MS4) Individual Phase I Permit  
NPDES Number ALS000012  
City of Helena MS4  
Shelby County (117)

Dear Mayor Hall:

The Department has made a final determination to issue NPDES Permit No. ALS000012 to the City of Helena for discharges from its MS4. The NPDES Permit Number ALS000012 will be effective January 1, 2016 and expire on December 31, 2020.

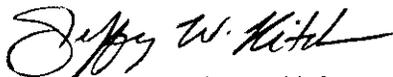
The Department notified the public of its tentative determination to issue NPDES Permit No. ALS000012 on September 9, 2015. Interested persons were provided the opportunity to submit comments on the Department's tentative decision through October 9, 2015. In accordance with ADEM Admin Code r. 335-6-6-.21(7), a response to all comments received during the public comment period are provided with the enclosed permit.

The City of Helena is responsible for compliance with all provisions of the permit including, but not limited to, the performance of any monitoring, the submittal of any reports, and the preparation and implementation of any plans required by the permit.

Please note that On October 22, 2015, EPA finalized the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (Federal Register Vol. 80 No. 24). As required by this rule, the Department has included, in this permit, a requirement that on and after December 21, 2020, annual reports shall be submitted to the Department electronically in a prescribed manner acceptable to the Department.

If you have questions concerning this permit, please contact Marla Smith either by email at [mssmith@adem.state.al.us](mailto:mssmith@adem.state.al.us) or by phone at 334-270-5616.

Sincerely,



Jeffery W. Kitchens, Chief  
Stormwater Management Branch  
Water Division

JWK/mss

File: FPER

Enclosures: Permit and Response to Comments

cc: Ms. Kacy Sable /Environmental Protection Agency



# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE: CITY OF HELENA

AREA OF COVERAGE: CORPORATE BOUNDARIES OF THE CITY OF HELENA WITHIN  
THE CAHABA RIVER DRAINAGE BASIN

PERMIT NUMBER: ALS000012

RECEIVING WATERS: WATERBODIES WITHIN THE CORPORATE BOUNDARIES OF  
CITY OF HELENA WITHIN THE CAHABA RIVER DRAINAGE  
BASIN

*In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.*

ISSUANCE DATE: DECEMBER 4, 2015

EFFECTIVE DATE: JANUARY 1, 2016

EXPIRATION DATE: DECEMBER 31, 2020

*GLENDIA L. DEAN*

Alabama Department of Environmental Management

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## **PART I Applicability**

### ***A. Permit Area***

This permit applies to the corporate boundaries of the City of Helena within the Cahaba River drainage basin that are regulated by the Permittee and discharge to the Permittee's Municipal Separate Storm Sewer System (MS4).

### ***B. Authorized Discharges***

1. This permit authorizes all existing or new storm water point source discharges to waters of the State of Alabama from those portions of the (MS4s) owned or operated by the Permittee. Discharge of pollutants shall be reduced to the Maximum Extent Practicable (MEP), shall not cause, nor contribute to, violations of Alabama Water Quality Standards, and shall be in compliance with Total Maximum Daily Loads (TMDLs) where applicable.
2. The following non-stormwater discharges have been determined not to be significant sources of pollution:
  - a. Water line flushing
  - b. Landscape irrigation (not consisting of treated, or untreated wastewater unless authorized by the Department)
  - c. Diverted stream flows
  - d. Uncontaminated ground water infiltration
  - e. Uncontaminated pumped groundwater
  - f. Discharges from potable water sources
  - g. Foundation and footing drains
  - h. Air conditioning drains
  - i. Irrigation water (not consisting of treated, or untreated, wastewater unless authorized by the Department)
  - j. Rising ground water
  - k. Springs
  - l. Water from crawl space pumps
  - m. Lawn watering runoff
  - n. Individual residential car washing, to include charitable carwashes
  - o. Residual street wash water
  - p. Discharge or flows from firefighting activities (including fire hydrant flushing)
  - q. Flows from riparian habitats and wetlands
  - r. Dechlorinated swimming pool discharges

### ***C. Prohibited Discharges***

The following discharges are not authorized by this permit:

1. Discharges that are mixed with sources of non-storm water, unless such non-storm water discharges are in compliance with a separate NPDES permit or where those dischargers have been determined not to represent significant sources of pollution, as identified by, and in compliance with, Part I.B.2;
2. Discharges of materials resulting from a spill, except emergency discharges required to prevent imminent threat to human health or to prevent severe property damage, provided reasonable and prudent measures have been taken to minimize the impact of the discharges; and

3. The discharge of sanitary wastewater through cross connections or other illicit discharges through the MS4 is prohibited.

## **PART II Storm Water Management Program (SWMP)**

### ***A. Storm Water Management Program (SWMP)***

1. The Permittee is required to develop, revise, implement, maintain and enforce a storm water management program (SWMP) which shall include controls necessary to reduce the discharge of pollutants from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26. These requirements shall be met by the development and implementation of a storm water management program plan (SWMPP) which addresses the best management practices (BMPs), control techniques and systems, design and engineering methods, public participation and education, monitoring, and other appropriate provisions designed to reduce the discharge of pollutants from the MS4 to the MEP.
2. The Permittee shall provide and maintain adequate finance, staff, equipment, and support capabilities necessary to implement the SWMPP and comply with the requirements of this permit.
3. The SWMPP must address the minimum program elements referenced in Part II.B. to include the following:
  - a. A map of the Permittee's MS4 jurisdictional boundaries;
  - b. The BMPs that will be implemented for each program element;
  - c. The measureable goals for each of the program elements outlined in Part II.B.;
  - d. The proposed schedule – including interim milestones, as appropriate, inspections, and the frequency of actions needed to fully implement each program element; and,
  - e. The person and/or persons responsible for implementing or coordinating the BMPs for each separate program element.
4. Once the initial SWMPP is acknowledged by ADEM, activities and associated schedules outlined by the SWMPP or updates to the SWMPP are conditions of this permit.
5. Unless otherwise specified in this permit, the Permittee shall be in compliance with the conditions of this permit by the effective date.

### ***B. Storm Water Program Elements and Requirements***

1. **Storm Water Collection System Operations**
  - a. **Structural Controls**
    - i. For Permittee owned/maintained structural controls, the structural controls shall be operated in a manner to reduce the discharge of pollutants, to the MEP;
    - ii. For Permittee owned/maintained structural controls, the Permittee shall include in the SWMPP and implement the following:
      1. Maintain a map of the structural controls;
      2. Inspection of existing and newly constructed structural controls on a semi-annual basis, at a minimum;
      3. Develop a standard operating procedure (SOP) or inspection checklist for structural control inspection and maintenance procedures;

4. Stabilization and re-vegetation of eroded areas as needed; and
  5. Floatables, litter, sediment and debris, in structural controls, shall be removed as needed.
- iii. The Permittee shall maintain an inventory of structural controls, and maintain a tracking system for inspections and maintenance of the control structures; and
- iv. The Permittee shall report each year in the annual report the following structural control information:
1. The number of inspections performed on structural controls, to include follow-up inspections and the inspection documentation (i.e. checklist) shall be made available upon request;
  2. A summarization of the maintenance activities performed on structural controls;
  3. The estimated amount of floatable, litter, sediment and debris that was removed;
  4. Copies of any contractual agreements for maintenance activities if not performed by the Permittee, if requested by the Department. The contractual agreement should specify maintenance activities performed and schedule; and
  5. Updated structural controls map of Permittee-owned structural controls added during the preceding year with geographic coordinates.

**2. Public Education and Public Involvement on Storm Water Impacts**

- a. The Permittee must further develop and implement a public education and outreach program to inform the community about the impacts from storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff to the MEP. The Permittee shall continuously implement this program in the areas served by the MS4.
- b. The Permittee shall include within the SWMPP the following information:
1. Plans to seek and consider public input in the development and implementation of the SWMPP;
  2. The targeted pollutant sources the Permittee's public education program is intended to address;
  3. Plans to specifically address the reduction of litter, floatables and debris from entering the MS4, to include at a minimum:
    - a. Labeling storm drain inlets and catch basins with "no dumping" message; and
    - b. Posting signs referencing local codes that prohibit littering and illegal dumping at designated public access points to open channels, creeks, and other relevant waterbodies
  4. Plans to inform individuals and households about the steps they can take to reduce storm water pollution; and
  5. Plans to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream and lake restoration activities). The target audiences and subject areas for the education program that are likely to have significant storm water impacts should include the following, at a minimum:

- i. General Public
      - a. General impacts litter has on water bodies and ways to reduce the litter;
      - b. General impacts of storm water into surface water from impervious surface; and
      - c. Source control BMPs in areas of pet waste, vehicle maintenance, landscaping and rain water reuse.
      - d. Impacts of illicit discharges and how to report them.
    - ii. Businesses
      - a. BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials;
      - b. Impacts of illicit discharges and how to report them.
    - iii. Homeowners, Landscapers, and Property Managers
      - a. BMPs for use and storage of pesticides and fertilizers;
      - b. Storm water pond maintenance.
      - c. General impacts of storm water into surface water from impervious surface.
    - iv. Engineers, Contractors and Developers
      - a. Impacts of increased storm water flows into receiving water bodies; and
      - b. Run-off reduction techniques and low impact development (LID)/green infrastructure (GI) practices that may include, but not limited to, site design, pervious pavement, alternative parking lot design, retention of forests and mature trees to assist in storm water treatment and flow control BMPS.
  - 6. Plans to evaluate the effectiveness of the public education program; and
  - 7. Organize and participate in activities that target the removal of litter, floatables, and debris from area waterways. The minimum number and the waterways these activities will target will be addressed in the SWMPP.
- c. The Permittee shall report each year in the annual report the following information:
  - 1) A description of the activities used to involve groups and/or individuals in the development and implementation of the SWMPP;
  - 2) A description of the individuals and groups targeted and how many groups and/or individuals participated. If exact participation is not readily quantifiable, then an estimation will be sufficient;
  - 3) A description of the communication mechanisms or advertisements used to inform the public and the number of applications that were distributed (i.e. number of printed brochures, copies of newspapers, workshops, public service announcements, etc);
  - 4) Results of the evaluation plan as required in Part II.B.2.b.6.; and
  - 5) A list of the activities required in Part II.B.2.b.7 and the estimated amount of litter, floatables and debris removed during each activity.
- d. The current SWMPP and latest annual report should be posted on the Permittee's website.

### 3. **Illicit Discharge Detection and Elimination (IDDE)**

- a. The Permittee shall implement an ongoing program to detect and eliminate illicit discharges into the MS4, to the maximum extent practicable. The program shall include, at a minimum, the following:

- 1) The development and annual update of an MS4 map. An initial map shall be provided in the SWMPP with updates provided each year in the annual report. The map shall include, at a minimum:
  - a. The latitude/longitude of all known major outfalls;
  - b. The names of all waters of the State within the MS4 area that receive discharges from these major outfalls; and,
  - c. Structural BMPs owned/maintained by the Permittee.
- 2) To the extent allowable under State law, an ordinance or other regulatory mechanism that prohibits non-storm water discharges to the MS4. The ordinance or other regulatory mechanism shall:
  - a. Include escalating enforcement procedures and actions;
  - b. Require the removal of illicit discharges as expeditiously as practicable and the immediate cessation of improper disposal practices upon identification of responsible parties. Where the removal of illicit discharge within ten (10) working days is not possible, the ordinance shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4; and
  - c. Provide for the review of the IDDE ordinance and update as necessary.
- 3) A dry weather screening program designed to detect and address non-storm water discharges to the MS4. This program must address, at a minimum, dry weather screening of twenty (20) percent of the major outfalls at least once per year with all (100 percent) major outfalls screened at least once per five years. Also, priority areas, as described by the Permittee in the SWMPP, will be dry weather screened on a more frequent schedule as outlined in the SWMPP. If any flow, from an unidentified source, is observed during the dry weather screening of an outfall, then the Permittee shall follow the sampling protocol as outlined in the SWMPP and developed in accordance with EPA's guidance manual, *Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments*, Center for Watershed Protection, October, 2004.
- 4) Procedures for tracing the source of a suspect illicit discharge as outlined in the SWMPP. At a minimum, these procedures will be followed to investigate portions of the MS4 that, based on the results of the field screening or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm water.
- 5) Procedures for eliminating an illicit discharge as outlined in the SWMPP;
- 6) Procedures to notify ADEM of a suspect illicit discharge entering the Permittee's MS4 from an adjacent MS4 as outlined in the SWMPP;
- 7) A mechanism for the public to report illicit discharges discovered within the Permittee's MS4 and procedures for appropriate investigation of such reports;
- 8) A training program for appropriate personnel on identification, reporting, and corrective action of illicit discharges; and
- 9) The Permittee shall post on its website the ordinance or other regulatory mechanism as required by Part II.B.3.a.2 of this Permit.

- b. The Permittee shall report each year in the annual report the following information:
- 1) List of outfalls observed during the dry weather screening of the current year and a list of the outfalls to be dry weather screened during the upcoming year;
  - 2) Updated MS4 map(s), if necessary;
  - 3) Copies of the IDDE ordinance or other regulatory mechanism or provide a hyperlink for the ordinance or regulatory mechanism location on the Permittee's website; and,
  - 4) The number of illicit discharges investigated, any associated sampling results, and the summary of corrective actions taken to include dates and timeframe of response.

**4. Construction Site Storm Water Runoff Control**

- a. The Permittee shall develop/revise, implement and enforce an ongoing program to reduce, to the maximum extent practicable, the pollutants in any storm water runoff to the MS4 from qualifying construction sites. The program shall include the following, at a minimum:
- 1) Procedures to require all applicable construction sites to obtain coverage under ADEM NPDES General Permit ALR10000 or other applicable NPDES permits;
  - 2) To the extent allowed under State law, an ordinance or other regulatory mechanism to require effective erosion and sediment controls on qualifying construction sites, as well as sanctions to ensure compliance;
  - 3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
  - 4) Procedures for site plan review to ensure the selection of effective erosion and sediment controls are consistent with the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook") and are appropriate for site conditions. Site plan review may be prioritized based on criteria outlined in the Permittee's SWMPP and may include, but is not limited to, size and location within priority watersheds. The plan review process will also consider potential water quality impacts;
  - 5) A mechanism for the public to report complaints regarding pollution discharges from construction sites;
  - 6) Inspection of sites to verify use and proper maintenance of appropriate BMPs. Inspections of construction sites shall be performed in accordance with the frequency specified in the table below:

Site	Inspection Frequency
Priority Construction Sites (Defined in Part V.Y.)	At a minimum, inspections must occur monthly
Other sites determined by the Permittee or Permitting Authority to be a significant threat to water quality*	
All construction sites not meeting the criteria specified above.	At a minimum, inspections must occur every two months
*In evaluating the threat to water quality, the following factors must be considered: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-storm water discharges; past record of non-compliance by the operators of the construction site; and other factors deemed relevant to the MS4.	

- 7) Training for the Permittee's construction site inspection staff in the identification of appropriate construction best management practices (Example: QCI training in accordance with ADEM Admin Code. r. 335-6-12 or the Alabama Construction Site General Permit);
  - 8) Development of a construction site inspection checklist;
  - 9) Implementation of an enforcement response plan (ERP), which sets out the Permittee's potential responses to violations through progressively stricter actions as needed to achieve compliance. Types of enforcement actions may include, but not limited to the following:
    - a. Verbal Warnings—Verbal warnings are primarily consultative in nature and must specify the nature of the violation and required corrective action;
    - b. Written Notices—Written Notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action;
    - c. Escalated Enforcement Measures—Citations, stop work orders, withholding plan approvals/authorizations, monetary penalties, or additional measures to address persistent non-compliance, repeat or escalating violations or incidents of major environmental harm; and
    - d. Enforcement Tracking for formal actions and ADEM referrals
  - 10) A program to make available a list of education and training materials and resources to construction site operators in the appropriate application and maintenance of erosion and sediment controls; and
  - 11) The Permittee shall post on its website the ordinance or other regulatory mechanism required by Part II.B.4.a.2.
- b. The Permittee shall include within the SWMPP the following information:
- 1) Procedures for site plan reviews required by Part II.B.4.a.4;
  - 2) A site inspection plan meeting the requirements of Part II.B.4.a.6;
  - 3) Plans for the training of MS4 site inspection staff as required by Part II.B.4.a.7;
  - 4) A copy of the construction site inspection checklist as required by Part II.B.4.a.8;
  - 5) The ERP as required by Part II.B.4.a.9;
  - 6) Procedures and schedule for making available a list of education and training materials and resources to construction site operators in the appropriate application and maintenance of erosion and sediment controls required by Part II.B.4.a.10.
- c. The Permittee shall report each year in the annual report the following information:
- 1) A hyperlink to the ordinance or regulatory mechanism location on the Permittee's website;
  - 2) List of all active qualifying construction sites within the MS4 to include the inspections as required by Part II.B.4.a.6; and
  - 3) A summary of the following:
    - a. Number of construction site inspections;
    - b. Number of formal enforcement actions and description of violation;
    - c. Number of construction site runoff complaints received.

- d. Number of new staff trained and follow-up training provided to existing staff.
- d. The Permittee shall maintain the following information and make it available upon request:
- 1) Documentation of all inspections conducted of construction sites. The inspection documentation shall include, at a minimum, the following:
    - a. Facility type;
    - b. Inspection date;
    - c. Name and signature of inspector;
    - d. Location of construction project;
    - e. Owner/operator information (name, address, phone number, fax, and email);
    - f. Description of the storm water BMP condition that may include, but not limited to, the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures; and
    - g. Photographic documentation of all critical storm water BMP components.
  - 2) Documentation of enforcement actions taken at construction sites to include, at a minimum, the following:
    - a. Name of owner/operator;
    - b. Location of construction project;
    - c. Description of violation;
    - d. Required schedule for returning to compliance;
    - e. Description of enforcement response used, including escalated responses if repeat violations occur;
    - f. Accompanying documentation of enforcement responses (e.g. notices of non-compliance, notices of violations, etc.); and
    - g. Any referrals to different Departments or Agencies.
  - 3) Records of public complaints including:
    - a. Date, time and description of the complaint;
    - b. Location of subject construction sites; and
    - c. Identification of any actions taken (e.g. inspections, enforcement, corrections). Identifying information must be sufficient to cross-reference inspection and enforcement records.
  - 4) Educational and Training Documentation for Construction Site Operators
    - a. List of education and training materials and resources
5. **Post-Construction Storm Water Management in New Development and Re-Development**

The Permittee must develop/revise and implement a program, within 365 days from the effective date of this permit, to address the discharge of pollutants in post-construction storm water runoff to the MS4 from new development and re-development. Post-Construction

Stormwater Management refers to the activities that take place after construction occurs, and includes structural and non-structural controls including low-impact development and green infrastructure practices to obtain permanent stormwater management over the life of the property's use.

- a. The Permittee shall develop and implement project review and enforcement procedures for qualifying new development and redevelopment projects, to the maximum extent practicable. Specifically, the Permittee shall:
  - 1) Require landowners and developers to, the MEP, implement systems of appropriate structural and/or non-structural BMPs designed to reduce the discharge of pollutants, which may include, but is not limited to, the following:
    - a. Minimize the amount of impervious surfaces;
    - b. Preserve and protect ecologically sensitive areas that provide water quality benefits;
    - c. Provide vegetated buffers along waterways, and reduce discharges to surface waters from impervious surfaces such as parking lots;
    - d. Implement policies to protect trees, native soils and other vegetation, and
    - e. Minimize topsoil stripping and compacted soils where feasible.
  - 2) Require landowners and developers to develop and maintain best management practices to ensure, to the maximum extent practicable, that post-construction runoff mimics pre-construction hydrology of the site. A 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period shall be the basis for the design and implementation of post construction BMPs;
  - 3) Encourage landowners and developers to incorporate the use of low impact development (LID)/green infrastructure where feasible. Information on low impact development (LID)/green infrastructure is available on the following website:<http://www.adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf> and <http://epa.gov/nps/lid>;
  - 4) To the extent allowed under State law, adopt or amend an ordinance or other regulatory mechanism to ensure the applicability and enforceability of post-construction BMPs at all new development and redevelopment projects;
  - 5) Require the submittal of a post-construction BMP plan, for review, as outlined in the SWMPP. The post-construction BMP plan review process may be integrated with the construction plan review process under Section II.B.4.a.4;
  - 6) Require the submittal of 'as built' certification within 120 days of completion of project;
  - 7) Perform and/or require the performance of annual post-construction inspections to ensure that design standards are being met. The Permittee shall document its post-construction inspection. Such documentation shall include, at a minimum:
    - a. Facility type
    - b. Inspection date
    - c. Name and signature of inspector
    - d. Site location
    - e. Owner information (name, address, phone number, fax, and email)
    - f. Description of the storm water BMP condition that may include the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures;

- g. Photographic documentation of all critical storm water BMP components;
  - h. Specific maintenance items or violations that need to be corrected by the owner/operator of the storm water control or BMP; and
  - i. Maintenance agreements for long-term BMP operations and maintenance.
- 8) The Permittee shall maintain or require the developer/ owner/operator to keep records of post-construction inspections, maintenance activities and make them available to the Department upon request and require corrective actions to poorly functioning or inadequately maintained post-construction BMPs;
- 9) Require and/or perform adequate long-term operation and maintenance of post-construction BMPs, including one or more of the following, as applicable:
- a. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
  - b. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
  - c. Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control management practices; and/or
  - d. Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.
- b. The Permittee shall include within the SWMPP the following information:
- 1) Procedures to develop, implement and enforce systems of appropriate structural and/or non-structural BMPs;
  - 2) Procedures to develop, implement and enforce performance standards;
  - 3) Procedures for encouragement of the utilization of LID/green infrastructure practices;
  - 4) Procedures to ensure compliance with the ordinance or regulatory mechanism, including the sanctions and enforcement mechanisms the Permittee will use to ensure compliance. If an ordinance or regulatory mechanism needs to be developed, then the Permittee must provide a timeline for the development of the ordinance and/or regulatory mechanism;
  - 5) Procedures for post-construction inspections, to include tracking and enforcement;
  - 6) Procedures to ensure adequate long-term operation and maintenance of BMPs; and,
  - 7) Development of an inventory of post-construction structural controls.
- c. The Permittee shall report each year in the annual report the following information:
- 1) Provide a hyperlink for the ordinance or regulatory mechanism location on the Permittee's website;
  - 2) A list of the post-construction structural controls installed and inspected during the permit year;
  - 3) Updated inventory of post-construction structural controls including those owned by the Permittee;
  - 4) Number of inspections performed on post-construction structural controls; and,
  - 5) Summary of enforcement actions.

## **6. Spill Prevention and Response**

- a. The Permittee shall develop and implement a program to prevent, contain, and respond to spills that may discharge into the MS4. The Permittee must, at a minimum:
  - 1) Investigate, respond, and conduct response actions or coordinate w/other agencies that may provide response actions as outlined in the SWMPP;
  - 2) Develop a mechanism to track spills, response, and cleanup activities for all spills;
  - 3) Use GIS or acceptable mapping scheme to identify spill locations, locations for inspections, and chronic problem areas;
  - 4) Implement a spill prevention/spill response plan;
  - 5) Provide training of appropriate personnel in spill and response procedures and techniques to mitigate pollutant discharges from spills to the MS4; and
  - 6) Establish procedures to ensure that all spills are able to be promptly reported to appropriate authority.
- b. The Permittee shall include within the SWMPP the following information:
  - 1) The spill prevention/spill response plan; and
  - 2) Procedures to provide training of personnel in spill prevention and response.
- c. The Permittee shall report each year in the annual report the following information:
  - 1) Summary of spills occurring during the reporting year, to include the following, at a minimum:
    - a. Location;
    - b. Spill Substance (i.e. fuel, oil, etc);
    - c. Photographs (Spill and After clean-up) to be made available upon request; and
    - d. Incident dates and time to resolution, including any enforcement actions taken and their result.
  - 2) Documentation of employee training as required by Part II.B.6.b.2
    - a. Title of Training Presentations; and
    - b. Dated Attendance Sheets.

## **7. Pollution Prevention/Good Housekeeping for Municipal Operations**

- a. The Permittee shall develop, implement, and maintain a program that will prevent or reduce the discharge of pollutants in storm water run-off from municipal operations to the MEP. The program elements shall include, at a minimum, the following:
  - 1) An inventory of all municipal facilities, including municipal facilities that have the potential to discharge pollutants via storm water runoff;
  - 2) Develop and implement a short and long term strategy and program for the removal of trash from the waterways and tributaries in the permitted area in such a manner to quantify the removal of trash per year, which shall be included in the annual report. These strategies shall be included in the Permittee's SWMPP and shall be updated as necessary. This program shall address the following, at a minimum:

- a. Direct removal of trash from waterbodies;
  - b. Direct removal of trash from the MS4;
  - c. Direct removal of trash prior to entry to the MS4;
  - d. Prevention through disposal alternatives; and
  - e. Prevention through waste reduction practices, additional enforcement, and/or initiatives.
- 3) Require the following measures to be implemented in the public right of way for any event or wherever it is anticipated that substantial quantities of trash or litter may generated:
- a. Arrangement for temporary protection of preventative measures to the catch basins, where feasible, and
  - b. Provide proper disposal of trash receptacles, clean up of catch basins, as needed, and grounds of the event area within one business day subsequent to the event.
- 4) Ensure that trash receptacles, or similar trash capturing devices are provided and maintained in areas identified as high trash generated areas;
- 5) A Standard Operating Procedures (SOP) detailing good housekeeping practices to be employed at appropriate municipal facilities and during municipal operations that may include, but not limited to, the following:
- a. Equipment washing;
  - b. Street sweeping;
  - c. Maintenance of municipal roads owned, operated, or under the responsibility of the Permittee;
  - d. Storage and disposal of chemicals and waste materials;
  - e. Vegetation control, cutting, removal, and disposal of the cuttings;
  - f. Vehicle fleets/equipment maintenance and repair;
  - g. External Building maintenance; and
  - h. Materials storage facilities and storage yards.
- 6) A program for inspecting municipal facilities, to include municipal maintenance shops and equipment yards, for good housekeeping practices, including BMPs. The program shall include checklists and procedures for correcting noted deficiencies;
- 7) A training program for municipal facility staff in good housekeeping practices as outlined in the SOP developed pursuant to Part II.B.7.a.(5); and
- 8) The Permittee shall assess the water quality impacts for those flood management projects owned, operated, or the responsibility of the Permittee. The feasibility of retro-fitting existing structural control devised to provide additional pollutant removal from the storm water shall be evaluated.
- b. The Permittee shall include within the SWMPP the following information:
- 1) The inventory of municipal facilities required by Part II.B.7.a.(1);
  - 2) Schedule for developing the SOP of good housekeeping practices required by Part II.B.7.a.(5);
  - 3) An inspection plan and schedule, including checklists and any other materials needed to comply with Part II.B.7.a.(6); and
  - 4) A description of the training program and training schedule required by Part II.B.7.a.(7).

- c. The Permittee shall report each year in the annual report the following information:
  - 1) Any updates to the municipal facility inventory;
  - 2) An estimated amount of floatable material collected from the MS4 as required by Part II.B.7.a.(2-4);
  - 3) Any updates to the inspection plan;
  - 4) Any updates to the SOP of good housekeeping practices; and
  - 5) Summary of inspection reports of municipal facilities
  
- d. The Permittee shall maintain the following information and make it available upon request:
  - 1) Records of inspections and corrective actions, if any; and
  - 2) Training records including the dates of each training activities and names of personnel in attendance.

**8. Application of Pesticide, Herbicide, and Fertilizers (PHFs)**

- a. For the *Application of Pesticide, Herbicide, and Fertilizers (PHFs)*, the Permittee shall implement controls to reduce, to the *MEP*, the discharge of pollutants related to the storage and application of PHFs applied by employees or contractors, to public rights of way, parks, and other public property. The Permittee shall implement programs to encourage the reduction of the discharge of pollutants related to application and distribution of PHFs. For those controls implemented, the Permittee will obtain coverage and maintain compliance with ADEM NPDES Pesticide General Permit ALG870000, if applicable, or other applicable NPDES permits. In addition, the Permittee shall address priorities to include the following:
  - 1) Identify all areas known to receive high applications of PHFs, develop a program to detect improper usage, and prioritize problem areas;
  - 2) Require evidence of proper certification and licensing for all applicators contracted to apply pesticides or herbicides on municipal property; require that applicators contracted to apply fertilizer are qualified in utilizing proper nutrient management practices;
  - 3) Maintain an inventory of on-hand PHFs with information about the formulations of various products, including how to recognize the chemical constituents from the label, their respective uses, directions and precautions for applicators that explain if products should be diluted, mixed or only used alone, and, proper storage of products;
  - 4) Equipment use and maintenance;
  - 5) Training in safe use, storage and disposal of PHFs;
  - 6) Inspection and monitoring of facilities where PHFs are stored; and
  - 7) Record keeping.

**9. Oils, Toxics, and Household Hazardous Waste Control**

- a. The Permittee shall prohibit to the *MEP* the discharge or disposal of used motor vehicle fluids and household hazardous wastes into the MS4. Specific activities to be completed under this item are:
  - 1) Make available material educating the public about used oil facility locations, hotline numbers, and alternatives to toxic materials;

- 2) Advertise the location of used oil collection facilities; and
  - 3) Provide employee training on spill prevention at all municipal facilities where oils or toxic materials are used.
- b. The Permittee shall include within the SWMPP the following information:
- 1) Procedures to develop, implement, and enforce a program for oils, toxics, and household hazardous waste control to include educational information and employee training.
- c. The Permittee shall report each year in the annual report the following information:
- 1) Quantities of Household Hazardous Waste and used oil collected; and
  - 2) Oils, Toxics, and Household Hazardous Waste Control training workshops
    - a. Dated attendance sheet; and
    - b. Titles of presentations.

#### 10. Industrial Storm Water Runoff

- a. The Permittee shall implement a program to inspect, monitor and control pollutants in storm water runoff to the MS4 from municipal waste landfills, hazardous waste treatment, storage, disposal and recovery facilities, and industrial facilities and high risk commercial facilities. Facilities to be addressed under this program include: facilities that have reported under the requirements of the Emergency Planning and Community Right to Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge that the Permittee determines is contributing substantial pollutants loading to the MS4 (“high risk facilities”). The program must provide for, at a minimum:
- 1) Annual inspections of municipal waste landfills, hazardous waste treatment, storage, disposal (TSD) and recovery facilities;
  - 2) Annual inspections, at a minimum, of industrial facilities and high-risk commercial facilities that do not have an NPDES permit issued by the Department as outlined in the SWMPP, and
  - 3) Data collected by a NPDES permitted facility to satisfy the monitoring requirements of an NPDES, State, land application or local pretreatment discharge permit may be used to satisfy Part II.B.10.a of the Permit. The Permittee may require the facility to conduct self-monitoring to satisfy this requirement, if necessary.
- b. The Permittee shall include in the SWMPP a list of all municipal waste landfills, hazardous waste treatment, storage, disposal and recovery facilities, high risk commercial facilities, and industrial facilities, both NPDES permitted and non-NPDES permitted, within the MS4.
- c. The Permittee shall include in the annual report a summary of inspections performed for the year and enforcement, if applicable.

#### **C. *Legal Authority***

To the extent allowed under State law, the Permittee must review and revise its relevant ordinances or other regulatory mechanisms, or adopt any new ordinances that provide it with adequate legal authority to control pollutant discharges into and from its MS4, and to

implement and enforce its SWMPP. To be considered adequate, this legal authority must, at a minimum, authorize the Permittee to:

1. Prohibit non-storm water discharges unless such storm water discharges are in compliance with a separate NPDES permit, or determined by the Department not to be a significant contributor of pollutants to waters of the State;
2. Prohibit and eliminate illicit connections to the MS4. Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4;
3. Control the discharge of spills, and prohibit dumping or disposal of materials other than storm water into the MS4;
4. Require operators of construction sites and industrial and commercial facilities to minimize the discharge of pollutants to the MS4 to the maximum extent practicable through the installation, implementation, and maintenance of appropriate controls, including installation, implementation and long-term maintenance of post construction controls;
5. Request information to determine compliance with ordinances or other regulatory mechanism;
6. Inspect and monitor at reasonable times any facilities, equipment, practices, or operations for active or potential polluted storm water discharges to the MS4;
7. Promptly require that dischargers cease and desist discharging and/or clean-up and abate a discharge;
8. Levy citations or administrative fines against responsible parties to include but not limited to non-compliant construction sites;
9. Require recovery and remediation costs from responsible parties; and
10. Provide the authority to enter into interagency agreements with other entities for the purpose of controlling the contribution of pollutants to the maximum extent practicable from one MS4 to another MS4.

***D. SWMPP Plan Review and Modification***

1. The Permittee shall submit to the Department within six months of the effective date of this permit a revised SWMPP. The Permittee shall implement plans to seek and consider public input in the development and implementation of this SWMPP, as required by Part II.B.2.b.1. Thereafter, the Permittee shall perform an annual review of the current SWMPP and must modify the SWMPP, as necessary, to maintain compliance with the permit. Any modifications to the SWMPP shall be submitted to the Department at the time a modification is made. Modifications made to the SWMPP may include, but are not limited to, the replacement of ineffective or infeasible BMPs or the addition of components, controls and requirements.
2. The Permittee shall implement the SWMPP on all new areas added to their municipal separate storm sewer system (or for which they become responsible for implementation of storm water quality controls) as soon as practicable. Implementation of the program in any new area shall consider the plans of the SWMPP of the previous MS4 ownership, if any.

***E. Impaired Waters and Total Maximum Daily Loads (TMDLs)***

1. The Permittee must determine whether the discharge from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest §303(d) list or designated by the Department as impaired;
2. If the Permittee's MS4 discharges to a waterbody included on the latest §303(d) or designated by the Department as impaired, it must demonstrate the discharges, as

controlled by the Permittee, do not cause or contribute to the impairment. The SWMPP must detail the BMPs that are being utilized to control discharges of pollutants associated with the impairment. If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within six (6) months following the publication of the latest final §303(d) list, Department designation, or the effective date of this permit, submit a revised SWMPP detailing new or modified BMPs. The SWMPP must be revised as directed by the Department and the new or modified BMPs must be implemented within one year from the publication of the latest final §303(d) list or Department designation.

3. Permittees discharging from MS4s into waters with EPA-Approved TMDLs and/or EPA-Established TMDLs
  - a. The Permittee must determine whether its MS4 discharges to a waterbody for which a total maximum daily load (TMDL) has been established or approved by EPA. If an MS4 discharges into a water body with an EPA approved or established TMDL, then the SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If additional BMPs will be necessary to meet the requirements of the TMDL, the SWMPP must include a schedule for installation and/or implementation of such BMPs. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.
  - b. If, during this permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which an MS4 discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the MS4.
    - a. If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If existing BMPs are not sufficient, the Permittee must, within six (6) months following the approval or establishment of the TMDL by EPA, submit a revised SWMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within one year, unless an alternate date is approved by the Department, from the establishment or approval of the TMDL by EPA. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

**F. Responsibilities of Permittee**

If the Permittee is relying on another entity to satisfy one or more requirements of this permit, then the Permittee must note that fact in the SWMPP. The Permittee remains responsible for compliance with the permit and reliance on another entity will not be a defense or justification for non-compliance if the entity fails to implement the permit requirements.

**PART III Wet-Weather Monitoring and Reporting**

The Permittee shall implement a monitoring program to provide data necessary to assess the effectiveness and adequacy of BMPs implemented under the SWMPP. The quality of the streams receiving MS4 discharges shall continue to be monitored to assess the water quality of the streams and to identify potential water quality impairments. This shall be accomplished by the following:

**A. Monitoring Locations**

1. Proposed monitoring locations and descriptions of their respective characteristics shall be described in the SWPPP with actual locations described in the annual report;

Waterbody	Frequency
Buck Creek	Semi-Annually
Cahaba River	Semi-Annually

2. In addition to the requirements in Part III.A.1., if a waterbody (not listed in Part III.A.1) within the MS4 jurisdiction is listed on the latest final §303(d) list, or otherwise designated impaired by the Department, or for which a TMDL is approved or established by EPA, during this permit cycle, then the Permittee must revise its monitoring program to include monitoring that addresses the impairment or TMDL. Any revisions to the monitoring program shall be documented in the SWMPP and Annual Report. In addition, the permit may be modified by the Department to establish the additional or revised monitoring locations.

**B. Monitoring Parameters and Frequency**

1. Grab samples shall be collected at least semi-annually at each instream monitoring station and analyzed for the following parameters:
  - a. E.Coli; (Cahaba River)
  - b. Fecal Coliform; (Buck Creek)
  - c. Total Nitrogen (TN) (mg/l); (Cahaba River, Buck Creek)
  - d. Total Phosphorus (mg/l); (Cahaba River, Buck Creek)
  - e. Total Suspended Solids (TSS) (mg/l); (Cahaba River, Buck Creek)
2. Grab samples shall be collected at least semi-annually the first permit year and annually for two-five permit years at each instream monitoring station and analyzed for the following parameters:
  - a. Temperature;
  - b. pH/ORP;
  - c. Turbidity (NTU);
  - d. Conductivity;
  - e. Dissolved Oxygen (mg/l);
  - f. E. Coli (Buck Creek);

- g. Fecal Coliform (Cahaba River)
  - h. Ammonia Nitrogen (NH<sub>3</sub>-N) (mg/l);
  - i. Biochemical Oxygen Demand (BOD) (mg/l);
  - j. Chemical Oxygen Demand (COD) (mg/l);
  - k. Hardness as CaCO<sub>3</sub> (mg/l);
  - l. Nitrate plus Nitrite Nitrogen (NO<sub>3</sub>+NO<sub>2</sub>-N) (mg/l);
  - m. Oil and Grease (mg/l);
  - n. Total Dissolved Solids (TDS) (mg/l);
  - o. Total Kjeldahl Nitrogen (TKN) (mg/l); and
3. The Permittee must include in the instream monitoring program any additional parameters attributed with the latest final §303(d) list or otherwise designated by the Department as impaired or are included in an EPA-approved or EPA-established TMDL.

**C. *Sample Type, Collection and Analysis***

- 1. Grab samples taken within the first two hours of discharge shall be used for the analysis;
- 2. Grab samples shall be collected resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event;
- 3. Analysis and collection of grab samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved 40 CFR Part 136 does not exist, then a Department approved alternative method may be used;
- 4. If the Permittee is unable to collect grab samples due to adverse conditions, the Permittee must submit a description of why samples could not be collected, including available documentation of the event. An adverse climatic condition which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

**PART IV Annual Reporting Requirements**

- 1. The Permittee shall submit to the Department an annual report (1 hardcopy and 1 electronic copy) no later than January 31 of each year. The annual report shall cover the previous fiscal year beginning October 1 through September 30, and annually thereafter.
- 2. On or after December 21, 2020, all annual reports shall be submitted to the Department electronically in a prescribed manner acceptable to the Department.
- 3. The Permittee shall sign and certify the annual report in accordance with Part V.K.
- 4. The annual report shall include the following information, at a minimum, and in addition to those requirements referenced in Part II.B and Part III:
  - a. A list of contacts and responsible parties (e.g.: agency, name, phone number, address, & email address) who had input to and are responsible for the preparation of the annual report.
  - b. An overall evaluation of the storm water management program developments and progress for the following:
    - 1) Major findings such as water quality improvements or degradation;
    - 2) Major accomplishments;
    - 3) Overall program strengths/weaknesses;

- 4) Future direction of the program;
  - 5) The Permittee(s) will make an overall determination of the effectiveness of the SWMPP taking into account water quality/watershed improvements; and
  - 6) Required actions that were not performed, and reasons why the actions were not accomplished.
- c. The annual report will include a narrative report of all program elements referenced in Part II.B of this permit. The activities concerning a program element shall be discussed as follows:
- 1) Program element activities completed and in progress;
  - 2) General discussion of element. Explanation for all element activities that have not been fully implemented or completed. Results of activities shall be summarized and discussed (e.g.: maintenance caused by inspection, pollutants detected by monitoring, investigations as a result of dry and wet weather screening, number and nature of enforcement item, education activities/participation);
  - 3) Status of program element with compliance, implementation, and augmentation schedules in Part II of the permit;
  - 4) Assessment of controls; and
  - 5) Discussion of proposed element revisions.
- d. The annual report shall contain a monitoring section which discusses the progress and results of the monitoring programs required under Part III of the permit and shall include, at a minimum, the following information.
- 1) Status of implementation of the monitoring program;
  - 2) Map(s) showing the monitoring station locations, latitude/longitude, and narrative site descriptions, including watershed size;
  - 3) Raw data, results, methods of evaluating the data, graphical summaries of the data, and an explanation/discussion of the data for each component of the monitoring program;
  - 4) An analysis of the results of each monitoring program component;
  - 5) A comparison of the reporting year's data to the previous five years of data to establish a trend analysis to determine the relative health of the receiving water;
  - 6) All monitoring reports and supporting data shall be submitted in hardcopy and/or electronically in a format deemed acceptable to the Department concurrently with the submission of the Annual Report; Failure to provide this data in a format appropriate to the Department for review shall be a violation of this permit; and
  - 7) The interpretation of the analytical data, required by Part III.B.1-2 of the Permit, for determinacy of meeting water quality standards.
- e. Provide the status of the implementation and proposed changes to the SWMPP to include assessment of controls and specific improvements or degradation to water quality;
- f. Provide a summary of inspections and enforcement actions for regulatory program. Enforcement actions should include a corrective actions summary;
- g. Implementation status of the public education programs; and

- h. Status of expenditures and budget for the past fiscal year and the next fiscal year for the Permittee's program. The analysis shall indicate budgets and funding sources.

**PART V Standard and General Permit Conditions**

***A. Certification and Signature of Reports***

All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with Part V.K. of this permit.

***B. Submittals***

All documents required to be submitted to the Department by this permit, shall be addressed to:

Alabama Department of Environmental Management  
Stormwater Management Branch, Water Division  
Post Office Box 301463  
Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

Alabama Department of Environmental Management  
Stormwater Management Branch, Water Division  
1400 Coliseum Blvd  
Montgomery, Alabama 36110-2059

***C. Retention of Records***

The Permittee shall retain the storm water quality management program developed in accordance with Part II of this permit until at least five years after coverage under this permit terminates. The Permittee shall retain all records of all monitoring information, copies of all reports required by this permit, and records required by this permit, and records of all other data required by or used to demonstrate compliance with this permit, until at least three years after coverage under this permit terminates. This period may be explicitly modified by alternative provisions of this permit or extended by request of the Director at any time.

***D. Duty to Comply***

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

***E. Civil and Criminal Liability***

1. Tampering

Any person, who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under this permit shall, upon conviction, be subject to penalties as provided by AWPCA.

2. False Statements

Any person knowingly makes any false statement, representation, or certification in any record or other documentation submitted or required to be maintained under this permit,

including monitoring reports or reports of compliance or non-compliance, shall, upon conviction, be punished as provided by AWPCA

3. **Relief from Liability**

Nothing in this permit shall be construed to relieve the Permittee(s) of civil and criminal liability under AWPCA or FWPCA for non-compliance with any term or condition of this permit.

**F. Duty to Reapply**

1. If the Permittee intends to continue an activity regulated by this permit beyond the expiration of this permit, the Permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit.
2. Failure of the Permittee to apply for re-issuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code, Rule 335-6-6-.06, and should the permit not be re-issued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

**G. Need to Halt or Reduce an Activity Not a Defense**

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**H. Duty to Mitigate**

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human or the environment.

**I. Duty to Provide Information**

The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, or revoking this permit in whole or in part, or to determine compliance with this permit. The Permittee shall also furnish to the Director upon request copies of records required to be kept by this permit.

**J. Other Information**

If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

**K. Signatory Requirements**

All reports and forms to be submitted by this permit, AWPCA and the Department's rules and regulations, shall be signed by a "responsible official" of the Permittee, as defined in ADEM Administrative Code, Rule 335-6-6-.09, or a "duly authorized representative" of such official, as defined by ADEM Administrative Code, Rule 335-6-6-.09, and shall bear the following certification:

"I certify under the 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 persons who manage the system, or those persons directly responsible for

gathering the information, the information 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.”

**L. *Oil and Hazardous Substance Liability***

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of FWPCA.

**M. *Property and Other Rights***

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of Federal, State, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the State of Alabama.

**N. *Severability***

The provision of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit shall not be affected thereby.

**O. *Compliance with Statutes and Rules***

This permit is issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter that are applicable to this permit are hereby made a part of this permit.

This permit does not authorize the non-compliance with or violation of any laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws.

**P. *Proper Operations and Maintenance***

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a Permittee only when necessary to achieve compliance with conditions of the permit.

**Q. *Monitoring Records***

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The Permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of reports required by this permit, and records of all data used to complete the application of this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended at the request of the Director at any time.

**R. *Monitoring Methods***

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

**S. *Right of Entry and Inspection***

The Permittee shall allow the Director or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon any of the permittee's premises where a regulated facility or activity or point source is located or in which any records must be maintained under conditions of this permit;
2. Have access to and copy, at reasonable times, any records required to be maintained by the terms and conditions of this permit;
3. Inspect, at reasonable times, any point source, any monitoring equipment or practices being maintained to comply with this permit, or any treatment or control or systems being maintained to comply with this permit; and
4. Sample or monitor, at reasonable times, for the purposes of determining permit compliance or as otherwise authorized by AWPCA, any substances or parameters at any location.

**T. *Additional Monitoring by the Permittee***

If the Permittee monitors more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the monitoring report. Such increased monitoring frequency shall also be indicated on the monitoring report.

**U. *Permit Modification and Revocation***

1. This permit may be modified or revoked or reissued, in whole or in part, during its term for cause including but not limited to, the following:
  - a. If cause for termination under Part V.A.3., of this permit exists, the Director may choose to revoke or re-issue this permit instead of terminating the permit;
  - b. If a request to transfer this permit has been received, the Director may decide to revoke and re-issue or to modify the permit; or
  - c. If modification or revocation and re-issuance is requested by the Permittee and cause exists, the Director may grant the request.
2. This permit may be modified during its term for cause, including but not limited to:
  - a. If cause for termination under Part V.A.3., of this permit exists, the Director may choose to modify this permit instead of terminating this permit;
  - b. The Director has received new information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
  - c. Errors in calculation of discharge limitation or typographical or clerical errors were made;
  - d. To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or judicial decision after the permit was issued;

- e. To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, permit may be modified to change compliance schedules;
  - f. To incorporate an applicable Section 307(a) of FWPCA toxic effluent standard or prohibition;
  - g. When required by the re-opener conditions in this permit;
  - h. Upon failure of the State to notify, as required by Section 402(b)(3) of FWPCA, another State whose water may be affected by a discharge permitted by this permit;
  - i. When required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions;
  - j. When requested by the Permittee and the Director determines that the modification has cause and will not result in a violation of federal or State law, rules, or regulations;
  - k. To add a new Permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System; or
  - l. To change portions of the Storm Water Quality Management Program that is considered permit conditions.
3. This permit may be terminated during its term for cause, including but not limited to, the following:
- a. Violation of any term or condition of this permit;
  - b. The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance or the permittee's misrepresentation of any relevant facts at any time;
  - c. Materially false or inaccurate statements or information in the permit application or the permit;
  - d. The permittee's discharge threatens human life or welfare or the maintenance or water quality standards; or
  - e. Any other cause allowed by ADEM Administrative Code, Rule 335-6-6.
4. This permit may be suspended during its term for cause, including but not limited to, the reasons for termination listed above.
5. The filing of a request by the Permittee for modification, suspension or revocation of this permit, in whole or in part, does not stay any permit term condition.

***V. Termination of Coverage for a Single Permittee***

Permit Coverage may be terminated, in accordance with the provision of 30 CFR 122.64 and 124.5, for a single Permittee without terminating coverage for other permittees.

***W. Modification of Storm Water Management Program***

Only those portions of the Storm Water Management Program specifically required as permit conditions shall be subject to modification requirements of 40 CFR 124.5. Replacement of an

ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the ineffective or infeasible BMP shall be considered a minor modification to the SWMPP and not modification to the Permit.

**X. *Changes in Monitoring Outfalls***

This permit is issued on a system-wide basis in accordance with CWA §402(p)(3)(i) and authorizes discharges from all portions of the MS4. Since all outfalls are authorized, changes in monitoring outfalls, other than those with specific numeric effluent limitations, shall be considered minor modifications to the permit and will be made in accordance with the procedures at 40 CFR 122.63.

**Y. *Definitions***

1. “Arithmetic Mean” means the summation of the individual values of any set values divided by the number of individual values.
2. “AWPCA” means Code of Alabama 1975, Title 22, the Alabama Water Pollution Control Act, as amended.
3. “Best Management Practices” (BMPs) means activities, prohibitions of practices, maintenance procedures, and other management practices implemented to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment systems, operating procedures, and practices to control facility runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.
4. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
5. “Control Measure” as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
6. “CWA” or “The Act” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
7. “Department” means the Alabama Department of Environmental Management or an authorized representative.
8. “Discharge”, when used without a qualifier, refers to “discharge of a pollutant” as defined as ADEM Administrative Code 335-6-6-.02(m).
9. “Flood Management Project” means a project that will alter, modify or change the base flood elevation of a 1% annual chance flood event.
10. “Flow-weighted composite sample” means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge at the time of sampling.
11. “Green Infrastructure” refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse stormwater or runoff on the site where it is generated.

12. "Hydrology" refers to the physical characteristics of storm water discharge, including the magnitude, duration, frequency, and timing of discharge.
13. "Illicit connection" means any man-made conveyance connecting a non-storm water discharge directly to a municipal separate storm sewer system.
14. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit.
15. "Industrial Land Use" means land utilized in connection with manufacturing, processing, or raw materials storage at facilities identified under Alabama State Law.
16. "Infiltration" means water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.
17. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
18. "Large" municipal separate storm sewer system means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 250,000 or more as determined by the latest decennial census.
19. "Low Impact Development" (LID) is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product.
20. "Major outfall" is the point(s) where the MS4 discharges to a water of the State from (1) a pipe (or closed conveyance) system with a cross-sectional area equal to or greater than 7.07 square feet (e.g., if a single circular pipe system, an inside diameter of 36 inches or greater),(2) a single conveyance other than a pipe, such as an open channel ditch, which is associated with a drainage area of more than 50 acres,(3) a pipe (or closed conveyance) system draining "industrial land use" with a cross-sectional area equal to or greater than 0.79 square feet (e.g., if a single circular pipe system, an inside diameter of 12 inches or greater),(4) or a single conveyance other than a pipe, such as an open channel ditch, which is associated with an "industrial land use" drainage area of more than 2 acres;For the purpose of this permit, outfalls of the "double barrel" type, whose combined cross-sectional area is greater than 7.07 square feet, equivalent to a single circular pipe outfall with an inside diameter of 36 inches or greater, are also considered major outfalls.
21. "MEP" is an acronym for "Maximum Extent Practicable," the technology-based discharge standards and controls necessary for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). These standards and controls may consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from a MS4 as described in the storm water management system.
22. "Medium" municipal separate storm sewer system means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 100,000 or more but less than 250,000 as determined by the latest decennial census.

23. "MS4" is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a large, medium, or small municipal separate storm sewer system. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.
24. "Municipal Separate Storm System" is defined at 40 CFR Part 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in ADEM Administrative Code 335-6-6-.02(nn).
25. "Permittee" means each individual co-applicant for an NPDES permit who is only responsible for permit conditions relating to the discharge that they own or operate.
26. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
27. "Priority Construction Site" means any qualifying construction site in an area where the MS4 discharges to a waterbody which is listed on the most recently approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation or sedimentation, any waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code r. 335-6-10-.09, and any waterbody assigned a special designation in accordance with 335-6-10-.10.
28. "Qualifying Construction Site" means any construction activity that results in a total land disturbance of one or more acres and activities that disturb less than one acre but are part of a larger common plan of development or sale that would disturb one or more acres. Qualifying construction sites do not include land disturbance conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.
29. "Qualifying New Development and Redevelopment" means any site that results from the disturbance of one acre or more of land or the disturbance of less than one acre of land if part of a larger common plan of development or sale that is greater than one acre. Qualifying new development and redevelopment does not include land disturbances conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.
30. "Storm water" is defined at 40 CFR Part 122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.
31. "Structural Controls" means an engineered BMP constructed with rigid walls and/or weirs and piped drainage that utilize active or passive treatment and/or mechanical systems for the purpose of treating storm water runoff.
32. "Structural Flood Control" means structural measures that control the 1% annual chance floodwaters by construction of barriers, storage areas or by modifying / redirecting channels.

### **Southern Environmental Law Center (SELC) comments**

**Comment (1):** The Cahaba River will not be adequately monitored in Shelby County, where Helena is located. In fact, even after the monitoring component requirement was added in the TMDL section of the Shelby County MS4 permit, the specific requirements in the monitoring section of the permit remained the same. The Cahaba River, which has been impaired for over seventeen years, has TMDLs for pathogens (*E. coli*), siltation, and nutrients (phosphorus), yet none of the Shelby County MS4 permits require adequate monitoring of these components in the Cahaba. Shelby County, Pelham, and Alabaster MS4s are not required to monitor the Cahaba River at all. And Helena is only required to sample twice a year. In response to this comment made in the Shelby County MS4 permit, ADEM wrote:

Shelby County has a history of working closely with the surrounding MS4 entities regarding monitoring, and while Shelby County and these other MS4s are no longer “co-permittees” under one permit, nothing in the draft permit prohibits or restricts the MS4 entities from working together to address stormwater issues, to include monitoring.

While collaboration among permittees is important, Helena's semi-annual monitoring of the TMDL parameters is not sufficient to determine the effectiveness of the BMPs in Helena, much less to determine the effectiveness of the BMPs in the rest of the county.

**Response (1):** Part II.E. of the draft permit contains requirements regarding discharges into a water body with an EPA-approved or established TMDL, including BMPs targeted to meet the assumptions and requirements of the TMDL, schedules for installation and/or implementation of such BMPs, and monitoring to assess the effectiveness of the BMPs in achieving the TMDL requirements. The Department reviews all SWMPPs, to include monitoring plans and provides comments as deemed appropriate. The Department has historically reviewed the monitoring plans both individually and on a watershed basis and plans to continue with this approach. Also, please note that the public has an opportunity to engage in the development and implementation of the Permittee's SWMPP as detailed in Part II.D.1 of the draft permit. No changes were made to the draft permit in response to this comment.

**Comment (2):** Montgomery and Shelby County's MS4 permits both require water quality probes that take hourly samples of certain parameters (including turbidity); Helena's should do the same. The National Research Council of the National Academies has written, “Continuous, low weighted sampling methods should replace the traditional collection of stormwater data using grab samples. Data obtained from too few grab samples are highly variable...and subject to greater uncertainty because of experimenter error and poor data-collection practices. In order to use stormwater data for decision making in a scientifically defensible fashion, grab sampling should be abandoned as a credible stormwater sampling approach for virtually all applications.” At the very least, ADEM must describe why hourly sampling for the TMDL parameters is not practicable for Helena as a way of ensuring that Helena is reducing pollutants to the MEP.

ADEM responds that USGS has put real-time stations on the main stem of the Cahaba that will collect this data. The only Shelby County USGS gage that monitors the Cahaba River is in

Helena. This station, however, does not monitor for the parameters for which the TMDLs were created. In fact, none of the USGS gages for the River measure any of the parameters for which the TMDLs were created, and therefore, will not contribute significantly to understanding sediment, nutrient, or E. coli TMDL compliance.

Additionally, ADEM states that the Department itself has real-time stations on both the mainstem of the Cahaba River and its tributaries. The public does not have the ability to comment on the frequency and adequacy of the ADEM monitoring stations, nor is this monitoring required by the permit. If ADEM expects Helena to use this information to meet its permit requirements, ADEM's monitoring information should be described and incorporated into Helena's permit.

The tributaries that feed the Cahaba River also have TMDLs; however, neither this permit nor any of the Shelby County permits require adequate monitoring of these tributaries. Buck Creek, which runs through the heart of Helena, has a TMDL for fecal coliform, yet Helena, Alabaster, and Pelham's permits only require monitoring of this parameter twice a year. And the USGS gage for Buck Creek does not monitor fecal coliform at all. ADEM must require a comprehensive monitoring plan for the Cahaba and its tributaries in order to track TMDL progress, and to determine the monitoring contributions of each MS4.

**Response (2):** Regarding your comment on the use of probes for hourly sampling within the City of Montgomery and Shelby County MS4 Phase I NPDES Permits, the use of probes was an approach proposed by those Permittees, not unilaterally required by the Department.

The City of Helena's proposed monitoring stations are located on the Cahaba River and Buck Creek, a tributary to the Cahaba River. As SELC is likely aware, several other MS4 entities have monitoring requirements that include monitoring the Cahaba River and its tributaries. Other agencies, such as the United States Geological Survey, also monitor for, but not limited to, gage height, discharge, temperature, specific conductance, dissolved oxygen, and turbidity at real-time stations on the main stem of the Cahaba River and its tributaries. A point of correction, the Department does not have real-time stations on both the mainstem of the Cahaba River and its tributaries, but has monitoring stations to include, but not limited to, periphyton, macroinvertebrate, and water quality sampling along both the Cahaba River and its tributaries which is available to the public upon request.

Related to your comment regarding a comprehensive monitoring plan for the Cahaba River, please see Response (1). No changes were made to the draft permit based on this comment.

**Comment (3):** Helena's median household income (\$83,956) is well above the state average (\$43,253). It seems it should have more resources than other cities, yet its post construction control standard is less than what other MS4 permits (such as Mobile, the General Phase II permit, and ALDOT) have required. (See copy of our Shelby County comments attached as Appendix 1.) In any case, EPA has written that in establishing what constitutes the maximum extent practicable, the permitting authority must look at a variety of factors, including available stormwater control technology, the scientific and engineering literature regarding the control of stormwater, current best practices employed by other MS4s, and site specific conditions that are

found at the facility. ADEM must explain why it is not practicable for Helena to use the same control technology that ALDOT uses for the area. In the Shelby County draft permit response, ADEM responded to this comment that "what constitutes MEP is not a 'one size fits all,' but is determined on a case-by-case basis, which means the provisions may be different for each Permittee based on numerous factors." But the Department stops short and does not describe those "factors". Please explain why Shelby County, Alabaster, Pelham, and now Helena, have been given a less rigorous post construction control standard than is required for ALDOT for the same area.

In addition, the Department seems to believe that it cannot control for volume and flow, but can only control for pollutants. Research indicates that post-construction controls designed to maintain pre-development hydrology are an effective way of reducing pollutants in stormwater discharges. Because of this, the EPA has recognized the need to control for flow in order to control pollutants to the MEP. The EPA states:

As a general matter, EPA, scientists and the regulated community all recognize that stormwater runoff collects and transports pollutants into MS4s and subsequently into their receiving waters, and that by decreasing the volume of runoff, pollutants discharged from MS4s are reduced. (cite stormwater discharges results from the creation of new impervious surfaces, *i.e.*, development. *See e.g.*, 64 Fed. Reg. 68722, 68725 (Dec. 6, 1999). This increase in stormwater velocity and volume results in increased pollutant loadings, which can cause or contribute to water quality impairments. Moreover, increased velocity and volume can alter the physical parameters of waterbodies by widening and incising channels, which fundamentally transforms the natural hydrologic regime with long-term negative impacts on aquatic habitats and biotic interactions. (cite omitted). As explained in the Phase II rule preamble with respect to the post-construction minimum measure, 'EPA intends to prevent water quality impacts resulting from increased discharges of pollutants, which may result from increased volume of runoff. In many cases, consideration of the increased flow rate, velocity and energy of storm water discharges following development unavoidably must be taken into consideration in order to reduce the discharge of pollutants, to meet water quality permit conditions and to prevent degradation of receiving streams. 64 Fed. Reg. at 68761.

ADEM must explain why controlling for volume, and retaining stormwater up to the 95<sup>th</sup>-percentile storm event as recommended by Section 438 of the Energy Independence and Security Act is not practicable for Helena, especially when that is necessary to meet the 48% reduction in sediment as required by the TMDL.

**Response (3):** Regarding the post-construction standard in the draft permit, the Department believes that the requirements related to post-construction stormwater management in new developments and redevelopments are adequate and appropriate for the City of Helena.

The intent of the draft permit is to require the Permittee to implement, maintain and enforce a comprehensive stormwater management program which involves using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate to reduce the **discharge of pollutants** from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26. 40 CFR 122.26(d)(2)(iv)(A)(2) is clear that the Permittee is responsible for controlling the **discharge of pollutants** in stormwater runoff from new developments and significant redevelopments. Please note that flow is not a

pollutant under the Clean Water Act. It is the Department's belief that the utilization of the design storm specified in the draft permit meets the statutory and regulatory requirements.

No changes were made to the draft permit in response to the comment.

**Comment (4):** Finally, we remain concerned that this permit, with its weak post construction standard, will impact the 32 federally listed species in the Cahaba River. (See our previous comments, Appendix 1). MS4s and ADEM have an obligation under the Endangered Species Act to ensure that their activities do not result in any prohibited "takes" of listed species; however, the draft permit omits any mention of endangered species. While we appreciate that ADEM sends the draft permit to U.S. Fish and Wildlife, this does not relieve ADEM nor the MS4 of their duty to not harm these species. Biological monitoring should be required in the permit to verify that endangered species are not impacted. And ADEM should not renew the permit unless it can verify that these species are protected. This permit is almost identical to the Shelby County permit; and therefore, we incorporate our attached Shelby County comments.

**Response (4):** The United States Fish and Wildlife Service (USFWS) has jurisdiction in regard to endangered species. As required by ADEM Administrative Code r. 335-6-6-.21(3) and 40 CFR 124, the Department maintains a mailing list which includes federal, state and local governments. The individuals and entities on this list, which includes the USFWS, are mailed legal notices regarding proposed permits, including this draft permit. The Department received no comments on the draft permit from the USFWS. Questions or concerns related to endangered species should be directed to the USFWS. In addition, the draft permit does not allow discharges that cause or contribute to an exceedance of a water quality standard. The State's water quality standards are meant to be protective of aquatic species and habitats. No changes were made to the draft permit in response to this comment.

As appropriate, please see the Department's response to the Shelby County MS4 permit ALS000008 comments.



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## **Appendix C – City Storm Water Ordinance**

SHELBY COUNTY MS4  
*Storm Water Management Program*

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APPENDIX 2

City of Helena Storm Water Management Ordinance

This ordinance is representative of each of the municipal storm water management ordinances adopted by the co-permittees

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO ESTABLISH STORM WATER  
MANAGEMENT AND WATER QUALITY CONTROLS,  
PROGRAMS, REGULATIONS, PROHIBITIONS, AND  
PENALTIES FOR THE CITY OF HELENA, ALABAMA

WHEREAS, uncontrolled storm water drainage and discharge may have a significant, adverse impact on the health, safety, and general welfare of the City of Helena and the quality of life of its citizens by carrying pollutants into the receiving community waters; and

WHEREAS, the City of Helena is required by federal law, particularly 33 U.S.C. ¶ 1342 (P) and 40 CFR ¶ 122.26, to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Alabama Department of Environmental Management for storm water discharges from the Municipal Separate Storm Sewer System (MS4). The NPDES permit requires the City to impose controls to reduce the discharge of pollutants in storm water to the maximum extent practicable using management practices, control techniques and system design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL

OF THE CITY OF Helena, ALABAMA:

That the following ordinance is hereby adopted and enacted and shall be implemented to address storm water drainage and discharge in those areas specifically designated by NPDES Permit ALS000003 from the Alabama Department of Environmental Management and all other areas of the City of Helena.

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## DIVISION 1. GENERALLY

### Sec. 01-001. Authority.

The Alabama Department of Environmental Management, pursuant to the authority delegated to it under the Clean Water Act, 33 U.S.C. Section 1251, *et seq.*, has required the City of Helena to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges from the Municipal Separate Storm Sewer System (MS4), effective October 1, 1995. Therefore, the City is subject to the federal storm water laws, as presented in 33 U.S.C. ¶ 1342 (P) and 40 CFR ¶ 122.26, and as such, is required to adopt local storm water management ordinances. Act No. 95-775, Legislature of Alabama - § 11-89C-1 - 14, Code of Alabama 1975, and other provisions thereof, grants the authority to adopt such ordinances to the governing bodies of all Class 1 municipalities within the state and to the county governing bodies in which the Class 1 municipalities are located and to the governing bodies of all municipalities located within those counties, and where any such municipality is also located partially within an adjoining county, then to the governing body of such adjoining county and to which governing bodies are specifically designated by ADEM pursuant to the authority delegated to it under the Clean Water Act, 33 U.S.C. Section 1251, *et seq.*

### Sec. 01-002. Purpose.

- (a) It is the purpose of this ordinance to protect, maintain, and enhance the environment of the City of Helena and the short-term and long-term public health, safety, and general welfare of the citizens of the City of Helena by controlling discharges of pollutants to the MS4 and to maintain and improve the quality of the community waters into which the storm water outfalls flow, including, without limitation, the lakes, streams, ponds, wetlands, sinkholes, and groundwater of the City of Helena. This ordinance prohibits the discharge of non-storm water into the MS4 and the community waters and provides enforcement procedures and penalties to ensure compliance.
- (b) It is further the purpose of this ordinance to enable the City of Helena to comply with the National Pollutant Discharge Elimination System (NPDES) permit and applicable regulations (40 CFR ¶ 122.26) for storm water discharges.

### Sec. 01-003. Definitions.

For the purpose of this ordinance the following terms, phrases and words and their derivatives, shall have the meaning given herein:

“Accidental Discharge” shall mean a discharge prohibited by this article into the “Community Waters” or to the “Waters of the State” which occurs by chance and without

planning or consideration prior to occurrence.

“Alabama Department of Environmental Management” or “ADEM” shall mean the State of Alabama regulatory agency which administers and enforces those laws governing storm water in the State of Alabama.

“Applicant” shall mean any person, firm or corporation required by this ordinance to obtain a City of Helena Storm Water Discharge Permit.

“Best Management Practices” or “BMPs” shall mean schedules of activities, prohibitions or practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants to the municipal separate storm sewer system. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Clean Water Act” shall mean the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. ¶ 1251, *et seq.*, and regulations promulgated thereunder.

“Community Waters” shall mean any or all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial lying within or forming a part of the boundaries of the City of Helena or the waters into which the City of Helena Municipal Separate Storm Sewer System outfalls flow.

“City” shall mean the City of Helena, Alabama.

“Discharge” shall mean the addition of any substance to the municipal separate storm sewer system.

“Environmental Protection Agency” or “EPA” shall mean the federal regulatory agency which administers those laws governing storm water in the United States of America.

“Erosion” shall mean wearing away of the lands by running water, winds, or waves.

“Illicit Discharge” shall mean a discharge to the municipal separate storm sewer system or to the community waters that is not composed entirely of storm water, except discharges pursuant to an NPDES permit and other allowable discharges dictated by this ordinance.

“Industrial Facility” shall mean a business or businesses engaged in industrial production, manufacturing or service which may or may not have raw materials stored on site, produce excessive dust or other industrial by-products, or, in the opinion of the City of Helena Environmental Office, or other agency or department designated and authorized by the City of Helena, may pose a threat of contamination to the MS4 or to the community waters.

These facilities are typically located in areas which are zoned as M-1 or M-2, in those portions of the City regulated by zoning laws.

“Manager” shall mean the person, or his or her duly authorized representative, designated by the City Council to supervise the operations of the storm water management program and who is charged with certain duties and responsibilities by this ordinance.

“Municipal Separate Storm Sewer System” or “MS4” shall mean a conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, easements, swales, ditches, man-made channels or storm drains) carrying storm water runoff which is directly or indirectly discharged into the Cahaba River drainage basin upstream of Big Piney Woods Creek, and which are owned, operated or maintained by the City. Privately-owned storm water conveyances may be included in this definition at the City’s discretion in order to prevent contamination of the public portion of the MS4.

“National Pollutant Discharge Elimination System” or “NPDES” permit shall mean a permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. ¶ 1342).

“Notice of Intent” or “NOI” shall mean a written notice by a discharger to the Director of ADEM, that the person wishes his or her discharge to be authorized under a general storm water discharge permit authorized by state law or regulation.

“Person” shall mean any individual, partnership, copartnership, firm, syndicate, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated in text.

“Pollutants” shall mean any substance deemed by the Manager to be a threat to human health or the environment, including, but not limited to: dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, domestic and agricultural waste.

“Pollution” shall mean a condition created by the presence of harmful or objectionable material in water.

“Sanitary Sewer” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

“Sediment” shall mean the organic or inorganic solid material settled from suspension in a liquid.

“Significant Spills” shall mean spills which include, but are not limited to, releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

“Storm Water” shall mean runoff associated with a rain event, snow melt runoff, and surface runoff and drainage.

“Storm Water Management” shall mean the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to meet the objectives of this ordinance and its terms, including, but not limited to, measures that control the increased volume and rate of storm water runoff and water quality impacts caused by manmade changes to the land.

“Storm Water Management Program” shall mean the program developed by the City of Helena pursuant to NPDES Permit ALS000003 to control the flow of pollutants into the MS4.

“Toxic Pollutants” shall mean any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401 promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. ¶ 1317.

“Variance” shall mean the modification of the minimum storm water management requirements contained in this ordinance and the Storm Water Management Program for specific circumstances where strict adherence of the requirements would result in unnecessary hardship as limited by the terms of the permit, and not fulfill the intent of this ordinance.

“Wastewater” shall mean the spent water of a community. It may be a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present. Also, called sanitary sewage.

“Water Quality” shall mean those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

“Water Quantity” shall mean those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff.

“Wetland” shall mean lands that are inundated or saturated with water to the extent that the soil will support vegetation typically adapted to saturated soil conditions. The lands may or may not be saturated at all times.

Sec. 01-004. Severability.

If any section, sub-section, phrase, clause or provision of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole or any part or portion thereof other than the part declared to be involved.

Sec. 01-005. Effective Date.

This ordinance shall take effect upon its adoption or otherwise as provided by law.

Secs. 01-006 - - 01-008. Reserved.

## DIVISION 2. APPLICATIONS AND PERMITS FOR INDUSTRIAL AND COMMERCIAL FACILITIES

Sec. 01-009. Existing facilities required to obtain permit.

- (a) All existing industrial facilities, service stations, convenience stores with gasoline pumps, vehicular repair shops and vehicular parts repair shops which discharge storm water directly or indirectly into the municipal separate storm sewer system and which do not have current NPDES permits issued by ADEM authorizing the discharge of storm water, are required to apply for a City of Helena Storm Water Discharge Permit on or before the dates set forth in the following schedule:
- (1) Service stations, convenience stores with gasoline pumps, vehicular repair shops and vehicular parts repair shops by August 1, 1999;
  - (2) Industrial facilities by February 1, 2000.

All other existing commercial facilities located in the City of Helena, and which do not have current NPDES storm water permits, are not required to apply for a City of Helena Storm Water Discharge Permit. However, these facilities shall comply with Divisions 5 and 6 of this ordinance.

- (b) Permit application forms may be acquired from the Manager beginning March 31, 1999. Completed application forms are to be returned to the Manager by the dates set forth in the above schedule. Upon receipt of the application, the Manager will evaluate the information provided and either deny a permit to the applicant or issue the applicant a City of Helena Storm Water Discharge Permit. An approved permit may require the facility or commercial establishment to implement additional structural and non-structural Best Management Practices to reduce or eliminate the potential to discharge pollutants. If the application is denied, the Manager shall notify the applicant of deficiencies and allow thirty (30) days for the application to

be revised and resubmitted. If the noted deficiencies are not corrected within thirty (30) days and/or the permit is not resubmitted, any discharge of storm water after that date into the municipal separate storm sewer system shall be unlawful. Once issued, a permit shall be valid for five (5) years, unless sooner revoked for violations of permit conditions, changes in applicable law, or other good cause.

- (c) The application for a City of Helena Storm Water Discharge Permit for an existing facility or commercial establishment shall include, at a minimum, the following information:
- (1) description and type of facility and the nature of work performed;
  - (2) a description of significant materials that are currently, or were formerly, treated, stored or disposed outside the facility or commercial establishment; materials management practices currently used to minimize contact of these materials with storm water runoff; and a description of any treatment the storm water receives prior to discharge;
  - (3) the name of contact person for permit compliance, including job title, facility address and telephone number;
  - (4) a description of ways the facility or commercial establishment plans to implement programs to reduce the discharge of pollutants through storm water flow; and
  - (5) any other information deemed necessary by the Manager to effectively evaluate the potential for contamination of the MS4 by storm water runoff.

Sec. 01-010. Existing facilities required to have an NPDES permit.

- (a) All existing industrial facilities, service stations, convenience stores with gasoline pumps, vehicular repair shops and vehicular parts repair shops which discharge storm water directly or indirectly into the municipal separate storm sewer system and which have current NPDES permits issued by ADEM authorizing the discharge of storm water are required to submit to the Manager a copy of the Notice of Intent (NOI) and ADEM's subsequent letter of verification of coverage under the NPDES General Permit, on or before March 31, 1999. If the facility has an individual NPDES storm water discharge permit, a copy of the permit, in its entirety, shall be submitted to the Manager on or before March 31, 1999.
- (b) Upon expiration and renewal of the existing NPDES permit, the facility shall be required to submit a copy of the new NOI and coverage verification, or individual NPDES permit, to the Manager within thirty (30) days.

- (c) The NOI or NPDES permit shall be accompanied by the name of the contact person for permit compliance, including his or her job title and the telephone number.

Sec. 01-011. New facility permits.

- (a) All new industrial facilities, service stations, convenience stores with gasoline pumps, vehicular repair shops and vehicular parts repair shops which discharge storm water directly or indirectly into the municipal separate storm sewer system, and which do not require an NPDES permit issued by ADEM authorizing the discharge of storm water, are required to apply for a City of Helena Storm Water Discharge Permit prior to construction. This permit shall be required in addition to any permit required by ADEM for storm water discharges associated with construction activity and any other permit required by this ordinance for land clearing activities. All other new commercial facilities located in the City of Helena, and which do not require an NPDES storm water permit, are not required to apply for a Shelby County Storm Water Discharge Permit. However, these facilities shall comply with Divisions 5 and 6 of this ordinance.
- (b) Permit application forms may be acquired from the Manager beginning March 31, 1999. Completed application forms are to be returned to the Manager. Upon receipt of the application, the Manager will evaluate the information provided and either deny a permit to the applicant or issue the applicant a City of Helena Storm Water Discharge Permit. An approved permit may require the facility to implement additional structural and non-structural Best Management Practices to reduce or eliminate the potential to discharge pollutants. If the application is denied, the Manager shall notify the applicant of deficiencies and allow thirty (30) days for the application to be revised and resubmitted. If the noted deficiencies are not corrected within thirty (30) days and/or the permit is not resubmitted, any discharge of storm water after that date into the municipal separate storm sewer system shall be unlawful. Once issued, a permit shall be valid for five (5) years, unless sooner revoked for violations of permit conditions, changes in applicable law, or other good cause.
- (c) The application for a City of Helena Storm Water Discharge Permit for a new facility shall include, at a minimum, the same information as that required for an existing facility.

Sec. 01-012. New facilities required to have an NPDES permit.

- (a) All new industrial facilities, service stations, convenience stores with gasoline pumps, vehicular repair shops and vehicular parts repair shops which discharge storm water directly or indirectly into the municipal separate storm sewer system, and which require an NPDES permit issued by ADEM authorizing the discharge of storm

water are required to submit to the Manager a copy of the Notice of Intent (NOI) and ADEM's subsequent letter of verification of coverage under the NPDES General Permit. If the facility requires an individual NPDES permit, a copy of the permit, in its entirety, shall be submitted to the Manger. In addition, any permit required by ADEM for storm water discharges associated with land clearing and construction activities shall be submitted to the Manager prior to construction.

- (b) Upon expiration and renewal of the NPDES permit, the facility will be required to submit a copy of the new NPDES permit to the Manager within thirty (30) days.
- (c) The NPDES permit shall be accompanied by the name of the contact person for permit compliance, including his or her job title, and the telephone number.

Sec. 01-013. Permit application fees.

- (a) Each application for the issuance of a City of Helena Storm Water Discharge Permit for an existing industrial or commercial facility shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00) plus fifteen dollars per acre (\$15.00/acre).
- (b) Each application for the issuance of a City of Helena Storm Water Discharge Permit for a new industrial or commercial facility shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00) plus fifteen dollars per acre (\$15.00/acre) and any such additional fees for land disturbance or construction activities as may be required per this ordinance.

Secs. 01-014 -- 01-018. Reserved.

### DIVISION 3. APPLICATIONS AND PERMITS FOR LAND DISTURBANCE AND CONSTRUCTION ACTIVITIES

Sec. 01-019. Land disturbance and construction activities required to have a permit.

- (a) All land disturbance and construction activities which discharge storm water directly or indirectly into the municipal separate storm sewer system, and which are not required to have an NPDES permit issued by ADEM authorizing the discharge of storm water will require a City of Helena Storm Water Discharge Permit prior to the commencement of the land disturbance or construction. It shall be unlawful for any person to conduct, or permit to be conducted, any land disturbing activity upon land owned or controlled by them without a permit issued under this ordinance if less than five acres are disturbed and if the discharge flows into the MS4. For purposes of this

ordinance the phrase "land disturbing activity" is defined as follows:

Land disturbing activity is any change which may result in soil erosion from water and wind and the movement of sediments, directly or indirectly, into the community waters, including, but not limited to, clearing, dredging, grading, excavating and filling of land, except that the term shall not include the following:

- (1) such minor land disturbing activities as home gardens, individual home landscaping, home repairs, home maintenance work and other related activities which result in minor soil erosion;
- (2) the construction of single-family residences when built separately on lots within a subdivision which has a current City of Helena Discharge Permit issued pursuant to this ordinance, provided that excavation is limited to trenches for the foundation, basements, utility service and sewer connections, and minor grading for driveways, yard areas and sidewalks;
- (3) individual utility service and sewer connections for single- or two-family residences;
- (4) construction, installation or maintenance of electrical, telephone and cable television lines and poles, provided these activities do not pose a significant threat of contamination to community waters; and
- (5) installation, maintenance and repair of any underground public utility lines when such activity occurs on an existing hard-surface road, street or sidewalk, provided the activity is confined to the area of the road, street or sidewalk which is hard-surfaced.

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

- (b) Permit application forms may be acquired from the Manager beginning April 1, 1999. Completed application forms are to be returned to the Manager. Upon receipt of the application, the Manager will evaluate the information provided and either deny a permit to the applicant or issue the applicant a City of Helena Storm Water Discharge Permit. An approved permit may require the applicant to implement additional structural and non-structural Best Management Practices to reduce or eliminate the

potential to discharge pollutants. If the application is denied, the Manager shall notify the applicant of deficiencies and allow the application to be revised and resubmitted. It shall be unlawful to commence land disturbance or construction activities as described in this Section prior to the issuance of a City of Helena Storm Water Discharge Permit. Once issued, a permit shall be valid for two (2) years, unless sooner revoked for violations of permit conditions, changes in applicable law, or other good cause. Upon project completion, the applicant shall notify the Manager and request termination of permit coverage. The Manager shall grant termination within thirty (30) days unless it is determined that the applicant has failed to meet the requirements of this ordinance, particularly those regarding proper soil stabilization.

- (c) The application for a Storm Water Discharge Permit for land disturbance and construction activities shall include, at a minimum, the following information:
- (1) name and telephone number of applicant;
  - (2) business or residence address of applicant;
  - (3) name and address of owner of subject property;
  - (4) address and legal description of subject property;
  - (5) name and address of the contractor and any subcontractors who shall perform the land disturbing activity and who shall implement the Best Management Practices;
  - (6) the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;
  - (7) a description of specific Best Management Practices that will be used to control the discharge of storm water runoff from the site, the extent of which shall be commensurate with the size of the project, severity of site conditions, and the potential for contamination of community waters; and
  - (8) any other information deemed necessary by the Manager to effectively evaluate the potential for contamination of the MS4 by storm water runoff.

Sec. 01-020. General requirements for land disturbance activities.

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

- (a) Stripping of vegetation, regrading and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Construction shall be sequenced to minimize the exposure time of cleared surface area.
- (b) Property owners shall be responsible upon completion of land disturbing activities to leave slopes so that they will not erode, through such methods as revegetation, mulching, rip-rapping, or gunniting. Regardless of the method used, the objective shall be to leave the site as erosion-free and maintenance-free as practicable.
- (c) Whenever feasible, natural vegetation shall be retained, protected and supplemented, especially adjacent to natural drainage ways. If feasible, natural streams flowing to and through the site shall be maintained in their natural channel and provided with a vegetative buffer zone.
- (d) Permanent or temporary soil stabilization must be applied to disturbed areas to the extent feasible within seven (7) days on areas that will remain unfinished for more than thirty (30) calendar days. Permanent soil stabilization with perennial vegetation shall be applied as soon as practicable after final grading is completed on any portion of the site. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact and flowing water, and includes the growing of grass, sod, application of straw, mulch, fabric mats, and the early application of gravel base on areas to be paved.
- (e) A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.
- (f) To the extent necessary, sediment in runoff water shall be trapped by the use of sediment basins, silt traps or similar measures until the disturbed area is stabilized.
- (g) Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period as necessary. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the workday.
- (h) Structural controls shall be designed and maintained as required to prevent pollution. All surface water flowing toward the construction area shall, to the extent practicable, be diverted by using berms, channels, or sediment traps as necessary. Erosion and sediment control measures shall be designed according to the size and slope of disturbed and/or drainage areas to effectively detain runoff and trap sediment.
- (i) All control measures shall be checked and repaired as necessary to prevent the contamination of community waters.

- (j) The storm water runoff from the site shall contain no floating scum or oil, shall not cause an objectionable color contrast in the receiving water, and shall not contain any materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

Sec. 01-021. Land disturbance and construction activities required to have an NPDES permit.

- (a) All land disturbance and construction activities which are larger than five acres in size or that are a part of a larger development or project that is, or will eventually be, larger than five acres in size require an NPDES permit issued by ADEM authorizing the discharge of storm water. If an NPDES permit is required, a copy of the Notice of Intent (NOI) shall be submitted to the Manager prior to the land disturbance or construction. A copy of ADEM's verification of coverage shall also be submitted when available.
- (b) If the current NPDES permit should expire during land clearing or construction, a copy of the new NOI and ADEM's subsequent verification of coverage shall be submitted to the Manager.
- (c) The NOI shall be accompanied by the name of the contact person for NPDES permit compliance, including job title, site and office addresses and telephone numbers.

Sec. 01-022. Permit application fees.

Each application for the issuance of a City of Helena Storm Water Discharge Permit for land disturbance and construction activities shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00) plus fifteen dollars per acre (\$15.00/acre).

Secs. 01-023 - - 01-027. Reserved.

#### DIVISION 4. GENERAL PERMIT REQUIREMENTS

Sec. 01-028. Availability of permit.

An approved copy of the City of Helena Storm Water Discharge Permit shall be stored in the office of the designated contact person and at the permitted site or facility and shall be made available for review at any time by the Manager, or his or her representative.

Sec. 01-029. Transfer of permit.

A City of Helena Storm Water Discharge Permit may be transferred only upon the filing of

an amendment to the permit application or an amended or restated application containing all changes from the original application providing there are no changes in the operation of the industrial or commercial facility or construction site which may affect the quantity or quality of the storm water runoff. If there are to be any changes in the operation of the facility or construction site which may affect the quantity or quality of storm water runoff, then the new owner or operator shall reapply for a City of Helena Storm Water Discharge Permit prior to the beginning of operation of the facility or construction activities. The filing of an amended or restated application shall be treated as an interim permit allowing the continued operation of the facility or construction site pending review of the application by the Manager, which shall remain in force until the application shall be approved or denied by the Manager.

Sec. 01-030. Signatory requirements.

- (a) All applications and correspondence required by this ordinance to be submitted to the Manager shall be signed as follows:
  - (1) Corporation: by a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation.
  - (2) Partnership or sole proprietorship: by a general partner or the proprietor.
  - (3) Municipality, State, Federal, or other public facility: by either a principal executive officer or the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- (b) Any person signing any application or correspondence required by this article shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and that I have personally examined and am familiar with the information therein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty."

Secs. 01-031 - - 01-035. Reserved.

DIVISION 5. MONITORING AND INSPECTION

Sec. 01-036. Monitoring.

The Manager shall periodically monitor the quantity of, and the concentration of pollutants in storm water discharges from the industrial and commercial facilities and construction sites permitted pursuant to this ordinance and from any other facilities or sites the Manager deems a potential source of contamination to the community waters, including those facilities and sites which hold current NPDES permits.

Sec. 01-037. Detections of illicit connections and improper disposal.

- (a) The Manager, or his or her duly authorized representatives, shall take appropriate steps to detect and eliminate illicit connections to the municipal separate storm sewer system.
- (b) The Manager, or his or her duly authorized representative, shall take appropriate steps to detect and eliminate improper discharges to the municipal separate storm sewer system.

Sec. 01-038. Inspections.

- (a) The Manager, or his or her designee, bearing proper credentials and identification, may enter and inspect all properties for regular periodic inspections, investigations, monitoring, observation, measurement, enforcement, sampling and testing, to effectuate the provisions of this ordinance and the City of Helena Storm Water Management Program. The Manager, or his or her designee, shall duly notify the owner of said property or the representative on site and the inspection shall be conducted at reasonable times.
- (b) Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the Manager. The Manager may seek appropriate compulsory process.
- (c) In the event the Manager, or his or her designee, reasonably believes that discharges from the property into the MS4 or the community waters may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.
- (d) At any time during the conduct of an inspection or at such other times as the Manager, or his or her designee, may request information from an owner or

representative, the owner or representative may identify areas of the facility or establishment, material or processes which contain or which might reveal a trade secret. If the Manager, or his or her designee, has no clear or convincing reason to question such identification, the inspection report shall note that trade secret information has been omitted. To the extent practicable, the Manager shall protect all information which is designated as a trade secret by the owner or their representative.

- (e) In the event a substantial pollutant loading to the community waters exists, the Manager will take the following steps:
- (1) Field Inspection to verify possible source of pollution, when needed.
  - (2) Additional sampling to verify possible source of pollution, if needed.
  - (3) Informing the owner and/or operator of the facility or site found to be the source of the problem and working with them to determine appropriate corrective actions.
  - (4) Following up with the owner and/or operator to determine the status of corrective actions.
  - (5) Enforcement procedures shall be as provided in Division 6 of this ordinance, if needed.

Secs. 01-039 -- 01-043. Reserved.

#### DIVISION 6. ENFORCEMENT AND ABATEMENT

Sec. 01-044. Unauthorized discharge a public nuisance.

Discharge of storm water in any manner in violation of this ordinance or of any condition of a permit issued pursuant to this ordinance is hereby declared a public nuisance and shall be corrected or abated.

Sec. 01-045. Allowable non-storm water discharges.

The following direct or indirect discharges into the MS4 or the community waters are allowable under the terms of this ordinance unless determined by the Manager to be a source of contamination to the MS4 or the community waters:

- (1) waterline and fire hydrant flushings;

- (2) landscape irrigation;
- (3) rising ground waters;
- (4) uncontaminated ground water;
- (5) uncontaminated water from foundation and footing drains;
- (6) air conditioning condensation;
- (7) discharges from springs;
- (8) water from crawl space pumps;
- (9) lawn watering;
- (10) individual residential car washing;
- (11) flows from riparian habitats and wetlands;
- (12) dechlorinated swimming pool and hot tub discharges;
- (13) street wash water; and
- (14) discharges from fire fighting activities.

Sec. 01-046. Illicit discharge and illegal dumping.

The following direct or indirect discharges into the MS4 or the community waters and direct or indirect discharges therein or thereto caused by or resulting from the following activities, practices and/or conditions are prohibited and shall be unlawful:

- (1) non-storm water discharges, except pursuant to a storm water discharge permit issued by ADEM or Section 01-045 of this ordinance;
- (2) chlorinated swimming pool or hot tub discharge;
- (3) discharge of any polluted household wastewater, such as, but not limited to, laundry washwater and dishwater, except to a sanitary sewer or septic system;
- (4) leaking sanitary sewers and connections, which shall have remained uncorrected for seven (7) days or more;

- (5) leaking water lines which shall have remained uncorrected for seven (7) days or more;
- (6) commercial, industrial or public vehicle wash discharge;
- (7) garbage or sanitary waste disposal;
- (8) animals carcasses or animal fecal waste;
- (9) sewage dumping or dumping of sewage sludge;
- (10) dredged or spoil material;
- (11) solid or chemical waste; and
- (12) wrecked or discarded vehicles or equipment.

Sec. 01-047. Accidental discharges.

- (a) In the event of any discharge of a hazardous substance in amounts which could cause a threat to public drinking supplies, a "significant spill" or any other discharge which could constitute a threat to human health or the environment, the owner or operator of the facility shall give verbal notice to the Storm Water Manager and ADEM as soon as practicable, but in no event later than the close of business on the day the accidental discharge occurs or the day the discharger becomes aware of the circumstances. A written report must be provided within five days of the time the discharger becomes aware of the circumstances, unless this requirement is waived by the Manager for good cause shown on a case-by-case basis, containing the following particulars: (1) a description of the discharge, (2) the exact dates and times of discharge and (3) steps being taken to eliminate and prevent recurrence of the discharge.
- (b) The discharger shall take all reasonable steps to stop the discharge and minimize any adverse impact to the community waters, including such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge. It shall not be a defense for the discharger in an enforcement action that it would have been necessary to halt or reduce the business or activity of the facility in order to maintain water quality and minimize any adverse impact that the discharge may cause.
- (c) It shall be unlawful for any person to fail to comply with the provisions of this section.

Sec. 01-048. NPDES permits issued by ADEM.

- (a) Compliance with the conditions, limitations and restrictions set forth in an individual or general NPDES storm water discharge permit issued by ADEM, excluding NPDES Permit ALS000003, shall be deemed compliance with the terms of this ordinance, excluding the requirements of Sections 01-010, 01-012, 01-021 and 01-047. However, all NPDES permit holders are subject to enforcement action under the terms of this ordinance for continued substantial violation of the NPDES permit, as determined by the Manager. The following procedure shall be used for NPDES permit holders:
- (1) ADEM will provide the Manager with access to the NPDES storm water permits for any property within the County's jurisdiction.
  - (2) The Manager will notify ADEM and the permit holder in writing when it has been determined that the NPDES permit holder is causing a continuing substantial pollutant load to the community waters.
  - (3) The Manager will rely on ADEM to regulate and take enforcement action against NPDES permit holders until such time that the permit holder is in continuing substantial violation of its NPDES permit and ADEM has failed to respond in a timely manner.
  - (4) At this time the NPDES permit holder will be subject to the terms and penalties of this ordinance.
- (b) No enforcement action shall be taken by the City against any person for violation of the terms of this ordinance if any of the following occur:
- (1) ADEM has issued a notice of violation with respect to the same alleged violation and is proceeding with enforcement action;
  - (2) ADEM has issued an administrative order with respect to the same alleged violation and is proceeding with enforcement action; or
  - (3) ADEM has commenced and is proceeding with enforcement action or has completed any other type of administrative or civil action with respect to the same alleged violation.
- (c) Any determination or resolution with respect to an alleged violation made by ADEM shall be final, and such alleged violation shall not be made the subject of any additional enforcement action by the City, provided, however, that enforcement action may be pursued by the City for continued or continuing violations.

Sec. 01-049. Administrative enforcement remedies.

- (a) Notification of Violation: Whenever the Manager finds that any applicant or any person discharging storm water has violated or is violating this ordinance, or a City of Helena Storm Water Discharge Permit or order issued hereunder, the Manager or his or her agent may serve upon said discharger written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan and schedule for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Manager. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- (b) Consent Orders: The Manager is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.
- (c) Show Cause Hearing: The Manager may order any person who causes or contributes to violation of this ordinance or Storm Water Discharge Permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer.
- (d) Compliance Order: When the Manager finds that any person has violated or continues to violate this ordinance or a City of Helena Storm Water Discharge Permit or order issued hereunder, he or she may issue an order to the violator, directing that, following a specified time period, adequate structures and devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring and management practices.
- (e) Cease and Desist Orders: When the Manager finds that any person has violated or continues to violate this ordinance or a City of Helena Storm Water Discharge Permit or order issued hereunder, the Manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
- (1) comply forthwith; or

- (2) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

Sec. 01-050. Unlawful acts, misdemeanor.

It shall be unlawful for any person to:

- (a) violate any provision of this ordinance;
- (b) violate the provisions of any permit issued pursuant to this ordinance;
- (c) fail or refuse to comply with any lawful notice to abate, issued by the Manager, which has not been appealed to the Storm Water Regulations Board within the time specified by such notice; or
- (d) violate any lawful order of the Storm Water Regulations Board within the time allowed by such order.

Said persons shall be guilty of a misdemeanor; and each day of such violation, failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Any person found to be in violation of the provisions of this ordinance shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

Sec. 01-051. Civil penalty.

- (a) Any person who performs any of the following acts or omissions shall be subject to a civil penalty of up to five thousand dollars (\$5000.00) per day each day during which the act or omission continues or occurs:
  - (1) fails to obtain any permit required by this ordinance;
  - (2) violates the terms or conditions of a permit issued pursuant to a pretreatment program;
  - (3) violates a final determination or order of the Storm Water Regulations Board; or
  - (4) violates any provisions of this ordinance.
- (b) Any civil penalty shall be assessed in the following manner:

- (1) The Manager may issue an assessment against any person responsible for the violation;
  - (2) Any person against whom an assessment has been issued may secure a review of such assessment by filing with the Manager a written petition setting forth the grounds and reasons for his or her objections and asking for a hearing in the matter involved before the Storm Water Regulations Board and if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final;
  - (3) Whenever any assessment has become final because of a person's failure to appeal the Manager's assessment, the Manager may apply to the appropriate court for a judgement and seek execution of such judgement, and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgement in the amount of the assessment;
  - (4) In assessing the civil penalty, the Manager may consider the following factors:
    - (i) whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
    - (ii) damages to the City, including compensation for the damage or destruction of public storm water facilities, and also including any penalties, costs and attorneys' fees incurred by the City as a result of the illegal activity, as well as the expenses involved in enforcing this ordinance and the costs involved in rectifying any damages;
    - (iii) cause of the discharge or violation;
    - (iv) the severity of the discharge and its effects upon public storm water facilities and upon the quality and quantity of the receiving waters;
    - (v) effectiveness of action taken by the violator to cease the violation;
    - (vi) the technical and economic reasonableness of reducing or eliminating the discharge; and
    - (vii) the economic benefit gained by the violator.
- (c) The Storm Water Regulations Board may establish, by regulation, a schedule of the

amount of civil penalty which can be assessed by the Manager for certain specific violations or categories of violations.

Sec. 01-052. Judicial proceedings and relief.

- (a) The Manager may initiate proceedings in any court of competent jurisdiction against any person who has or is about to:
  - (1) violate the provisions of this ordinance;
  - (2) violate the provisions of any permit issued pursuant to this ordinance;
  - (3) fail or refuse to comply with any lawful order issued by the Manager, which has not been timely appealed to the Storm Water Regulations Board, within the time allowed by this ordinance; or
  - (4) violates any lawful order of the Storm Water Regulations Board within the time allowed by such order.
- (b) Any person who shall commit any act or fail to perform any act declared unlawful under this ordinance shall be guilty of a misdemeanor, and each day of such violation or failure shall be deemed a separate offense and punishable accordingly.
- (c) The Manager, with the consent of the City Council of the City of Helena, may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to publicly owned storm water facilities by any person, and to seek injunctive or other equitable relief to enforce compliance with the provisions of this ordinance or to force compliance with any lawful orders of the Manager or the Storm Water Regulations Board.

Sec. 01-053. Disposition of permit fees, damage payments and penalties.

All permit fees collected pursuant to this ordinance, all damages collected under the provisions of Section 01-050 and civil penalties collected under Section 01-051, following adjustment for the expenses incurred in making such collections, shall be allocated and appropriated to the City of Helena for the administration of its storm water management programs.

Secs. 01-054 -- 01-058. Reserved.

## DIVISION 7. STORM WATER REGULATIONS BOARD

### Sec. 01-059. Established.

There is hereby established a Board of five (5) members to be known as the "Storm Water Regulations Board."

### Sec. 01-060. Composition; terms; filling vacancies.

The five (5) members of this board shall be appointed by the City Council of the City of Helena for terms of four (4) years. All members shall serve until their successor is appointed and all members shall serve at the pleasure of the City Council. In the event of a vacancy, the City Council shall appoint a member to fill the unexpired term. The Board shall select its own chairman, vice-chairman and secretary. The members shall serve without compensation, are eligible for reimbursement of their actual expenses incurred in attending meetings of the Board and the performance of any duties as members of the Board as are properly documented and authorized by Law.

### Sec. 01-061. General duties of the Board.

In addition to any other duty or responsibility otherwise conferred upon the Board by this chapter, the Board shall have the duty and power as follows:

- (a) To recommend from time to time to the City Council that it amend or modify the provisions of this ordinance;
- (b) To hold hearings upon appeals from orders or actions of the Manager as may be provided under any provision of this chapter;
- (c) To hold hearings related to the suspension, revocation or modification of a City of Helena Storm Water Discharge Permit and issue appropriate orders relating thereto;
- (d) To hold such other hearings as may be required in the administration of this chapter and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this ordinance;
- (e) To request assistance from any officer, agent or employee of the City of Helena and to obtain such information or other assistance as the Board might need;
- (f) The Board, acting through its chairman, shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the Board; and

- (g) The chairman, vice-chairman or chairman pro tem shall be authorized to administer oaths to those persons giving testimony before the Board.

Sec. 01-062. Variances.

- (a) The Board may grant a variance from the requirements of this ordinance providing to do so would not result in the violation of any state or federal law or regulation and if exceptional circumstances applicable to the site exist such that strict adherence to the provisions of this ordinance will result in unnecessary hardship and will not result in a condition contrary to the intent of the ordinance.
- (b) A written petition for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, why a variance should be granted. The request shall include all information necessary to evaluate the proposed variance. The petition shall be filed with the Manager.
- (c) The Manager shall conduct a review of the request for a variance within ten (10) working days after receipt and may either support the petition or may object to the petition. If the Manager objects to the variance, he or she shall state the reasons therefor.
- (d) Once the Manager's review is complete or the ten (10) days for review have expired, the petition shall be subject to Board action at the next regularly scheduled meeting or at a special meeting called at the discretion of the chairman.

Sec. 01-063. Meetings; quorum.

- (a) The Board shall hold regular semiannual meetings and such special meetings as the Board may find necessary.
- (b) Three (3) members of the Board shall constitute a quorum, but a lesser number may adjourn a meeting from day to day. Any substantive action of the Board shall require three (3) votes, but a majority of the quorum may decide any procedural matter.

Sec. 01-064. Hearing Procedure; judicial review.

- (a) When to be held: The Storm Water Regulations Board shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this ordinance.
- (b) Record of hearing: At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The Board shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the

Board shall have the right to have such hearing recorded stenographically, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the Board as herein provided, and in such event the parties seeking such judicial review shall pay for the transcription and provide the Board with the original of the transcript so that it may be certified to the court.

- (c) Subpoenas: The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the Sheriff of Shelby County for service by any officer of the County, if the witness resides in the County. If the witness does not reside in the County, the chairman shall issue a written request that the witness attend the hearing.
- (d) Depositions: Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with state regulations, with the chairman to rule on such matters as would require a ruling by the court under such rules.
- (e) Hearing procedure: The party at such hearing bearing the affirmative burden of proof shall first call his or her witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the Board may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make such other rulings as may be necessary or advisable to facilitate an orderly hearing, subject to approval of the Board. The Board, the Manager, or his or her representative, and all parties shall have the right to examine any witness. The Board shall not be bound by or limited to rules of evidence applicable to legal proceedings.
- (f) Appeal to Board of Manager's order: Any person aggrieved by any order or determination of the Manager may appeal said order or determination to the Board and have such order or determination reviewed by the Board under the provisions of this section. A written notice of appeal shall be filed with the Manager and with the chairman, and such notice shall set forth with particularity the action or inaction the Manager complained of and the relief sought by the person filing said appeal. A special meeting of the Board may be called by the chairman upon the filing of such appeal, and the Board may, in its discretion, suspend the operation of the order or determination of the Manager until such time as the Board has acted upon the appeal.
- (g) Absence of chairman: The vice-chairman or the chairman pro tem shall possess all

the authority delegated to the chairman by this section when acting in his or her absence or in his or her stead.

- (h) Review of Board's decision: Any person aggrieved by any final order of determination of the Board hereunder may within fifteen (15) days thereafter appeal therefrom to the Circuit Court of Shelby County or other court within Shelby County having jurisdiction by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of all the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court shall be tried do novo.

## **Appendix D – Public Input**



## **HELENA CITY COUNCIL**

*Regular Meeting Agenda*

**June 27, 2016**

### **PRE-COUNCIL: Work Session Agenda**

**5:00pm**

*A discussion and review of City Council agenda items, projects, department, committee, and board liaison reports, and task assigned for City operations and business.*

1. Mobile Food Unit Ordinance

### **CITY COUNCIL MEETING: Agenda**

**6:00pm**

1. Call To Order.
2. Prayer.
3. Pledge of Allegiance.
4. Council Roll Call.
5. Presentation of Minutes from Council meeting and Pre-Council meeting, June 13, 2016.
6. Revenue Report - Bill payment.
7. City Operations, Department, and Mayoral Report: Mayor Mark Hall
  - Police, Fire, Library, Streets, Sanitation, Utilities.
8. Resolution 062716-Appoint City Clerk as Election Manager
8. First Reading Ordinance 839-16 Mobile Food Units
9. ADEM Storm Water Management Permit- Public Input
10. Council Comments
11. Adjourn

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Next City Council Meeting Date: Monday, July 11, 2016 @ 5:00 P.M. Pre-Council followed by Regular Meeting 6:00pm.

Updated: 6/22/2016

**MINUTES HELENA CITY COUNCIL  
REGULAR MEETING  
June 27, 2016**

The Council of the City of Helena met in a regular scheduled meeting on Monday night, June 27, 2016 in the Helena Municipal Building at 6:00 P.M., regular place and time for holding said meetings.

Council President Cris Nelson called the meeting to order at 6:00 P.M.

Leslie Bartlett led prayer.

The Pledge of Allegiance was led by Mike Jones.

**Roll Call**

Present:

Members: Mayor Hall, Cris Nelson, Leigh Hulseley, Mike Jones, Leslie Bartlett and Harold Woodman

Absent:

Visitors: George Pickle, John Wilder, Dan Dearing, Pete Folmar, Bill Miller and others (list attached)

Council President Cris Nelson declared a quorum present and meeting was open for business.

**5. Minutes Approved/Corrected from Prior Meeting(s)**

**Leigh Hulseley** made a motion to approve the Pre-Council minutes and Regular Meeting Minutes from June 13, 2016 with a second by **Mike Jones**.

AYE: Cris Nelson, Leigh Hulseley, Mike Jones, Leslie Bartlett and Harold Woodman

NAY: None

Motion carried.

**6. Bills**

**Harold Woodman** made a motion to approve the bills with a second by **Leslie Bartlett**.

AYE: Cris Nelson, Leigh Hulseley, Mike Jones, Leslie Bartlett and Harold Woodman

NAY: None

Motion carried.

**7. Report from Mayor Hall**

**Mayor Hall** advised the following: Continuing an expansion at the high school which requires temporary bathrooms to be placed for up to one year; Bill Miller has been working on several projects which include re-roofing and pressure washing a pavilion, ordering new handicapped swings for the Boundless Playground, and placed bark where needed; George Pickle has been trying to get paving project prices for several areas including Moss Bend, Cahaba Falls, and Dearing Downs; First Friday this weekend and will have our annual 4th of July Celebration at 9pm on Friday.

**8. Resolution 06272016- Appoint City Clerk as Election Manager**

**Mike Jones** made a motion to approved Resolution 06272016 to appoint City Clerk as Election Manager with a second by **Harold Woodman**.

AYE: Cris Nelson, Leigh Hulseley, Mike Jones, Leslie Bartlett and Harold Woodman

NAY: None

Motion carried.

HELENA CITY COUNCIL

REGULAR MEETING

June 27, 2016

Page 2 of 2

**9. First Reading Ordinance 839-16 Mobile Food Trucks**

Harold Woodman advised they have researched different ordinances and come up with one that fit the cities needs, and it has been approved by the city attorney. Will have final reading at next council meeting on July 11.

**10. ADEM Storm Water Management Permit- Public Input**

Blair Perry was present to go over the ADEM Storm Water Management Permit and one is attached to minutes.

Blair Perry explained that each city was falling under the counties permit but now are required to have their own in place by June 30, 2016. The first year the upfront cost could be up to \$50,000.00 then it will come down from there over the next five years.

Blair Perry did advise they will try and see if cost sharing with surrounding cities each year for testing/monitoring will be an option.

Mayor Hall stated that we will have the information available on the cities website in full disclosure soon.

Harold Woodman made a motion to approve ADEM Storm Water Management Permit with a second by Leslie Bartlett.

AYE: Cris Nelson, Leigh Hulseley, Mike Jones, Leslie Bartlett and Harold Woodman

NAY: None

Motion carried.

**11. Council Comments**

**Harold Woodman:** Advised that the Air Force band will be playing at the Helena Museum on Friday night and fireworks start at 9pm; \$2500.00 was raised at the Best BBQ event last weekend.

**Leigh Hulseley:** Thanked all for coming tonight.

**Cris Nelson:** Reminded all that this is the fourth of July weekend with First Friday and thanks to Farmerguard for sponsoring the fireworks.

**12. Adjourn**

There being no further business **Mike Jones** made a motion to adjourn meeting at 6:21 P.M with a second by **Harold Woodman**.

ATTEST:

SIGNED:

Amanda C. Traywick  
City Clerk

Cris Nelson  
Council President

