

ORDINANCE NO 99-O-243

CREATING ARTICLE IV, IN CHAPTER 33, CITY OF LAREDO CODE OF ORDINANCES. THEREIN TO INCLUDE NEW SECTIONS 33-300 THROUGH 33-335, ENTITLED WATER POLLUTION PREVENTION, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the **Environmental Protection Agency** has mandated, pursuant to the National Pollutant Discharge Elimination System Permit Application Regulations for Storm Water Discharges, that municipalities with a population of 100,000 or more citizens adopt adequate legal authority to prohibit the discharge of pollutants into the City's municipal separate storm sewer system and any illicit connections or open discharges to such system; and

WHEREAS, the City Engineer has recommended that certain discharge from the residential, commercial and industrial facilities must be prohibited to prevent the introduction of pollutants to the MS4 and to comply with the City's NPDES permit; and

WHEREAS, the City Engineer has developed comprehensive requirements and a permitting process for nonstorm water discharge, which are contained in the document entitled Water Pollution Prevention Ordinance; and

WHEREAS, chapter 33 of the City of Laredo Code of Ordinances has not addressed the prohibition of pollutants in the City's municipal separate storm sewer system and now, it is necessary to create the article IV to include water pollution prevention requirements; and

WHEREAS, it is in the City's best interest to enhance the water quality of the creeks, channels, ponds, lakes and river system through the prohibition of illicit discharges into the City's municipal separate storm sewer system; and

WHEREAS, City Council finds that said ordinance is necessary to promote the public health, safety, and general welfare of the citizens of Laredo,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1. Creation and amendment.

Article IV of Chapter 33 of the City of Laredo Code of Ordinances is hereby created to include Sections 33-300 to 33-335 therein as shows in the attached Exhibit A, titled "Water Pollution Prevention Ordinance", and shall include the following sections to read as follows:

ARTICLE IV. WATER POLLUTION PREVENTION ORDINANCE

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WATER POLLUTION PREVENTION ORDINANCE

Sec. 33-300. Purpose.

The purpose of this Ordinance is to control pollution and prevent polluted water discharge into the Municipal Separate Storm Sewer System (MS4) and/or water bodies from residential, business, and commercial establishments, and to preserve the natural flow of water and waterways within the City of Laredo. The provisions in this Ordinance are intended to provide a natural environment, to control non-storm water runoff to the MS4 at its source, to minimize the adverse effects of water pollution and to preserve our drinking water supplies. It is also the purpose of this Ordinance to prevent and eliminate the wrongful discharge of waste water and to prevent wash water discharges into the MS4. The resulting discharges pollute storm water flows in ditches, streams, waterways and thereby create an unhealthy situation, degrade water quality, cause loss of aquatic life and pose a threat to public health and safety.

Sec. 33-301. Scope and intent.

This ordinance sets forth guidelines, standard practices, rules and regulations to control polluted storm water runoff and non-storm water discharges from residential, commercial, and industrial establishments.

Sec. 33-302. Definitions.

For the purpose of this article IV only, the following terms, words and phrases; and their derivations, shall have the meanings set forth below, except where the context clearly indicates a different meaning:

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP also includes treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BOD (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biological oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.

Chlorinated Discharge means any discharge having a quantity of chlorine (free or total) that exceeds the Surface Water Quality Standard of the State of Texas.

City means the City of Laredo, Texas.

City Engineer means the person appointed to the position of Director of the Engineering Department or his/her authorized representative.

Commercial Dumpster Washing means the washing of commercial garbage or rubbish dumpsters and the immediate area around them in order to remove putrescible animal and vegetable waste material or other debris from said areas and dumpsters.

Composite means a sample used to determine average loadings or concentrations of pollutants. A composite can be developed based on time or flow.

CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

Discharge means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Discharge limits means any limit on discharges set by the City, State, or Federal governments. These limits may apply to quantity, rate, quality of discharge, and concentration or any combination thereof. These are also called effluent /imitations.

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

Do It Yourself (DIY) Used Oil means used oil that is generated by a person who changes the person's own automotive oil.

Environmental Protection Agency (EPA) means the United States Environmental. Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of the EPA or such successor agency.

Facility means any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Fueling/Vehicle Washing Areas means any commercial location where any type of motor vehicle or piece of heavy equipment is washed, waxed, cleaned, or degreased in any manner or any location where any type of motor vehicle is fueled with petroleum products or any other type of fuel.

Garbage means animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from handling, processing, storage and sale of food products and produce.

Harmful/Hazardous Quantity means the amount of any substance that will cause pollution of water under state and federal law.

Hazardous Waste means any material, substance, byproduct, spent, obsolete or used chemical or chemical compound which meets the standards for classification of a hazardous waste or acutely hazardous waste as those terms are defined in 40 CFR Part 261 et seq. and any appendices thereto.

Household Hazardous Waste (HHW) means any material generated in a household (including but not limited to single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, camp grounds, picnics grounds, and recreational areas) by a consumer such as, but not limited to batteries, paint brushes, paint containers, except for the exclusion provided in **40 Code** of Federal Regulations (CFR) § 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

Illegal Dumping means the act of illegally placing any material in any location including but not limited to the MS4, waters of the State, waters of the United States, or any location other than the appropriate place of disposal whether the location is public or private.

Illicit Connection means any man made conveyance connecting an illicit discharge directly to a municipal separate storm sewer or waters of the United States.

Industrial Waste means liquids or other character of wastes resulting from any commercial, manufacturing or industrial operations or process, excluding normal domestic sanitary sewage unless it exceeds three hundred fifty(350) mg/l BOD or three hundred fifty (350)ml/l total suspended solids, which waterborne or liquid wastes enter the sewage system, or any portion thereof, of the city.

Inlet means an entrance into a ditch, storm sewer, or other waterway.

Landfill means an area of land or excavation in which wastes are placed for permanent disposal, which is permitted or registered by the State of Texas, and which is not a land application unit, surface impoundment, injection well, or waste pile.

Motor Vehicle Fluid means any fluid used in any type of engine including but not limited to fuel, oil, transmission fluid, coolant, brake fluid, windshield washing fluid, and power steering fluid.

Municipal Separate Storm Sewer System (MS4) means the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, inlets, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water. and which is not used for collecting or conveying sewage or waste water.

Non-Compliance means any infraction of the revised Code of Civil and Criminal Ordinances of the City of Laredo, State regulations/laws or Federal regulations/laws.

Nonpoint Source Pollution shall mean pollution contained in storm water runoff from ill-defined, diffuse sources.

Notify means contacting the appropriate city official in writing in order to request permission to apply or reapply for a specified permit, or to make the official aware of an existing discharge or structure.

NPDES Permit shall mean a permit issued by the EPA or by the State that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

Oil means any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil sludge, oil refuse, and oil mixed with waste or any fraction thereof which is liquid at standard conditions of temperature and pressure.

Oil Filter means an integral part of an oil-flow system, the purpose of which is to remove contaminants from the flowing oil contained within the system.

Oil Water Separator/Interceptor means a device installed, usually at the entrance of an inlet drain, which removes oil and grease from water flows entering either the MS4 or sewer.

Operator means the person or persons who, either individually or in a group, meet the following two criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications) and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner means the person who owns a facility or part of a facility or his/her assignee.

Oxygen **Demanding Substance** means the chemical and/or microorganism-mediated oxidation of organic matter; and/or the biooxidation of nitrogenous material; and/or chemical or biochemical oxidation of chemical reducing agents.

Pavement Wash Water means any water used to wash any debris, sediment, fluid, or putrescible matter from any paved area of a commercial or public facility.

Permittee means any person or entity to whom a permit is issued pursuant to this article and any authorized representative, agents or designee of such person or entity.

Person or entity means an individual, firm, copartnership, corporation, company, association, joint-stock association, including any trustee, receiver, assignee, or similar representative thereof, or government, indian tribe, agency or instrumentality of any government or indian tribe, but such term does not include:

- (1) The United States Postal Service; or
- (2) For the purpose of 49 USC 5123 and 5124, any agency or instrumentality of the federal government.

Petroleum Substance means a crude oil or any refined or unrefined fraction or derivative of crude oil which is liquid at standard conditions of temperature and pressure. A petroleum substance shall be limited to one or a combination of the substances or mixtures in the following list except for any listed substance regulated as a hazardous waste under the federal Solid Waste Disposal Act, Subtitle C, (42 United States Code §6921, et seq.):

(A) basic petroleum substances - crude oils, crude oil fractions, petroleum feedstocks, and petroleum fractions;

- (B) motor fuel - petroleum substance which is typically used for the operation of internal combustion engines (including stationary engines and engines used in transportation vehicles and marine vessels) and which is one of the following types of fuels: leaded or unleaded gasoline, aviation gasoline, Number **1** diesel fuel, Number 2 diesel fuel, and any grades of gasohol;
- (C) aviation gasoline - Grade 80, Grade 100, and grade **1 00-LL**;
- (D) aviation jet fuels -Jet A, jet **A-1**, jet **B**, **JP-4**, **JP-5**, and JP-8;
- (E) distillate fuel oils - Number **1-D**, Number **1**, Number 2-D, and Number 2;
- (F) residual fuel oils - Number 4-D, Number 4-light, Number 4, Number 5-light, Number 5-heavy, and Number 6;
- (G) gas turbine fuel oils - Grade O-CT, Grade I-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT;
- (H) illuminating oils - kerosene, mineral seal oil, long time burning oils, 300 oil, and mineral colza oil;
- (I) solvents - Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers'; and painters' naphthas, petroleum extender oils, and commercial hexane;
- (J) lubricants - automotive and industrial lubricants;
- (K) building materials - liquid asphalt and dust-laying oils;
- (L) insulating and waterproofing materials -transformer oils and cable oils;
- (M) used oils - any oil or similar petroleum substance that has been refined from crude oil, used for its designed or intended purposes, and contaminated as a result of such use by physical or chemical impurities; and including spent motor vehicle and aircraft lubricating oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear electrical, refrigerator oils, and spent industrial process oils.
- (N) any other petroleum - based material having physical and chemical properties similar to the previously listed materials.

Petroleum Underground Storage Tanks (PUST) means any underground storage tank system that contains, has contained or will contain a petroleum substance, a mixture of two or more petroleum substances or a mixture of one or more petroleum substances with very small amounts of one or more hazardous substances. In order for a UST system containing a mixture of petroleum substances with small amounts of hazardous substances to be classified as a PUST system, the hazardous substance shall be at such dilute concentration that the overall release detectability, effectiveness of corrective action, and toxicity of the basic petroleum substance is not altered to any significant degree.

pH means the logarithm to the base **10** of the reciprocal of the concentration in grams per liter of hydrogen ions; a measure of the acidity or alkalinity of a solution, expressed in standard units. The pH may range from 0 to 14, where 0 is the most acidic and **14** is the most basic. Examples of substances having a pH lower than 6.0 would be muratic acid, sulfuric acid and acetic acid. Examples of substances having a pH above 10.5 would be drain cleaner(sodium hvdroxide), bleach and ammonia.

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.

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

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

Pollution Prevention Measures means prescribed measures to reduce pollutants in discharge through outfalls. These measures include but are not limited to treatment, pretreatment, a best management practice or a method to reduce the pollution of projects classified as light construction and land disturbance activities.

Polychlorinated Biphenyl (PCBs) mean a series of technical mixtures consisting of many isomers and compounds that vary from mobile oil liquids to white crystalline solids and hard noncrystalline resins. Technical products include but are not limited to Arochlor, Chlophen, Chlorextol, Chloro Biphenyl, Chloro-1,1-Biphenyl, Chlorodiphenylene, Clophen, Kykanol, Fenclor, Inerteen, Kanechlor, Montar, Noflamol, PCB (DOT, USDA), Phenochlor, Pyranol, Santotherm, Sovol, and Therminol Fr-1. PCBs are confirmed carcinogens and tumorigens and are listed on the EPA Extremely Hazardous Substances List.

Public Used Oil Collection Center means a facility which accepts do-it-yourself **used** oil. Such centers include:

1. automotive service facilities that in the course of business accept for recycling, small quantities of used oil from private citizens; and
2. facilities that store used oil in aboveground tanks, and that in the course of business accept, for recycling, small quantities of used oil from private citizens; and
3. publicly sponsored collection facilities that are designated and authorized by the Texas Department of Health to accept for recycling, small quantities of used oil from private citizens.

Qualified Personnel means persons who possess the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally-accepted industry standards for such activity.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, infecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.

Reportable Quantity (RQ) means the quantity specified in column 3 of the appendix to 49 CFR part 107.101 for any material identified in column 1.

Riparian Habitat means the area of the banks of any river, creek, lake, or pond where specialized life forms exist.

Rubbish means nonputrescible solid waste, excluding ashes, that consist of (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Sanitary Sewer (or Sewer) means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which storm water, surface water, and ground water are not intentionally admitted).

Sediment shall mean solid particulate matter, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by water, air, ice, or gravity and has come to rest on the earth's surface either above or below sea level.

Septic Tank Waste means any domestic sewage from holding tanks such as from vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage (or Sanitary Sewage) means the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement floor drains, garage floor drains, rooms, soda fountains, cuspidors, refrigerator drips, fountain and stable floor drains other similar fixtures and receptacles that discharge wastes into sewage system.

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Single Family Dwelling means a dwelling unit contained in a freestanding structure designed for occupancy by a single family.

Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Soil means naturally occurring superficial deposits overlaying bedrock.

Solid Waste means any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

State means the State of Texas.

Storm **water** means storm water runoff, snow melt runoff, and surface runoff and drainage.

TNRCC means the Texas Natural Resource Conservation Commission.

Transporter means any person who transports or plans to transport over public highways of this state more than 500 gallons of used automotive oil annually.

Uncontaminated means not containing a harmful quantity of any substance under state and federal law.

Underground Storage Tank means any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is 10% or more beneath the surface of the ground.

Used Oil means any oil that has been refined from crude oil or as a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties, but that may be suitable for further use and is recyclable.

Utility Vault means an underground or enclosed structure installed or constructed for the purpose of enclosing utility lines including, but not limited to electrical transmission lines, telephone connection lines, natural gas conveyance lines, cable television lines, but not water mains, storm sewer or sanitary sewer lines.

Wash Water means any water used to wash any structure, parking lot, vehicle, or piece of heavy equipment.

Water Bodies mean any groundwater, percolating, or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, including the beds and banks of all water courses and bodies of surface water that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

Waters of the State (or Water) means any groundwater, percolating, or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, including the beds and banks of all water courses and bodies of surface water that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

Waters of the United States means:

- a. waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- b. all interstate waters, including interstate wetlands.
- c. all other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or

natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such water:

1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 2. From which fish or shell fish are or could be taken and sold in interstate or foreign commerce; or
 3. Which are used or could be used for industrial purpose by industries in interstate commerce;
- d. All impoundments of waters otherwise defined as waters of the United States under this definition;
- e. Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- f. The territorial sea; and
- g. wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal areas in wetlands) nor resulted from the impoundment of waters of the United States.

Water Quality Standard means the designation of a body or segment of surface water in the State for desirable uses and the narrative and numerical criteria deemed by the State to be necessary to protect those uses, as specified in Chapter 307 of Title 31 of the Texas Administrative Code.

Wetlands means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 33-303. General Prohibition.

- (a) No person shall introduce or cause to be introduced into the **MS4** or water bodies any discharge that causes or contributes to causing the city to violate a water quality standard, the City's NPDES permit, or any state-issued discharge permit for discharges from its MS4 or water bodies.
- (b) No person shall introduce or cause to be introduced into the MS4 or water bodies any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavations or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable; for the duration of the project.
- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise, cause, allow, or permit to be introduced any of the following substances into the MS4 or water bodies.
- (d) No person shall introduce or discharge or cause or permit to be discharged into the municipal separate storm sewer system (MS4) or water bodies within the City limits any of the following (sec. 33-304 to 33-321), except as authorized by a valid permit from the City or the TNRCC or the EPA.

Sec. 33-304. Used Oil/Vehicle Fluid.

(a) Purpose:

It is the purpose of this subchapter to reduce the amount of pollutants like oil, grease, heavy metals, and oxygen demanding substances in storm water discharges.

(b) No person shall:

1. introduce used oil, used oil filters, or any other motor vehicle fluids to the MS4 or water bodies;
2. apply used oil and/or vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment;
3. introduce flammable or explosive liquids, solids or gases such as, but not limited to, gasoline, motor oil, benzene, naphtha and similar substances to any water bodies and/or the MS4; or
4. introduce any wax, grease, oil, antifreeze, or any other motor vehicle fluid to any water bodies and/or to the MS4.

(c) Implications:

This subsection implies that all citizens shall recycle their used motor oil and vehicle fluids by disposing of them at appropriate recycling centers and locations, rather than disposing of them improperly. This applies only to residential do-it-yourself(DIY) motor oil and vehicle fluids. Commercial and industrial businesses should have their own vendors for proper disposal or for recycling.

Sec. 33-305. Household Hazardous Waste.

(a) Purpose:

It is the purpose of this subchapter to discourage the practice of disposing household hazardous waste such as paint, batteries, cleaning agents, and fertilizers, to the MS4 and/or water bodies, so as to reduce the pollutants such as heavy metals, nutrients, toxic material, oil, and grease in storm water discharges.

(b) No person shall:

1. introduce any type of hazardous waste generated in and around a household including, but not limited to batteries, used paints, solvents, used pesticide bottles/cans, and used toiletries in to the MS4;
2. discharge a household hazardous waste having a pH value lower than 6.0 or higher than 10.5; or
3. place, or cause, or allow to be placed, a household hazardous waste within the MS4 and/or water bodies. It shall be also unlawful for any person to place, or cause or allow to be placed, a household hazardous waste in a inlet within any street in the corporate limits of the City in such a manner that the same may be washed by the flow of water into the MS4 and/or water bodies.

(c) Implications:

This subsection implies that unused portions of household hazardous products that are considered to be household hazardous waste should be disposed of properly at a household hazardous waste collection site or through the City's Household Hazardous Waste Collection and Proper Disposal Program.

Sec. 33-306. Discharge from Fueling/Vehicle Washing Areas

(a) Purpose:

It is the purpose of this subchapter to discourage the practice of discharging contaminated water or waste such as grease trap waste, oil/water separator waste, into the MS4 and/or water bodies and to reduce pollutants such as detergents, sediments, oil, grease, heavy metals and oxygen demanding substances in the discharges from fueling and vehicle washing areas.

(b) No person shall:

1. introduce into the MS4 and/or water bodies any contaminated water or waste from a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity;
2. introduce into the MS4 and/or water bodies any wash water from the washing, cleaning, deicing or other maintenance of aircraft; or
3. discharge into the MS4 and/or water bodies any contaminated water or waste from commercial establishments including but not limited to gas stations, service stations, and auto repair shops with areas exposed to weather conditions

(c) Implications:

This subsection implies that any contaminated water or waste discharges from the aforementioned areas are prohibited without the presence of a functional pretreatment system. Viable alternatives to washing include the use of sweeping and vacuuming, and closed loop system.

Sec. 33-307. Discharge from Oil-Water Separator/grease trap

(a) Purpose:

It is the purpose of this subchapter to reduce the pollutants such as oil, grease, oxygen demanding substances, and nutrients from illicit connections of oil water separators/grease traps into the MS4 and/or water bodies.

(b) No person shall:

1. discharge from an oil water separator or an oil/water interceptor or grease trap into the MS4 and/or water bodies;
2. discharge flow from an oil/water separator or an oil/water interceptor having a pH value lower than 6.0 or higher than 10.5.

(c) Implications:

All the oil/water separator or interceptor users who are discharging to the MS4 shall notify the City's Engineering Department of the existence of such connections to the MS4 and/or water bodies. Such notification shall be completed within 60 days of the approval of this Ordinance. It is the responsibility of the operator to notify the City's Engineering Department. If the notification is not made during the allocated sixty (60) days, then the detected connections to MS4 and/or water bodies of a oil/water separator or interceptor shall be considered an illicit connection. The City reserves the right to terminate such connection immediately, without prior notice.

Sec. 33-308. Petroleum Underground Storage Tanks (PUST)

(a) Purpose:

It is the purpose of this subchapter to reduce the pollutants such as oil, grease, oxygen demanding substances, and heavy metals that may be introduced into the MS4 and/or water bodies during the removal, replacement, or remediation of petroleum underground storage tanks and sites.

(b) No person shall:

- 1 Release from a petroleum underground storage tank (PUST), or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge of pumped, confined, or partially treated wastewater from the remediation of any such PUST release is prohibited unless the discharge satisfies all of the following criteria:
 - a. compliance with all municipal, state, and federal standard requirements and regulations;
 - b. no discharge contains no harmful quantity of any pollutant; and

- c. shall not have a pH value lower than 6.0 or higher than 10.5.

(c) **Implications:**

It is the responsibility of the owner of the property to notify the City's Engineering Department of the removal or replacement of a PUST. Such notification shall be completed not less than three (3) days before any activity begins on the site. If the notification is not made at least three (3) days before the site activities commence, the owner will be considered noncompliance with this Ordinance.

Sec. 33-309. Utility Manhole/Vaults Discharge

(a) **Purpose:**

It is the purpose of this subchapter to reduce the pollutants such as bacteria, nutrients, sediments, oil, grease, and any unknown substance discharges from utility manholes or vaults into the MS4 and/or water bodies.

(b) **No person shall:**

1. discharge from any public or private underground utility manhole (including but not limited to electric power, gas pipeline, cable companies, telephone companies) to discharge its collected water (due to rain or surface runoff or cross connection or illegal discharge) into the MS4 and/or water bodies or watercourse; or
2. discharge into MS4 and/or water bodies from a utility manhole a flow having pH value lower than 6.0 or higher than 10.5.

(c) **Implications:**

All the utility manhole/vault operators who are discharging potentially contaminated collected water into the MS4 and/or water bodies shall notify the City's Engineering Department of the existence of such utility manholes, vaults, and discharges into the MS4 and/or water bodies. Such notification shall be completed within sixty (60) days of the approval of this Ordinance. It is the responsibility of the operators to obtain a single use discharge permit from the Engineering Department for every discharge and also prove with the aid of analytical testing that the discharged flow is not contaminated, if the discharged flow is not pretreated.

Sec. 33-310. Industrial Waste/Effluent Discharge

(a) **Purpose:**

It is the purpose of this subchapter to reduce the pollutants such as toxic materials, heavy metals, oil, grease, and untreated sewage in storm water discharges from industrial facilities.

(b) **No person shall:**

1. discharge or introduce any effluent including, but not limited to, a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler into the MS4 and/or water bodies; or

2. discharge or introduce any type of industrial waste or effluent and/or any discharge having a pH value lower than 6.0 or higher than 10.5 into the MS4 and/or water bodies;

(c) Implications:

This subchapter implies that none of the aforementioned unpermitted industrial discharges will be allowed in the MS4 and/or water bodies. The industries are encouraged to apply for individual NPDES permits from the EPA/TNRCC, if the EPA/TNRCC so requires.

Sec. 33-311. Sewage and Waste Water Discharges

(a) Purpose:

It is the purpose of this subchapter to reduce the pollutants such as sewage entering creeks and water bodies from septic systems.

(b) No person shall:

1. discharge any type of waste water from residential, commercial or industrial sources into the MS4 and/or water bodies;
2. discharge or introduce any domestic sewage or septic tank waste, grease trap waste, or grit trap waste from either residential, commercial or industrial sites into the MS4 and/or water bodies; or
3. discharge any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area.

(c) Implications:

This subsection implies that no domestic sewage, septic tank waste, grease trap waste, waste from animal containment areas or grit trap waste may enter into the MS4 and/or water bodies. This includes areas where the naturally occurring movement of water through the soil may cause the sewage to migrate into said water bodies and/or the MS4.

Sec. 33-312. Chlorinated Discharge

(a) Purpose:

It is the purpose of this subchapter to reduce the pollutants such as excess chlorine in water discharges from swimming pools, fountains, ponds, and water line disinfection.

(b) No person shall:

1. discharge any swimming pool water or filter backwash from a swimming pool or fountain into the MS4 and/or water bodies;
2. discharge from a water line if it has been disinfected by superchlorination or other means and the total residual chlorine exists in any harmful quantity or any other chemical has been used in line disinfection: or

3. treat sewage overflows with harmful amounts (detrimental to aquatic life) of chlorine to the MS4 and/or water bodies.

(c) Implications:

This implies that discharges with hazardous amounts of chlorine, including but not limited to the aforementioned discharges, may not enter water bodies and/or the MS4.

Sec. 33-313. Construction, Development, Redevelopment and Land Disturbance Run-off

(a) Purpose:

It is the purpose of this subchapter to reduce the pollutants such as sediments, heavy metals, toxic material, and nutrients in the storm water discharges from construction, development, redevelopment and land disturbance activities/sites.

(b) No person shall:

1. discharge from a construction site flow having a pH value lower than 6.0 or higher than 10.5;
2. discharge any type of industrial waste from construction sites to the MS4 and/or water bodies;
3. introduce any garbage, rubbish, or yard waste into the MS4 and/or water bodies;
4. discharge, including, but not limited to, paint or paint brush cleaning water or solvents or thinners or turpentine or any other combination from single family dwelling or any construction;
5. leave unused construction materials or used construction materials or debris on the construction, development, redevelopment, and land disturbance sites. All on site debris shall be properly disposed of in the landfill within 30 days from the occupancy of the structures; or
6. wash any type of trucks, including, but not limited to, ready mix trucks or material supply trucks on or around the construction site.

(a) Implications:

This subsection implies that the aforementioned discharges and/or materials associated with construction, development, redevelopment, and land disturbance activities may not enter water bodies and/or the MS4.

Sec. 33-314. Pesticides, Herbicides, and Fertilizers

(a) Purpose:

It is the purpose of this subchapter to reduce pollutants such as pesticides, fertilizers, heavy metals, oxygen demanding substances, and nutrients in the storm water discharges.

(b) No person shall:

1. dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that allows a harmful

quantity of the pesticide, herbicide, or fertilizer to enter the MS4 and/or water bodies.

(c) Implications:

This subsection implies that pesticides, herbicides and fertilizers must be applied responsibly. It is recognized that excess pesticides will migrate into the MS4 even under normal and proper usage. It is the intent of this Ordinance to restrict usage of those chemicals in a manner deemed appropriate by their manufacturer and consistent with the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA).

Sec. 33-315. Commercial Dumpster Washing

(a) Purpose:

It is the purpose of this subchapter to reduce the pollutants such as bacteria and unknown substances in waste water discharges from dumpster washing.

(b) No person shall:

1. wash a commercial dumpster, regardless of its location, in an area where it discharges directly into MS4 and/or water bodies.

(c) Implications:

This subsection implies that wash water from commercial dumpster washings may not enter any water body and/or the MS4. This water must be contained and entered into the sanitary sewer according to the requirements set forth by the City of Laredo Utilities Department.

Sec. 33-316. Ready Mix Concrete Truck Washing

(a) Purpose:

It is the purpose of this subchapter to reduce pollutants such as sediments, concrete, altered pH, and oxygen demanding substances in the wash water discharges from ready mix concrete trucks.

(b) No person shall:

1. wash residual ready mix concrete from concrete mixing trucks regardless of its location, in an area where discharges might enter the MS4 and/or water bodies.

(c) Implications:

This subsection implies that wash water from concrete mixing or excess concrete from concrete mixing trucks may not be discharged into the MS4 and/or water bodies. The washing is permitted in the ready mix concrete plant only if collected, contained and pretreated before discharging into the sanitary sewer in accordance with the requirements set forth by the City of Laredo Utilities Department.

Sec. 33-317. Illicit Connection

(a) Purpose:

It is the purpose of this subchapter to eliminate illicit connections to the MS4 and reduce the pollutants such as nutrients, oxygen demanding substances, sewage, oil, and grease introduced by said discharges into the MS4 and/or water bodies.

(b) No person shall:

1. connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 and/or water bodies, or allow such a connection to continue.

(c) Implications:

The City of Laredo's Engineering Department has an "Illicit Connection Elimination Program" to the MS4 and water bodies in compliance with federal stormwater regulations. Any illicit connections detected through this program will be dealt with expeditiously in the following manner: It is the responsibility of the owner of the property to disconnect such illicit connection within 30 days upon written notification from the City. The City will also notify the tenant about the illicit connection. If the owner fails to respond to the notification, then the City will post the illicit connection information with a legal description of the property in a local newspaper with an additional ten (30) days time to respond. If no response is received from the owner, then the illicit connection will be disconnected by the City without further notification.

Sec.33-318. Pavement /Parking Lot Washing

(a) Purpose:

It is the purpose of this subchapter to reduce the pollutants such as sediments, detergents, oxygen demanding substances, heavy metals, oil, and grease in the wash water discharges from pavements or parking lots from commercial and business establishment.

(b) No person shall:

1. discharge any waste water from the washing or cleaning of pavement including, but not limited to, parking lots, driveways, or carports that contains soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed or pretreated; or
2. discharge any wash water from a commercial mobile power washer or from the washing or other cleaning of a pavement or building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance to MS4 and/or water bodies;

(c) Implications:

This subsection implies that wash water from the washing of pavement may not enter any water body and/or the MS4 without proper treatment.

Sec. 33-319. Polychlorinated Biphenyls (PCB) Elimination

(a) Purpose:

It is the purpose of this subchapter to reduce the possibility of contamination of storm water by PCBs (polychlorinated biphenyls).

(b) No person shall:

1. discharge, introduce, cause or permit any PCB or any substance known or suspected of containing PCBs , or technical products classified as PCBs, or derivatives of PCBs into the MS4 and/or water bodies, or any location that is susceptible to storm water runoff within the City Limits.

(c) Implications:

This subsection implies that no PCBs, substance containing PCBs, or substance suspected of containing PCBs shall be introduced into any water body and/or MS4. The Public Utility Companies such as power, gas, telephone, shall notify the City's Engineering Department of any such spills, leaks, overflows from sources including, but not limited to, transformers and capacitors within six (6) hours of such mishaps.

Sec. 33-320. Asbestos Elimination

(a) Purpose:

It is the purpose of this subchapter to reduce the possibility of contamination of storm water by asbestos.

(b) No Person Shall:

- 1 discharge, introduce, cause or permit to be discharged any asbestos or any substance known or suspected of containing asbestos, or technical products classified as asbestos, or derivatives of asbestos into the MS4 and/or water bodies, or any location that is susceptible to storm water runoff within the City limits.

(c) Implications:

This subsection implies that no asbestos, substance containing asbestos, or substance suspected of containing asbestos may be introduced into any water body or MS4.

Sec. 33-321. Grass Trimmings, Leaves, and Limbs

(a) Purpose:

It is the purpose of this subchapter to reduce pollutants like sediments, nutrients, floatable materials, oxygen demanding substances, pesticides, and unknowns in the storm water discharges from trimmings of grass, leaves, and limbs.

(b) No person shall:

1. intentionally place or cause or allow to be placed, or dropped, brush cuttings, grass clippings, grass, and/or rubbish in the inlets of any street in the City limits in such a manner that the same may be washed by water flowing into any bodies of water and/or the MS4.

(c) Implications:

This subsection implies that no brush cuttings, grass clippings, grass, and/or rubbish, shall be introduced into any water bodies and/or the MS4.

Sec. 33-322-33-330. Reserved

Sec. 33-331. Acceptable Waters.

The City Engineer has the authority to classify a type of water as contaminated or not based on test results and/or physical characteristics. The following waters, according to 40 CFR 122.26 are acceptable to MS4 and/or water bodies only if it is in original uncontaminated form:

1. a discharge or flow from water line flushing/breakdown/repair/overflow of potable water sources, but not including a discharge from water line disinfection by superchlorination or other means unless the discharge contains no harmful quantity of any chemical used in line disinfection;
2. a discharge or flow from a diverted stream or natural spring;
3. landscape irrigation, lawn watering, and irrigation;
4. uncontaminated ground water infiltration, rising ground water and uncontaminated pumped ground water;
5. uncontaminated foundation drains and footing drains;
6. residential and noncommercial/charitable car washing;
7. discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
8. flows from riparian habitats and wetlands;
9. a discharge or flow from emergency fire protection water that does not contain excessive oil or hazardous substances or materials. The emergency fire protection water from Industrial or hazardous sites requires to be contained and treated prior to discharge, in which case adequate treatment to remove harmful quantities of pollutants must have occurred prior to discharge;
10. agricultural storm water runoff;
11. discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container.
12. Routine external building wash water, including graffiti removal (without detergent or other contaminants).
13. Pavement wash where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed and no detergents were used).

Sec. 33-332. Release Reporting and Cleanup.

- (a) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following quantities of

any of the following substances that may flow, leach, enter, or otherwise be introduced into the MS4 and/or waters of the United States, shall immediately telephone and notify either the City of Laredo Fire Department or the Police Department concerning the incident:

- (1) An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR Part 302;
 - (2) An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR Part 355;
 - (3) An amount of oil that either (a) violates applicable water quality standards, or (b) causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
 - (4) Any harmful quantity of any pollutant.
- (b) The immediate notification required by Section 33-332(a) shall include the following information:
- (1) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;
 - (2) The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
 - (3) The time and duration (thus far) of the release;
 - (4) An estimate of the quantity and concentration (if known) of the substance released;
 - (5) The source of the release;
 - (6) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
 - (7) Any precautions that should be taken as a result of the release;
 - (8) Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and
 - (9) The names and telephone numbers of the person or persons to be contacted for further information.
- (c) Within fifteen (15) days following such release, the responsible person in charge of the facility, vehicle, or other source of the release shall submit, unless waived by both the City Engineer and Fire Department, a written report containing each of the items of information specified above in subsection 33-332(b) parts 1-8 as well as the following additional information:
- (1) the ultimate duration, concentrations, and quantity of the release;
 - (2) all actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;
 - (3) any known or anticipated acute or chronic health risks associated with the release;

- (4) the identity of any governmental/private sector representatives responding to the release; and
- (5) the measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.

The notifications required by subsections 33-332(b) and 33-332(c) shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to this Ordinance, state, or federal law.

- (d) Any person responsible for any release as described in subsection 33-332(a) shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.
- (e) Any person responsible for a release described in subsection 33-332(a) shall reimburse the City for any cost incurred by the City **in responding to the release.**

Sec. 33-333. Right of Entry, Inspection and Sampling.

The City Engineer's office shall have the right to enter the premises of any person discharging storm water to the municipal separate storm sewer system (MS4) and/or to waters of the United States to determine if the discharger is complying with all requirements of this Ordinance, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the City Engineer ready access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording and copying, and for the performance of any additional duties. Dischargers shall make available to the City Engineer, upon request, any pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, Notices of Intent, and any other records, reports, or documents related to compliance with this Ordinance and with any state or federal discharge permit.

- (1) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City Engineer will be permitted to enter without delay for the purposes of performing responsibilities.
- (2) The City Engineer shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.
- (3) The City Engineer may require, at his/her reasonable discretion, any discharger to conduct specified sampling, testing, analysis, and other monitoring of its storm

water discharges, and may specify the frequency and parameters of any such required monitoring.

- (4) The City Engineer may require, at his/her reasonable discretion, the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow, waste water and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the City Engineer and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- (6) Unreasonable delays in allowing the City Engineer access to the discharger's premises shall be a violation of this Ordinance.

Sec. 33-334. Violations and Non-compliance.

A penalty is hereby established whereby any person who shall violate any provision of this Ordinance shall be deemed to be guilty of a misdemeanor and shall upon conviction be fined a minimum amount of not less than five hundred dollars (\$500.00) per violation and a maximum amount of not more than two thousand dollars (\$2000.00) per violation. Each day of violation and each violation of a particular section of this Ordinance shall constitute a separable offense for purposes of the City's enforcement of this Ordinance. A culpable mental state is not required to prove an offense under this Ordinance.

Upon the written certification by the City Engineer of the violation of any section of this Ordinance, the City Attorney is authorized to petition any court of competent jurisdiction for an injunction to enjoin the continuance of such violation. This remedy shall be cumulative of and to all other enforcement powers granted to the City by the terms of its Charter or any ordinance, or by the laws of the State.

No provision of this Ordinance is intended, nor shall any part or portion hereof be construed so as to conflict with the Texas Water Code, state regulations, or federal regulations.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

If compliance is not achieved to the City's satisfaction, the City may, at its discretion, report the noncompliance to the E.P.A., the T.N.R.C.C., the U.S.G.S., the U.S. Wildlife and Fisheries, the U.S. Army Corps of Engineers, or any other state or federal agency for further action.

Non-Compliance Flag and Stop Work Orders: If the City Engineer determines that activities are being carried out in violation of this chapter, a notification of non compliance shall be issued. In

addition to the notification, if the violation continues beyond five (5) days, a "Non-compliance Flag" will be posted at the site. Finally, if the violation continues after the five (5) days after the "Non-compliance Flag" is posted, the City Engineer may stop all work until corrective measures have been completed. The site shall be posted with a "stop work" notice. No other permits may be issued by the City until corrections have been made to the satisfaction of the City Engineer. It is also against this Ordinance either to move or interfere with "Non-compliance Flag" and/or stop work orders, and shall be considered as additional violation(s) of this Ordinance.

Notification of Violation: Any person found to be in violation of the provisions of this Ordinance shall be required to correct the problem upon written notification from the City Engineer. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

1. use of specific pollution prevention measures and techniques;
2. use of pre treatment procedures pollution prevention plans;
3. modification of existing plan;
4. completion of work within a specified time period; and
5. submission of pollution prevention plan or any other of its type.

Appeals: Any person denied discharge to MS4 shall have the right to appeal such to the Board of Adjustment or other board established by the City within forty-five (45) days of the date of such denial.

Sec. 33-335. Citizen Participation.

Citizen reports of violations: All citizens are encouraged to report to the City Engineer's office or the hotline (956)727-7794, any spills, releases, illicit connections, or any other instances of anyone discharging pollutants into MS4 storm sewer system or waters of the State or waters of the United States and any other violation of this Ordinance which they become aware.