Ordinance 2013-030

CITY OF DIAMONDHEAD ORDINANCE FOR STORMWATER RUNOFF, ILLICIT DISCHARGES, AND ILLEGAL CONNECTIONS

March 2013

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ARTICLE 1.0 INTRODUCTION

It is the intention of the City Council of the City of Diamondhead (the Council) to protect the health and safety of the citizens and visitors of the community and to prevent damage to private property and public facilities through the proper design and construction of both on-site and regional stormwater management and/or detention facilities that prevent or adequately reduce increases in peak flow rates of runoff that may otherwise increase the risk of flooding and the associated risk of public endangerment, property damage and erosion. To accomplish this goal, the Council finds it is necessary to provide stormwater management practices for drainage and control of flood and surface waters within the City of Diamondhead. This is to insure that storm and surface waters may be properly drained and controlled, pollution may be reduced and environment enhanced, and that the health property, safety and welfare of the City of Diamondhead and its inhabitants may be safeguarded and protected.

Stormwater Runoff is a major contributor to degradation and pollution of receiving waters. Discharges into a Stormwater Runoff system may occur because of stormwater runoff, spills, dumping, and/or improper connections to the stormwater system from developments, residential, industrial, commercial, or institutional establishments. Such discharges not only impact waterways individually, but geographically dispersed, small volume discharges can have a cumulative impact on receiving waters, which can adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters. The City Council of the City of Diamondhead endorse promulgation of this ordinance to address the impacts of stormwater runoff, spills, improper dumping, and/or illegal connections to the City runoff program. This ordinance applies to all lands within the corporate limits of the City of Diamondhead.

SECTION A PURPOSE

A. The purpose of this ordinance is to protect the environment, public health, safety, property and general welfare of the citizens of Diamondhead, Mississippi, through the regulation of Stormwater Runoff and Illicit Discharges into the City Storm Drainage or any Separate Storm Sewer system, to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the City drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

B. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulations, or other provision of law. Whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

SECTION B OBJECTIVES

A. The objectives of this ordinance are:
   (1) To regulate or restrict the introduction of pollutants that may potentially enter the City Drainage System;

(2) To prohibit Illegal Connections and Discharges to any separate storm sewer system;
(3) To identify, define, and regulate erosion, sediment and detention controls related to stormwater runoff;
(4) To prevent discharges that may occur as a result of spills, inappropriate dumping or disposal, and/or improper connections to the City drainage system, whether from residential, industrial, commercial or institutional establishments;
(5) To provide the City of Diamondhead with the authority to effectively manage stormwater runoff non-conformance and illicit discharges, and to establish enforcement actions for those persons or entities found to be in noncompliance or that refuse to allow access to their facilities;
(6) To maintain after development, as nearly as possible, predevelopment runoff characteristics, and to reduce stream channel erosion, pollution, siltation and sedimentation and local flooding; and
(7) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

ARTICLE 2.0 DEFINITIONS

Accidental Discharge. A discharge prohibited by this ordinance, which occurs by chance, and without planning or thought prior to occurrence.

Authorized Enforcement Agency: Employees or designees of the agency designated to enforce this ordinance including the City of Diamondhead, the Mississippi Department of Environmental Quality (MDEQ) and the U.S. Environmental Protection Agency (EPA).

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices designed to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Best Management Practices (BMPs) – Non-Structural: A policy, practice or preventative action that involves operational planning and source controls designed to provide a proactive approach to stormwater management.

Best Management Practices (BMPs) – Structural: A physical device designed and constructed or manufactured to trap or filter pollutants from runoff, to reduce runoff velocities, or to minimize or prevent the impacts and effects of soil erosion caused by stormwater runoff.

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

Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbances. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

City Drainage System (CDS): Any City maintained or designated roadways, ditches, culverts, channels, or conduits intended to direct water flows.
Facility: A structure, installation, or system that is designed to serve a particular purpose, service, or function.

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

Illegal Connections: An illegal connection is defined as any of the following: Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the drainage system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, wash water, or any other such discharge, to enter the storm drain system and any connections to the storm drain system from any source, regardless of whether such pipe, open channel, drain, connection, or source had been previously allowed, permitted, or approved by an authorized enforcement agency.

Illicit Discharge: Any direct or indirect discharge into a stormwater drainage system that is not composed entirely of stormwater.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan. The plan in a common plan of development or sale is broadly defined as any announcement or piece of documentation or physical demarcation indicating that construction activities may occur on a specific plot.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC, 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of stormwater.

Person: Any individual, association, organization, partnership, firm, trust, estate, commission, Council, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or other legal entity, joint venture, public or private corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant: Any substance, which causes or contributes to pollution. Pollutants may include, but are not limited to paints, varnishes, solvents, petroleum hydrocarbons, automotive fluids, cooking grease, detergents (biodegradable or otherwise), degreasers, cleaning chemicals, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter, discarded or abandoned objects, munitions,

Municipal Separate Storm Sewer System (MS4), accumulations that may cause or contribute to pollution, any floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure including concrete/cement (this includes water from washing out cement trucks) and noxious or offensive matter of any kind or any other substance which has been or may be determined to be a pollutant.

Pollution: The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any substance or condition including but not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Premises: Any parcel or portion of land whether improved or unimproved.

Separate storm sewer system: Any facility designed or used for collecting and/or conveying stormwater, including but not limited to streets or roads with drainage systems, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which are:

a) Owned or maintained by the City
b) Not part of publicly owned treatment works.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, well, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

Storm Drainage System: Any one (1) or more of various devices used in the collection, treatment or disposition of storm, flood or surface drainage waters, including but not limited to any roads with drainage systems, natural and human-made or altered drainage channels, reservoirs, manmade structures and natural watercourses and/or floodplains for the conveyance of runoff, such as detention or retention areas, berms, swales, improved gutters, pumping stations, pipes, ditches, siphons, catch basins, inlets, and other equipment and appurtenances and all extensions, improvements, remodeling, additions and alterations thereof; and any and all rights or interests in such stormwater facilities.

Stormwater/Stormwater Runoff: Any surface flow, runoff, and/or drainage consisting entirely of water from any form of natural precipitation, which is not absorbed, transpired, evaporated or left in surface depressions, and which then flows controlled or uncontrolled into a watercourse or body of water.

Stormwater Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Structural Stormwater Control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including but not limited to, the quantity and quality, the period of release or the velocity of flow.

Wastewater: means any water or other liquid other than uncontaminated stormwater discharged from a facility.

Watercourse: Any stream, river, drainage easement, that transverses property in the City of Diamondhead.

ARTICLE 3.0 APPLICABILITY

This ordinance shall apply to any and all water entering a storm drainage system generated on any developed or undeveloped lands throughout all of the corporate limits of the City of Diamondhead unless explicitly exempted by an authorized enforcement agency. The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

ARTICLE 4.0 RESPONSIBILITY FOR ADMINISTRATION

The City Manager of the City or Diamondhead or designee shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

ARTICLE 5.0 SEVERABILITY

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

ARTICLE 6.0 POLICY

No owner of any parcel of land or property, whether with or without a structure thereupon, shall permit the erosion or escape of soil, sand, gravel, or similar material from said parcel onto any adjoining property, public street or into any drainage channel that receives rainwater runoff from said parcel in such quantities as to harm said adjoining property, public street, drainage channel, or stormwater drainage system. In the development or use of any site, the owner or their agents shall not construct or conduct any activity so as to cause the discharge of rainwater runoff in such a manner as to cause erosion or to increase blockage of such channel or storm drainage system. This includes stormwater controls that are approved as temporary pre-construction protections, as well as permanent post-construction measures.

SECTION A PERMITTING

Stormwater permits and Stormwater Pollution Prevention Plans (SWPPP) are required as follows:

- 0< 10,000 square feet of land disturbed: No permit or SWPPP currently required unless the disturbance is part of a Larger Common Plan of Development or Sale. A SWPP may be requested or required if there are complaints or nuisance conditions.
- 10,000 square feet of land <5 Acres of land disturbed: Permit required from City of Diamondhead Code Enforcement Office (See Appendix). A Small Construction Notice of Intent (NOI) and SWPPP must be submitted to the Planning Department (See Appendix B and C for examples).
- Above 5 Acres: Permit required from the City and MDEQ. A SWPPP must be submitted to the City and a Large Construction NOI and SWPP should also be submitted to MDEQ.

ARTICLE 7.0 CONSTRUCTION AND/OR INDUSTRIAL ACTIVITY

Any person subject to an industrial or construction activity National Pollution Discharge Elimination System (NPDES) stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Council prior to the allowing of discharges to the City drainage system. Dumping excess cements and washing out cement trucks are included in this article.

SECTION A STANDARDS AND REQUIREMENTS FOR EROSION/SEDIMENT CONTROLS

(a) Prior to the final approval of the plat of any subdivision, or prior to commencement of construction upon any lot or parcel of land for which a drainage report and construction plan for the installation of stormwater facilities has not been prepared and approved, the owners of the property being subdivided or upon which construction is being commenced shall, at such owner's cost, prepare a detailed drainage report and construction plans for the installation of all stormwater facilities required for such subdivision or lot, including any off-site facilities required to convey stormwater to existing drains, channels, streams, detention ponds or to other points, all in conformity with the SWPPP on file.

(b) No final subdivision plat, subdivision construction plan, site plan or building permit shall be approved by the City unless the plans for the proposed development include temporary and permanent erosion and sedimentation control measures such that siltation of downstream drainage ways are minimized.

(c) The above requirement shall be accomplished through a combination of the following practices, which are defined in the publication *Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas* prepared by the Mississippi Department of Environmental Quality (MDEQ), the Mississippi Soils and Water Conservation Commission (MSWCC) and the USDA Soil Conservation Service. This publication identifies BMPs acceptable to the City of Diamondhead for the prevention, treatment and control of nonpoint sources of pollution. This manual is available for review

at the City of Diamondhead Building Department and is online at http://deq.state.ms.us/MDEQ.nsf/page/NPS_PlanningandDesignManual2ndEd_Vol1:

a. Installation of structural BMPs before and during construction in order to reduce on-site soil erosion and provide temporary capture of sediment.
b. Temporary and/or permanent revegetation of bare ground in order to stabilize disturbed soil at the earliest practicable date.
c. Construction of on-site stormwater detention facilities by the landowner or developer in a manner such that detention ponds function as temporary sedimentation basins until permanent revegetation of the subject tract is accomplished.
d. Other measures which may be necessary to control erosion and sedimentation on a site-by-site basis.

SECTION B STANDARDS AND REQUIREMENTS FOR STORMWATER DETENTION

A) It is prohibited to place fill material or construct impervious cover or construct or place any other structure on such person's property or perform any excavation or grading in a manner, which alters the flow of surface water across said property in a manner which damages any adjacent property.
    1. No final subdivision plat, subdivision construction plan, site plan or building permit shall be approved by the City unless it can be demonstrated by the owner or developer of such property that the proposed development will not result in damage to any adjacent or downstream property. This will be certified by a professional engineer's submittal of sufficient data and calculations based upon the 2-year, 5-year, 10-year, 25-year and 50-year 24-hour storm events.

B) The above requirement shall be accomplished through one or more of the following options:
    1. Design and construction of an on-site stormwater detention facility, or facilities, by the landowner or developer which limits the peak flood flows from the proposed development to the existing peak flood flows from the subject tract.
    2. Construction of, or participation in the construction of, off-site drainage improvements, such as storm inlets, storm sewers, culverts, channel modifications, land filling, and/or other drainage facilities such that the peak flood flows for fully-developed watershed conditions from the watershed area in which the proposed development is located will be sufficiently and safely passed without flooding of adjacent and downstream property and roadways. Because this option alone does not assist the City with maintaining pre-development run-off conditions, it must be used in conjunction with the first or third option outlined in this section.
    3. Design and construction of the development by certified engineering data and calculations utilizing limited impervious cover, infiltration of runoff from impervious cover via flow through pervious areas, and/or grass-lined swales or channels such that these measures result in a minimal increase in peak flood flows from the development.
    4. All on-site stormwater detention facilities shall be designed to adequately and safely pass all stormwater inflows, including flood flows and runoff from upstream and adjacent properties that have natural and/or existing overland flows toward and onto

the subject tract. The on-site stormwater detention facilities should not impound stormwater onto or cause backwater to inundate any upstream or adjacent properties in excess of existing conditions.

SECTION C ILLICIT DISCHARGES

(a) It shall be unlawful for any person to allow discharges to the City stormwater runoff system that are not composed entirely of stormwater runoff, or to contribute to increased nonpoint source pollution and degradation of receiving waters.

(b) It shall be unlawful for any person to throw, deposit, empty, drain, discharge, or to permit to be thrown, deposited, emptied, drained or discharged into any creek, or upon its margins, slopes, banks, or stormwater drainage system within the city any garbage, rubbish, refuse, hair, ashes, cinders, fruit, vegetables, paper, rags, any animal carcass or waste, sewerage, excrement, urine, liquid, or semi-liquid waste from any industry, or any noxious substance or liquid. These non-stormwater discharges may occur due to spills, dumping and improper connections to the city separate storm system from residential, industrial, commercial or institutional establishments. Non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters. The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters. These impacts can be minimized through the regulation of spills, dumping and discharges into the city separate storm sewer system. Therefore, it is determined that the regulation of spills, improper dumping and discharges to the city storm system is in the public interest and will prevent threats to public health and safety, and the environment.

(c) No person shall, or allow others under its control, to throw, drain, or otherwise discharge or cause to be discharged into a storm drainage system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as follows:

1. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
2. Water line flushing performed by a government agency.
3. Landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated – typically less than one PPM chlorine), fire-fighting activities, and any source not containing Pollutants.
4. Non-storm water discharge causing a nuisance condition would be in violation. Example of this type of nuisance condition; landscape line is broken and landscape water is continuously discharging over a period of time, groundwater was continuously discharged into a street gutter. Both instances caused continuously wet gutters which grow algae, and collect solids and trash. These type instances are not permissible.

5. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
6. This permit authorizes the following non-storm water discharges provided: (1) they do not cause or contribute to a violation of water quality standards, (2) the Executive Director of the Mississippi Department of Environmental Quality (MDEQ) has determined these sources entering the MS4 are not a substantial cause or contributor of pollutants entering the Municipal Separate Storm Sewer System (MS4) that may violate applicable state or federal laws, regulations, or criteria, (3) the regulated entity has determined these sources entering the MS4 are not a substantial contributor of pollutants entering the MS4 that may violate applicable state or federal laws, regulations, or criteria, and (4) the regulated entity is implementing the Storm Water Management Program as set forth in ACT5 as set forth in the MS4 General Permit.

The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

SECTION D ILLEGAL CONNECTIONS

The construction, connection, use, maintenance or continued existence of any illegal connection to the City storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.

(a) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to a storm drainage system, or allows such a connection to continue.
(b) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the appropriate department or agency.
(c) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to a storm drainage system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the local enforcement authority requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm drainage system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the local enforcement authority.

ARTICLE 8.0 MONITORING OF DISCHARGES/ACCESS AND INSPECTING PROPERTIES AND FACILITIES

A. Applicability

This section applies to all properties that create stormwater discharges associated with the use of the property.

1. Access to Properties and Facilities
   (a) The City Manager or designated representative shall be permitted to enter and inspect properties and facilities subject to regulation under this ordinance at reasonable times and as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
   (b) Property owners and facility operators shall allow the City Manager or designated representative access to all parts of the premises for the purposes of inspection, sampling, photographing, videotaping, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
   (c) The City Manager shall have the right to set up on any permitted property such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
   (d) The City Manager has the right to require a discharger to install monitoring equipment as necessary, and perform monitoring and make the monitoring data available to the Council. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
   (e) Any temporary or permanent obstruction that does not allow safe and easy access to the property to be inspected and/or sampled shall be promptly removed by the owner at the written or oral request of the City Manager or authorized representative and shall not be replaced. The costs of clearing such access shall be borne by the owner.
   (f) Unreasonable delays in allowing the authorized enforcement agency access to a permitted property is a violation of a stormwater discharge permit and of this ordinance. A person who is the owner of property with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted property for the purpose of conducting any activity authorized or required by this ordinance.

2. If the City Manager or authorized representative has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public

health, safety, environment, and welfare of the community, then the City Manager may seek issuance of a search warrant from any court of competent jurisdiction.

ARTICLE 9.0 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTION BY THE USE OF BEST MANAGEMENT PRACTICES (BMPs)

The Council or their authorized enforcement agency will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMP's to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity shall be deemed compliant with the provisions of this section. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

All post-construction BMPs and landscaping designed for the control or management of stormwater runoff and the control of erosion or sediment shall be maintained and cannot be developed for any other use which would limit or cause to limit the use of the improvements. Responsibility and maintenance of these improvements shall follow the Ownership of the property. Each property owner shall be liable within the contents of his deed for the maintenance of the improvements and must sign a Post-Construction Maintenance Agreement with the City. A special note to this effect shall appear on any final plat of subdivision. Before granting final approval for the project, the Mayor and City Council must place the Post-Construction Maintenance Agreement on the agenda of a regular meeting of the Council for approval.

Post-construction BMPs in place and operational prior to the adoption of this ordinance shall be subject to execution of a maintenance agreement between the property owner and the city. In these instances, adoption and approval of the maintenance agreement shall follow the same procedures established herein for new construction or development.

ARTICLE 10.0 WATERCOURSE OR EASEMENT PROTECTION

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

ARTICLE 11.0 NOTIFICATION OF SPILLS

In the event of a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity, or operation, or responsible for emergency response for a facility, activity, or operation has information of any known or suspected release of pollutants or non-stormwater materials from that facility or operations which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the City storm drainage system, State waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of a discharge .

In the event of recognition of such a release of hazardous materials said person shall immediately notify the City Manager or emergency response agencies of the occurrence, either in person, by phone, or facsimile no later than 24 hours, of the nature, quantity and time of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Diamondhead City Council or City Manager within three business days of the phone notice.

If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill. Failure to provide notification of a release as provided above is a violation of this ordinance.

ARTICLE 12.0 VIOLATIONS

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Anyone who has violated or continues to violate the provision of this Ordinance, may be subject to enforcement actions outlined in this section or may be restrained by injunction or otherwise restricted in a manner provided by law. Whenever the City Manager finds a violation of this ordinance has occurred, the City Manager may order compliance by written notice of violation.

A. The notice shall contain:
   (1) The name and address of the alleged violator;
   (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
   (3) A statement specifying the nature of the violation;
   (4) A description of the remedial measures necessary to restore compliance with this ordinance and time schedule for the completion of such remedial action;
   (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
   (6) A statement that the determination of violation may be appealed to the City Council by filing a written notice of appeal within thirty (30) days of service of notice of violation.

B. Such notice may require:
   (1) The performance of monitoring, analyses, and reporting;
   (2) The elimination of illicit connections or discharges;
   (3) That violating discharges, practices, or operations shall cease and desist. Depending on severity of the violations, offending person(s) may be given as little as 24 hours to clean up sediments, pollutants, etc., and an additional 24 hours to put stormwater controls in place. Otherwise, a stop work order may be issued.
   (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
   (5) Payment of a fine or costs to cover administrative, remediation, and/or abatement costs; and
   (6) The implementation of source control, pollution prevention practices, or treatment BMPs.

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

SECTION A VIOLATIONS ENFORCEMENT

In the event a violation constitutes an immediate danger to public health or public safety, the City Manager or designated representative is authorized to enter upon the subject private property, without giving prior notice, to conduct an inspection and take any and all measures necessary to abate the violation and/or restore the property. Owners of properties with post-construction BMPs will be given written notice of the violation and a first opportunity to correct the problem before the city takes action. After abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The City Manager is authorized to seek costs of the abatement as outlined in this section. The property owner may file an appeal within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the appropriate authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the City by reason of such violation.

ARTICLE 13.0 PENALTIES AND PROSECUTION

A. CIVIL

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the local permitting authority shall deem appropriate, after the permitting authority has taken one or more of the actions described above, the local permitting authority may seek any legal or equitable remedy available under the law. The authorized enforcement agency may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

B. CRIMINAL
Violations of this ordinance shall be deemed a misdemeanor. The local permitting authority may issue a citation to the alleged violator requiring such person to appear before the appropriate court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000.00 or imprisonment in the County jail for 60 days, or both. Each violation and each day upon which any violation shall continue, will constitute a separate offense.

C. CRIMINAL PROSECUTION
Any person that has violated or continues to violate this ordinance shall be guilty of a misdemeanor and subject to criminal prosecution to the fullest extent of the law.

D. INJUNCTION
If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

E. ALTERNATIVE ACTION
In addition to any other remedy, the authorized enforcement agency may impose upon a violator alternative compensatory action; such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION A REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. The local enforcement authority may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION B VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and environment, is declared and deemed a nuisance, and may be summarily abated by injunctive or other equitable relief as provided by law, or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION C SUSPENSION OF ACCESS TO STORM DRAINAGE SYSTEM(S)

A. Suspension due to Illicit Discharges in Emergency Situations

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

necessary to prevent or minimize damage to the Waters of the United States, or to minimize danger to persons.

B. Suspension due to the Detection of Illicit Discharge

1. Any person discharging to the City drainage system in violation of this ordinance may have their access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its city drainage system access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
2. A person commits an offense if the person reinstates access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

ARTICLE 14.0 APPEALS

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be filed with the City Council. A Hearing on the appeal before the City Council shall be set by the Council with at least ten (10) days notice to the violator.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an unsuccessful appeal, then representatives of the authorized enforcement agency may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

ARTICLE 15.0 ADOPTION OF ORDINANCE

This ordinance shall be in full force and effect 30 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this 4th day of March, 2013, by the following vote:

	Aye	Nay	Absent
Councilmember Ackerman	✓	___	___
Councilmember Holcomb	✓	___	___
Councilmember Knobloch	✓	___	___
Councilmember Rech	✓	___	___
Councilmember Roberson	✓	___	___
Mayor Ingraham	✓	___	___

APPROVED _____
MAYOR

ATTEST: _____
CITY CLERK

SEAL

THIS IS TO CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY OF DIAMONDHEAD, MISSISSIPPI, ON THE 4th DAY OF March, 2013.

_____
CITY CLERK

APPENDIX A: THE CITY OF DIAMONDHEAD
LAND DEVELOPMENT PERMIT APPLICATION

PERMIT#_____
FEE: _____

APPLICANT: _____
MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: ____- _____ FAX: ____-_____ EMAIL: _____
OWNER: _____
MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: ____- _____ FAX: ____-_____ EMAIL: _____
PROPERTY:
ADDRESS (IF KNOWN): _____ ZONING DISTRICT: _____
TAX PARCEL ID NUMBER: _____-_____-_____ BLOCK: _____ LOT: _____ RANGE: _____ SECTION: _____ TOWNSHIP: ____
FLOOD ZONE: _____ DFRIM MAP/PANEL NO: _____ PLOT AREA: _____ SQ. FT / ACRES (CIRCLE ONE)
ENGINEER OF RECORD: _____ LAND SURVEYOR: _____
ATTACHED (WHEN APPLICABLE):
SWPP: _____ SNOI: _____ NO RISE CERTIFICATE: _____ APPROVED TREE SURVEY, REMOVAL & MITIGATION PLAN: _____
SCOPE OF WORK PROPOSED: (ATTACH SUPPORTING DOCUMENTATION)

_____
_____
_____
_____
_____

APPLICANT MUST PROVIDE THE FOLLOWING, AT THE TIME OF THE APPLICATION:

1. SITE PLAN – PROVIDE THE EXISTING AND PROPOSED ELEVATION OF ALL PROPERTY CORNERS, NATURAL DRAINAGE, APPROVED DRAINAGE PLAN AND ANY WOODED AREAS.
2. BUILDING FINISH FLOOR ELEVATIONS, BASED ON D.F.E. (WHEN APPLICABLE); INVERT ELEVATIONS OF ALL CULVERTS, DRAINAGE APPURTENANCES, CURB INLETS, CATCH BASINS, DITCH FLOW LINES OR NATURAL DRAINWAYS ALONG WHICH THE PROPERTY OWNER PROPOSES TO DISCHARGE STORM WATER.
3. A TOPOGRAPHIC MAP DELINEATING THE PROPERTY'S GRADES AND/OR SLOPE LINES LEADING AWAY FROM ANY BUILDINGS.
4. TRANSVERSE AND CROSS SECTIONS OF ANY EXISTING SWALES, DITCHES OR NATURAL DRAINWAYS.
5. IF PROPOSED IMPROVEMENTS TO STORM WATER RUNOFF IS BY OPEN DITCH OR STORM DRAINAGE SYSTEM, THE FOLLOWING WILL APPLY:
    a. POST CONSTRUCTION RUNOFF SHALL NOT EXCEED PRECONSTRUCTION DISCHARGE RATE
    b. A PROFESSIONAL CIVIL ENGINEER, LICENSED IN THE STATE OF MISSISSIPPI SHALL PROVIDE DETAILED CIVIL ENGINEERING DOCUMENTS AND CALCULATIONS, IN ACCORDANCE WITH THE CITY OF DIAMONDHEAD'S STORMWATER PREVENTION AND MAINTENANCE ORDINANCE, FOR CITY REVIEW AND COMMENT. THESE SHALL INCLUDE, BUT NOT BE LIMITED TO,
        i. FINISH INVERTS AND ELEVATIONS AT ALL INLETS, OUTLETS, CHANGES IN SLOPE OR RETENTION / DETENTION R
        ii. STORM DRAIN SYSTEMS INSTALLED WITHIN CITY RIGHTS-OF-WAY MUST CONSIST OF REINFORCED CONCRETE PIPE.
        iii. CROSS SECTIONS AND TRANVERSE DETAILS.
6. STORM WATER PREVENTION PLAN (SWPP) AND/OR STORMWATER NOTICE OF INTENT (SNOI) FROM THE MDEQ, AS APPLICABLE.
7. TREE SURVEY, REMOVAL AND MITIGATION PROPOSAL

APPLICANT ACKNOWLEDGEMENT

I UNDERSTAND AND CONFIRM; THAT THE ISSUANCE OF THIS PERMIT IS CONTINGENT UPON THE INFORMATION PROVIDED TO THE CITY OF DIAMONDHEAD BEING TRUE AND ACCURATE; THAT ALL PLANS AND SUPPORTING DATA HAVE BEEN PROVIDED. I AGREE TO COMPLY WITH ALL REGULATIONS OF THE CITY OF DIAMONDHEAD AND THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY AND ANY OTHER AGENCY HAVING JURISDICTIONAL INTEREST IN THIS PERMIT. NO WORK IS TO BE COMMENCED OR GROUND DISTURBANCE CONDUCTED UNTIL SUCH TIME AS THIS PERMIT IS ISSUED BY THE AUTHORITY HAVING JURISDICTION. THIS PERMIT MAY BE REVOKED AT ANY TIME THAT THE OWNER OR HIS/HER AGENT FAILS TO COMPLY WITH THE ORDINANCES AND REGULATIONS OF THE CITY OF DIAMONDHEAD, MS.

APPLICANT SIGNATURE _____ DATED: _____
PRINT NAME ABOVE SIGNATURE

DO NOT WRITE BELOW THIS LINE – COD USE ONLY

APPLICATION APPROVED: _____ DATED: _____
PRINT NAME ABOVE SIGNATURE
FINAL INSPECTION: _____ DATED: _____
PRINT NAME ABOVE SIGNATURE

APPENDIX B

NOTICE OF INTENT (NOI) FORM
City of Diamondhead
Small Construction Notice of Intent (SCNOI)
General NPDES Permit MSMS4012

Prior to the commencement of small construction activities, the owner or operator of a small construction project must complete this form and develop a Stormwater Pollution Prevention Plan (SWPPP) as required by Part II of Mississippi's Small Construction General Permit and the City of Diamondhead's Ordinance for Stormwater Runoff, Illicit Discharges and Illegal Connections. This SCNOI and SWPPP shall be submitted to the City of Diamondhead Code Enforcement Office prior to obtaining a general construction permit. The SCNOI and SWPPP must be maintained at the permitted site or locally available in case inspector review is necessary. Attachments with this SCNOI must include: A USGS quad map or copy showing the site location and a Stormwater Pollution Prevention Plan (SWPPP). All questions must be answered – answer "NA" if the question is not applicable.

PROJECT INFORMATION

OWNER CONTACT PERSON: _____

OWNER COMPANY NAME: _____

OWNER STREET (P.O. BOX): _____

OWNER CITY: _____

STATE:_____ **ZIP:**_____

OWNER PHONE # (INCLUDE AREA CODE): _____

OPERATOR (if different from owner) CONTACT PERSON _____

OPERATOR COMPANY: _____

OPERATOR STREET (P.O. BOX) _____

OPERATOR CITY: _____

STATE:_____ **ZIP:**_____

OPERATOR PHONE # (INCLUDE AREA CODE): _____

PROJECT NAME:_____

DESCRIPTION OF CONSTRUCTION ACTIVITY:_____

_____

ACREAGE DISTURBED (to be covered by this permit must be less than five (5) acres):_____

PHYSICAL SITE ADDRESS (IF NOT AVAILABLE INDICATE THE NEAREST NAMED ROAD):

STREET:_____

CITY:_____ **COUNTY:**_____ **ZIP:**_____

NEAREST NAMED RECEIVING STREAM:_____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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 and imprisonment for knowing violations.

_____ _____

Signature **Date Signed**

_____ _____

Printed Name **Title**

APPENDIX C SWPPP DETAILS AND REQUIREMENTS

A. SWPPP Development. A SWPPP shall be developed and implemented by the owner or operator of a small construction project. The SWPPP must include a description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges.

1. The SWPPP shall be retained at the permitted site or locally available. A copy of the SWPPP must be made available to the MDEQ inspectors for review at the time of an on-site inspection.
2. BMPs shall be in place upon commencement of construction.
3. The Executive Director of MDEQ may notify the owner or operator at any time that the SWPPP does not meet the minimum requirements of this permit. After notification, the owner or operator shall amend the SWPPP, implement the changes and certify in writing to the Executive Director that the requested changes have been made. Unless otherwise provided by the Executive Director, the requested changes shall be made within 15 days.
4. The owner or operator shall amend the SWPPP and implement the changes before there is a change in construction, operation, or maintenance, which may potentially effect the discharge of pollutants to State waters.
5. The owner or operator shall amend the SWPPP and implement the changes if the SWPPP proves to be ineffective in controlling storm water pollutants including, but not limited to, significant sediment leaving the site and non-functioning BMPs.

B. Compliance with Local Storm Water Ordinances.

1. In addition to the requirements of this permit, the SWPPP shall be in compliance with all local storm water ordinances and shall provide a brief description of applicable local erosion and sediment controls and post-construction BMPs.
2. When storm water discharges into a municipal storm sewer system, the owner or operator must make the SWPPP available to the municipal authority upon request.

C. SWPPP Details.

1. **Owner or Operator.** The SWPPP shall identify the "owner or operator" as defined in Part VII. of this permit. The operator's name, complete mailing address and telephone number(s) shall be identified on the plan.
2. **Erosion and Sediment Controls.** The owner or operator shall list and describe controls appropriate for the construction activities and the procedures for implementing such controls. Controls shall be designed to retain sediment onsite and should:
    - Divert upslope water around disturbed areas
    - Limit exposure of disturbed areas to the shortest time possible
    - Disturb the smallest area possible
    - Preserve existing vegetation where possible, especially trees
    - Preserve vegetated buffer zones around any creek, drain, lake, pond or wetland
    - Slow rainfall runoff velocities to prevent erosive flows
    - Avoid disturbing sensitive areas such as:
        - Steep and/or unstable slopes
        - Land upslope of surface waters
        - Areas with erodible soils

- Existing drainage channels
- Transport runoff down steep slopes through lined channels or piping
- Minimize the amount of cut and fill
- Re-vegetate disturbed areas as soon as possible
- Implement best management practices to mitigate adverse impacts from storm water runoff; and
- Remove sediment from storm water before it leaves the site by allowing runoff to pond in controlled areas to drop out sediment
- Filter runoff by using natural vegetation, brush barriers, silt fences, hay bales, etc.

At a minimum, the controls must be in accordance with the standards set forth in " Planning and Design Manual for the Control of Erosion, Sediment & Stormwater," or other recognized Manual of design as appropriate for Mississippi. The planning and design manual can be obtained by calling 601/961-5171 or may be found electronically at Mississippi State's educational web site at http://abe.msstate.edu/csd/p-dm . In addition, Mississippi's "Storm Water Pollution Prevention Plan (SWPPP) Guidance Manual for Construction Activities" is available by calling 601/961-5171 or on the MDEQ website at www.deq.state.ms.us. The erosion and sediment controls shall address the following minimum components.

3. **Vegetative practices** shall be designed to preserve existing vegetation where possible and revegetate disturbed areas as soon as practicable after grading or construction. Such practices may include surface roughening, temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, and protection of trees.

4. **Structural practices** shall divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas. Such practices may include construction entrance/exit, straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, drain inlet protection, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls.

5. **Post construction control measures** shall be installed to control pollutants in storm water after construction is complete. These controls include, but are not limited to on-site infiltration of runoff, flow attenuation using open vegetated swales, exfiltration trenches and natural depressions, constructed wetlands and retention/detention structures. Where needed, velocity dissipation devices shall be placed at detention or retention pond outfalls and along the outfall channel to provide a non-erosive flow.

6. **Non-Storm Water Discharges**. Except for flows from fire fighting activities, sources of non-storm water listed in Part I. E. of this permit that are combined with storm water discharges associated with construction activity must be identified in the SWPPP. The SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

7. **Housekeeping Practices.** The owner or operator shall describe and list practices appropriate to prevent pollutants from entering storm water from construction sites due to poor housekeeping. The owner or operator shall:

8. designate areas for equipment maintenance and repair and concrete chute wash off;
9. provide waste receptacles at convenient locations;
10. provide regular collection of waste;
11. provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials;
12. provide adequately maintained sanitary facilities; and
13. provide secondary containment around on-site fuel tanks.

Releases into the environment of hazardous substances, oil, and pollutants or contaminants, which pose a threat to applicable water quality standards or causes a film, sheen or discoloration of State waters, shall be reported to the:

- Mississippi Emergency Management Agency (601) 352-9100
- National Response Center 1-800-424-8802

8. **Prepare Scaled Site Map.** The owner or operator shall prepare a scaled site map showing total area of the site, original and proposed contours (if practicable), direction of flow of storm water runoff, adjacent receiving water bodies, north arrow, all erosion & sediment controls (vegetative and structural), post construction control measures as described in Part III. C. 2. of this permit, and an estimate of the pre and post construction runoff coefficients of the site (see runoff coefficients in Part VII.) and the increase in impervious area.

9. **Implementation Sequence.** The owner or operator shall prepare an orderly listing which coordinates the timing of all major land-disturbing activities together with the necessary erosion and sedimentation control measures planned for the project.