

ARTICLE VI. - STORMWATER MANAGEMENT

DIVISION 1. - GENERALLY

Sec. 82-530. - Utility established.

The City stormwater management utility is hereby established.

(Ord. No. G-930, § 1, 11-11-2003)

Sec. 82-531. - Definitions.

For the purposes of this article, the following definitions shall apply: Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

Billing period means the service period identified on the utility bill. Each account shall be billed monthly or semiannually in arrears of the service period. A developed property that receives City water or other utility service shall be billed monthly in arrears of the service. A developed property that does not receive City water or other utility service may be billed semi-annually in arrears of the service.

Bonds means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.

Calendar year means the 12-month period commencing on the first day of January of any year.

Costs of construction means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including, but not limited to, the costs of:

- (1) Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore;
- (2) Physical construction, installation and testing, including the costs of labor, services materials, supplies and construction services used in connection therewith;
- (3) Architectural, engineering, inspection, legal and other professional services;
- (4) Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation,
- (5) Any taxes or other charges which become due during construction;
- (6) Expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against any contractor;
- (7) Principal of and interest of any bonds; and
- (8) Miscellaneous expenses incidental thereto.

Debt service means, with respect to any particular calendar year and any particular series of bonds, an amount equal to the sum of (i) all interest payable on such bonds during such calendar year, plus (ii) any principal installments of such bonds during such calendar year.

Developed property means real property other than undisturbed property.

Dwelling unit means a singular unit or apartment providing complete, independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking, and sanitation.

Equivalent residential unit or ERU means the statistical average horizontal impervious area of all residential developed property per dwelling unit located within the City and as established by [the] City Commission.

ERU rate means a stormwater user fee charged on each ERU as established by [the] City Commission.

Exempt property means public rights-of-way, public streets, public alleys, and public sidewalks.

Extension and replacement means costs of extensions, additions and capital improvements to, or the removal and replacement of capital assets of, or purchasing and installing new equipment for, the system, or land acquisitions for the system and any related costs thereto, or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

Impervious area means the number of square feet of hard-surfaced areas which either prevent or retard the entry of water into soil mantle, as it entered under natural conditions as undisturbed property, and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undisturbed property, including, but not limited to, roofs, roof extensions, patios, porches, driveway, sidewalks, pavement and athletic courts.

Nonresidential developed property means developed property that is not utilized for dwelling units with the City.

Operating budget means the annual operating budget adopted by the City for the succeeding calendar year.

"Operations and maintenance" means the current expenses, paid or accrued, of operation, maintenance and current repair of the system as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, and cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with the sound accounting practice.

Revenues means all rates, fees, assessments, rentals or other charges or other income received by the stormwater user fee fund, in connection with the management and operation of the system, including amounts received from the investment of deposit of moneys in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

Stormwater management system or system means the existing stormwater management of the City and all improvements thereto which by this article are the property and/or responsibility of the City, to be operated as an enterprise fund to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

Stormwater user fee means a fee authorized by ordinance(s) established to pay operations and maintenance, extension and replacement and debt service.

Stormwater use fee fund means the enterprise fund created by this Ordinance to operate, maintain, and improve the system and for such other purposes as stated in this article.

Undeveloped property means real property that has not been altered from its natural state by dredging, filling, removal of trees and vegetation, or other activities which have disturbed or altered the topography or soils on the property.

User fee district means the area or property within the corporate limits of the City.

Vacant improved property means unoccupied developed property that contains impervious area.

(Ord. No. G-930, § 2, 11-11-2003)

Sec. 82-532. - Stormwater user fee.

Subject to the provisions of this article, each and every residential developed property, nonresidential developed property and vacant improved property, other than exempt property, within the corporate limits of the City, and the owners and non-owner users thereof, shall have imposed upon them a stormwater user fee. In the event the owner and non-owner users of a particular property are not the same, the liability for each the owner and non-owner user for the user fee attributable to that property shall be joint and several. The stormwater user fee shall be a monthly or a regular interval service charge and shall be determined by the provisions of this article and the ERU and ERU Rate which shall be established and changed from time to time by the City Commission.

(Ord. No. G-930, § 3, 11-11-2003)

Secs. 82-533—82-544. - Reserved.

DIVISION 2. - FEES; PAYMENT

Sec. 82-545. - Billing; collection.

The stormwater user fee for water metered property shall be billed and collected monthly with the monthly City's services utility bill for those properties within the corporate limits of the City and utilizing the City's utilities. These fees shall be billed and collected separately as stormwater user fees. Properties not utilizing the existing City's utilities shall be billed monthly. All such bills for stormwater user fees shall be rendered monthly or at a regular interval by the utility billing department. The stormwater user fee for those properties utilizing City utilities is part of a consolidated statement for utility customers, which is generally paid by a single payment. In the event that a partial payment is received, the payment shall be applied in accordance with the City policy.

(Ord. No. G-930, § 4, 11-11-2003)

Sec. 82-546. - Rate schedule.

There is hereby established the following uniform schedule of rates for the services and use of facilities of the stormwater management system by the owner, tenant or occupant of the premises using the services and facilities of said system.

- (a) The City Commission, upon recommendation of the City Manager, shall, by resolution, establish reasonable rates for stormwater management systems for each residential dwelling unit; each residential dwelling unit shall be billed a flat fee established by the City Commission. An equivalent residential unit is hereby defined as the statistical average horizontal impervious area of residential units in the City.
- (b) Parcels which are undeveloped shall be assessed a stormwater user fee. The bill shall be determined by dividing the total land area of the property, in square feet, by the area of an equivalent residential unit times a correction factor. The correction factor may be based on the relative volume of runoff from an undeveloped property and that of a typical single-family residence, under typical hydrologic conditions.
- (c) For all nonresidential properties, that is, enterprise, business establishment, building or other occupancy not covered by subsections (a) and (b) of this Section, the rate shall be computed based on the total impervious area of the property divided by the average impervious area of an equivalent residential unit times the rate established for an equivalent residential unit. The billing amount shall be updated by the Public Utilities Department based on any additions to the impervious areas as approved through the building permit process.

(Ord. No. G-930, § 5, 11-11-2003; Ord. No. G-1138, § 1, 12-28-2010)

Sec. 82-547. - Payment; termination of service.

For each charge levied by or pursuant to this article, if the same is not paid within 30 days after it is due and payable, the municipality is authorized to terminate City water or other utility service until the charge is paid.

(Ord. No. G-930, § 6, 11-11-2003)

Secs. 82-548—82-564. - Reserved.

DIVISION 3. - ENFORCEMENT; APPEALS

Sec. 82-565. - Rules and regulations; enforcement.

The City Manager may make and enforce such rules and regulations as may be deemed necessary for the safe, economical and efficient management and protection of the municipal stormwater system, for the construction and use of the stormwater system and facilities, for connections to the stormwater system and for the regulation, collection, rebating and refunding of charges provided such rules and regulations are not in conflict with any municipal ordinance. No person shall violate or fail to comply with any such rule or regulation.

(Ord. No. G-930, § 7, 11-11-2003)

Sec. 82-566. - Appeals.

Any person disagreeing with the calculation of the stormwater drainage fee, as provided in this article, may appeal such determination to the director, or his or her designee. Any appeal must be filed in writing and shall include a survey, showing dwelling units, total property area, impervious area or nonresidential developed area, drainage structures, drainage patterns and any features that contain/retain/detain storm runoff on their own property, and diminish the quantity of stormwater handled by the city, as appropriate. The director may request additional information from the appealing party. Based upon the information provided by the utility and appealing party, the director shall notify the parties, in writing, of the director's decision. If still dissatisfied, a party may request, in writing, within 30 days, a review by the stormwater appeals board. Such request must cite specific error by the director and the calculation which the party feels is incorrect. The board shall review the record presented and enter a written decision as soon as practical. The board may request additional information from either party.

(Ord. No. G-930, § 8, 11-11-2003)

Secs. 82-567—82-574. - Reserved.

DIVISION 4. - EROSION AND SEDIMENT CONTROL; ILLICIT DISCHARGES

Sec. 82-575. - Adoption of erosion and sediment control guidelines and specifications.

The standard guidelines and specifications for erosion and sediment control on construction site activities, as contained in Division V—Design Criteria, Section 5100—Erosion and Sediment Control (Section 5100) of the Standard Specifications and Design Criteria, approved and adopted on August 13, 2003, by the Kansas City Metropolitan Chapter of the American Public Works Association (KC-APWA) are hereby adopted by reference and known as the Division 5100 Erosion And Sediment Control Manual,

save and except such parts or portions as deleted, modified, supplemented or amended by 82-576, 82-577, and 82-578; of which not less than three copies are on file with the Office of the City Clerk.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-576. - Sections deleted.

- (a) *Section 5102, "Education, Training, and Certification"* is deleted in its entirety.
- (b) *Section 5103.3 "Verification of Design Performance"* is deleted in its entirety.
- (c) *Template 5104-1, "Single Family Large Residential Lot"* is deleted in its entirety.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-577. - References modified.

All references to "Division III of this manual" shall refer to Appendix B—"Division III Standard Drawings". Standard drawings from the December 2005 edition of the Kansas Department of Transportation (KDOT) Temporary Erosion Control Manual are also acceptable for use in appropriate situations.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-578. - Amendments, modifications, and supplements.

- (a) Section 5104.1 is amended and shall read as follows:

"Single-Family and Two-Family residential lots at least 10,000 square feet in size, but no larger than 43,560 square feet (one (1) acre) in size, shall refer to Appendix A - Single Family Residential Standard Design Booklet."

- (1) The title of the booklet shall be Single-Family and Two-Family Residential Standard Design Booklet.
- (2) General Notes Disclaimer (page 4a) is amended to read as follows:

"DISCLAIMER: The appropriate standard drawing should be attached to the plot plan. It does not require an engineer's seal. This model plan can be used if the site meets the following conditions:

- 1.) The lot is at least 10,000 square feet, but no larger than 43,560 square feet (one (1) acre) in size;
- 2.) Approved by the City;
- 3.) Conditions meet one of the three (3) model drawings in this booklet.

If more erosion and sediment control measures are needed, this plan must be modified accordingly. The City can mandate additional controls as necessary. The lot owner assumes responsibility for existing control measures on the property and must preserve them until the site is fully stabilized."

- (3) Stabilized Lot Entrance—Notes (page 6) is amended to add the following:

- 5. Geotextile fabric is required in wet conditions. It is recommended in all conditions to provide stability to the entrance and to provide for easier removal of the device upon completion of the project."

(b) *Section 5107.1(D)* is amended and shall read as follows:

Design Criteria: For temporary seeding, the following seed mixture shall be used to the most practical extent possible.

LBS/ACRE	Grass Seed
30	Canada Wild Rye Grass Seed
15	Ryegrass Seed (Annual)

(c) *Section 5107.2(D)* is amended and shall read as follows:

Design Criteria: For permanent seeding, the following seed mixture shall be used to the most practical extent possible.

LBS / ACRE	Grass Seed
120	Fescue (Tall Turf Type Blend)

(d) *Section 5107.4(B)* is amended and shall read as follows:

Application: Mulch can be applied to seeded areas to help establish plant cover, it can also be used as temporary cover to unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished.

(e) *Section 5108.12(F)(6)* is amended and shall read as follows:

a.) *Stabilization:* the embankment of the sediment basin shall receive temporary or permanent seeding immediately after installation. If excavation is required in the basin, side slopes should not be steeper than 1.5H: 1V.

(f) *Section 5108.22* is added and shall read as follows:

Concrete Washout: Concrete wash water or rinse water from concrete mixing equipment, tools, ready-mix trucks, etc., may not be discharged into or allowed to run directly into any existing water body or storm inlet. One or more locations for concrete wash out will be designated on site, such that discharges during concrete washout will be contained in a small area where waste concrete can solidify in place and excess water evaporated or infiltrated into the ground.

(g) *Section 5108.23* is added and shall read as follows:

Chemical Handling: Chemicals or materials capable of causing pollution may only be stored onsite in their original container. Materials stored outside must be in closed and sealed water-proof containers and located outside of drainageways or areas subject to flooding. Locks and other means to prevent or reduce vandalism shall be used. Spills shall be reported as required by law and immediate actions taken to contain them.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-579. - General provisions.

- (a) *Purpose.* The purpose and objective of this division are as follows:
- (1) To maintain and improve the quality of surface water and groundwater within the City;
 - (2) To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the storm sewer system and natural waterways within the City;
 - (3) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers of the City;
 - (4) To encourage recycling of used motor oil and safe disposal of other hazardous consumer products;
 - (5) To facilitate compliance with state and federal standards and permits by owners of industrial and construction sites within the City;
 - (6) To enable the City to comply with all federal and state laws and regulations applicable to its NPDES permit for stormwater discharges.
- (b) *Administration.* Except as otherwise provided herein, the Director of Public Works, Director of Public Utilities, City Engineer, Stormwater Collection Foreman, Building Official or his/her designee, shall administer, implement and enforce the provisions of this division. This position will be referenced throughout this ordinance as City Officer.
- (c) *Definitions.* Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.
- (1) *Best management practices (BMP)* means schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States or the City's storm sewer system. The BMPs required in this division will be sufficient to prevent or reduce the likelihood of pollutants entering storm sewers, ditches, or ponds.
 - (2) *City* means the City Commission of Pittsburg, Kansas, or its delegated staff, boards, or agencies.
 - (3) *Commencement of construction* means the disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
 - (4) *Contractor* means any person or firm performing construction work at a construction site, including any general contractor and subcontractors. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical, landscaping contractors, and material suppliers delivering materials to the site.
 - (5) *Discharge* means any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the storm sewer system or into waters of the United States.
 - (6) *Discharger* means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any owner of a construction site or industrial facility.
 - (7) *Earthwork* means the disturbance of soils on a site associated with clearing, grading, or excavation activities
 - (8) *Facility* means any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

- (9) *Final stabilization* means the status when all soil-disturbing activities at a site have been completed. This would establish a uniform perennial vegetative cover with a density of 70 percent coverage for unpaved areas and those not covered by permanent structures or equivalent permanent stabilization measures (by employing riprap, gabions, or geotextiles).
- (10) *Fire protection water* means any water, and any substances or materials contained therein, used by any person to control or extinguish a fire, or to inspect or test fire equipment.
- (11) *Gabion* means caged riprap. (See riprap definition)
- (12) *Geotextiles* are permeable fabrics which, when used in association with soil, have the ability to separate, filter, reinforce, protect, or drain.
- (13) *Individual building sites* means and includes sites of building construction or earthwork activities.
- (14) *Industry* means and includes:
 - a. Municipal landfills;
 - b. Hazardous waste treatment, disposal, and recovery facilities;
 - c. Industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their standard industrial classification or narrative description; and
 - d. Industrial facilities that the City Officer determines are contributing a substantial pollutant loading to the storm sewer system, which are sources of stormwater discharges associated with industrial activity.
- (15) *Kansas General Permit for Stormwater Discharges Associated with Industrial Activity and Industrial General Permit* means the industrial general permit issued by the Kansas Department of Health and Environment (KDHE) and any subsequent modifications or amendments thereto, including group permits.
- (16) *Kansas General Permit for Stormwater Discharges from Construction Sites and Construction General Permit* means the construction general permit issued by KDHE and any subsequent modifications or amendments thereto, including group permits.
- (17) *Storm sewer system* means the system of conveyances, (including roads with drainage systems, municipal streets, catch basins, curb and gutters, ditches, manmade channels, natural waterways within the City or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater.
- (18) *NPDES permit* means for the purpose of this division, a permit issued by EPA or the State of Kansas that authorizes the discharge of stormwater pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- (19) *Nonpoint source* means the source of any discharge of a pollutant that is not a point source.
- (20) *Notice of intent (NOI)* means the notice of intent that is required by either the industrial general permit or the construction general permit.
- (21) *Notice of termination (NOT)* means the notice of termination that is required by either the industrial general permit or the construction general permit.
- (22) *Notice of violation (NOV)* means a written notice provided to the owner or contractor detailing any violations of this division and any cleanup action expected of the violators.
- (23) *Owner* means the person who owns a facility, part of a facility, or land.
- (24) *Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or

their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

- (25) *Point source* means any discernable, 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 stormwater runoff.
- (26) *Pollutant* means dredged spoil, spoil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, yard waste, hazardous household wastes, used motor oil, antifreeze, litter, and industrial, municipal, and agricultural waste discharged into water.
- (27) *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 public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
- (28) *Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the storm sewer system or the waters of the United States.
- (29) *Riprap* means loose assemblage of broken rock or concrete rubble recycled from construction sites used to protect the land and/or streambeds and/or stream banks against erosion.
- (30) *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.
- (31) *Stormwater* means storm runoff, snowmelt runoff, and surface runoff and drainage.
- (32) *Stormwater discharge associated with industrial activity* means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is listed as one of the categories of facilities in 40 CFR section 122.26(b) (14), and which is not excluded from EPA's definition of the same term.
- (33) *Stormwater pollution prevention plan (SWPPP)* means a plan required by an industrial general permit or the construction general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or industrial activity.
- (34) *Subdivision* means the division of a tract of land, into two or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved, and division of a parcel of land. The term "subdivision" shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use or other purposes.
- (35) *Waters of the United States* means any waters within the federal definition of "waters of the United States" at 40 CFR section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-580. - General prohibitions.

- (a) No person shall introduce or cause to be introduced into the storm sewer system any discharge that is not composed entirely of stormwater, except as allowed in subsection (b).
- (b) The following nonstormwater discharges are deemed acceptable and not a violation of this section:

- (1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the stormwater system);
 - (2) A discharge or flow resulting from emergency firefighting;
 - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;
 - (4) A discharge from water line flushing;
 - (5) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
 - (6) A discharge or flow from a diverted stream flow or natural spring;
 - (7) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - (8) Uncontaminated groundwater infiltration;
 - (9) Uncontaminated discharges or flow from a foundation drain, crawl space pump, footing drain, or sump pump;
 - (10) A 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;
 - (11) A 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;
 - (12) A discharge or flow from a riparian habitat or wetland or natural spring;
 - (13) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
 - (14) A discharge that is a result of an emergency condition to mitigate damage to life or property;
 - (15) Nonpoint agricultural discharges, excluding discharges from confined animal feeding operations;
 - (16) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
 - (17) Heat pump discharge waters (residential only).
- (c) Notwithstanding the provisions of subsection (b), any discharge shall be prohibited by this section if the discharge in question has been determined by the City Officer to be a source of pollutants to the waters of the United States, or to the storm sewer system, written notice of such determination has been provided to the discharge, and the discharge has occurred more than ten days beyond such notice.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-581. - Specific prohibitions and requirements.

- (a) *[General prohibition.]* The specific prohibitions and requirements in this section are not necessarily inclusive of all the discharges prohibited by the general prohibition in section 82-580.
- (b) *[State standards, restrictions.]* No person shall introduce or cause to be introduced into the storm sewer system any discharge that causes or contributes to causing the City to violate a KDHE water quality standard, the City's NPDES stormwater permit, or any state-issued discharge permit for discharges from its facility.
- (c) *[Restricted substances.]* No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced the following substances into the storm sewer system:
 - (1) Any used motor oil, antifreeze or any other petroleum product or waste;

- (2) Any industrial waste above the minimum standards established by KDHE;
 - (3) Any hazardous waste, including household hazardous waste;
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (5) Any garbage, rubbish, or yard waste;
 - (6) Wastewater that contains a harmful quantity of soap, detergent, degreaser, solvent, or surfactant-based cleaner from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus or heavy equipment, by a business or public entity that operates more than five such vehicles;
 - (7) Wastewater from the washing, cleaning, deicing, or other maintenance of aircraft;
 - (8) Wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any surfactant based cleaner;
 - (9) Any wastewater from commercial floor, rug, or carpet cleaning;
 - (10) Any wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of soap, detergent solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the washdown 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;
 - (11) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emission filter, or the blowdown from a boiler;
 - (12) Any ready-mixed concrete, mortar, ceramic, asphalt base material or hydromulch material, or discharge resulting from the cleaning of vehicles or equipment containing or used in transporting or applying such material;
 - (13) Any runoff, washdown water or waste from any animal pen, kennel, fowl or livestock containment area;
 - (14) Any chlorinated swimming pool water, filter backwash from a swimming pool or fountain water;
 - (15) Any water from a water curtain in a spray room used for painting vehicles or equipment;
 - (16) Any contaminated runoff from a vehicle wrecking yard;
 - (17) Any substance or material that will damage, block, or clog the storm sewer system; or
 - (18) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by leaking PST; or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge has received an NPDES permit from the state.
- (d) *[Construction-related materials.]* No person shall introduce or cause to be introduced into the storm sewer system any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured on site or captured by employing sediment and erosion control measures to the maximum extent practicable under prevailing circumstances.
- (e) *Regulations of pesticides and fertilizers.*
- (1) No person shall use or cause to be used any pesticide or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide or fertilizer to enter the storm sewer system or waters of the United States.

- (2) No person shall dispose of, discard, store, or transport a pesticide or fertilizer, or its container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide or fertilizer to enter the storm sewer system or waters of the United States.
- (f) *Used oil.* No person shall discharge used oil into the storm sewer system or a sewer, drainage system, septic tank, surface water, groundwater, or watercourse.
- (g) *Cleanup.* Should it be determined by the City Officer that any person or business has allowed any pollutant into the storm sewer system or waters of the United States, immediate measures will be taken by the responsible party to remove the pollutants. If the pollutants are not removed within the time period specified by the City Officer, the City may remove the pollutants and assess the cost thereof to the responsible party. The City may use any legal means to collect said cost, should the responsible party fail to pay said cost within 45 days.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-582. - Release reporting and cleanup.

- (a) Any person responsible for any release of any hazardous material that may flow, leach, enter, or otherwise be introduced into the storm sewer system or waters of the United States 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.
- (b) Following such release, the Fire Chief shall submit a written report to the stormwater coordinator detailing spill information and the methods used to remedy the problem.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-583. - Stormwater discharges from construction activities.

(a) *General requirements*

- (1) The owners of construction sites shall ensure that best management practices are used to control and reduce the discharge of pollutants into the storm sewer system and waters of the United States to the maximum extent possible under the circumstances.
- (2) Qualified personnel (provided by the owner of the construction site) shall inspect disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every 14 calendar days and within 24 hours of the end of a storm that is one-half inch or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the storm sewer system. Based on the results of the inspection, the best management practices shall be revised as appropriate as soon as practicable. These inspections, along with a description of revisions, will be documented in writing and available for inspection by the City Officer upon request.
- (3) Should it be found that soil or pollutants have already or may be carried into the storm sewer system or waters of the United States, immediate measures will be taken by the owner to remedy the violation and/or remove the pollutants. If the owner fails to remove pollutants within the time period prescribed in the notice of violation from the City, the City may remove the pollutants and assess the cost thereof to the responsible owner. Failure of the owner to pay said costs will be grounds for the denial of further approvals or the withholding of occupancy certificates.
- (4) When determined to be necessary for the effective implementation of this section, the City Officer may require any plans and specifications that are prepared for the construction of site

improvements to illustrate and describe the best management practices required by subsection (a)(1) above that will be implemented at the construction site. Should the proper BMPs not be installed or if the BMPs are ineffective, upon reasonable notice to the owner, the City may deny approval of any building permit, subdivision plat, site development plan, or any other City approval necessary to commence or continue construction, or to assume occupancy.

- (5) The owner of a construction activity site is responsible for compliance with the requirements in this subsection.
 - (6) Any contractor on a construction site will also be required to use best management practices to minimize pollutants that enter into the storm sewer system.
 - (7) All persons shall avoid damaging BMP devices once in place. Any person damaging a BMP device shall be responsible for the repair of the damaged BMP device. Malicious destruction of a BMP device or failure of such responsible person to repair BMP device will be deemed a violation of this division.
- (b) *Sites requiring federal and/or state NPDES stormwater discharge permits.* All owners of, developers and contractors on construction activity sites that disturb one acre or greater, or that are part of a common plan of development one acre or greater or sale requiring said permit(s), shall comply with the following requirements (in addition to those in subsection (a)):
- (1) Any owner who intends to obtain coverage for stormwater discharges from a construction site under the Kansas Industrial General Permit or the construction general permit shall submit a signed copy of its notice of intent to the City Engineer's Office when a building permit application is made. If the construction activity is already underway upon the effective date of this division, the NOI shall be submitted within 30 days. When ownership of the construction site changes, a revised NOI shall be submitted within 15 days of the change in ownership.
 - (2) A stormwater pollution prevention plan shall be prepared and implemented in accordance with the requirements of the construction general permit or any individual or group NPDES permit issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this division and any other City ordinance.
 - (3) The SWPPP shall be prepared by a licensed professional engineer and shall comply with state NPDES requirements. The signature of the preparer shall constitute his/her attestation that the SWPPP fully complies with the requirements of the permit issued.
 - (4) The SWPPP shall be completed prior to the submittal of the NOI to the City Engineer's Office and for new construction, prior to the commencement of construction activities. The SWPPP shall be updated and modified as appropriate and as required by the NPDES permit.
 - (5) The City Officer may require any owner who is required by subsection (b)(2) to prepare a SWPPP, to submit the SWPPP, and any modifications thereto, to the City Engineer's Office for review at any time.
 - (6) Upon the City Officer review of the SWPPP and any site inspection that he/she may conduct, if the SWPPP is not being fully implemented, the City may upon reasonable notice to the owner, deny approval of any building permit, site development plan, final occupancy certificate, or any other City approval necessary to commence or continue construction. A stop-work order may also be issued.
 - (7) All contractors working on a site subject to an industrial general permit or the construction general permit shall sign a copy of the certification statement prescribed in the Division 5100 Erosion and Sediment Control Manual before beginning work on the site.
 - (8) All contractors will be responsible for their own activities to ensure that they comply with the owners' SWPPP. Failure to comply with the SWPPP or malicious destruction of BMP devices is hereby deemed a violation of this division.

- (9) The SWPPP and the certifications of contractors required by subsection (b)(7), and with any modifications attached, shall be retained at the construction site from the date of construction commencement through the date of final stabilization.
- (10) The City Officer may notify the owner at any time, by posting notice on the property and/or by a ten-day written notice, that the SWPPP does not meet the requirements of the NPDES permit issued or any additional requirement imposed by or under this division. Such notification shall identify those provisions of the permit or this division, which are not being met by the SWPPP, and identify which provisions of the SWPPP, require modification in order to meet such requirements. Within 30 days of such notification from the City, the owner shall make the required changes to the SWPPP and shall submit to the City Officer a written certification from the owner that the requested changes have been made.
- (11) The owner shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the storm sewer system or to the waters of the United States, and which has not otherwise been addressed in the SWPPP, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges.
- (12) Qualified personnel (provided by the owner of the construction site) shall inspect disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every 14 calendar days and within 24 hours of the end of the storm that is one-half inch or greater. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the storm sewer system. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.
- (13) Based on the results of the inspections required by subsection (b)(12), the pollution prevention measures identified in the SWPPP shall be revised as appropriate. Such modifications shall provide for timely implementation of any changes to the SWPPP within seven calendar days following the inspection.
- (14) A report summarizing the scope of any inspection required by subsection (b)(12), and the names(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with subsection (b)(13) above shall be made and retained on site or at a local office in Pittsburg or immediate vicinity as part of the SWPPP. Such report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility complies with the SWPPP, the facility's NPDES permit, and this division. The report shall be certified and signed by the person responsible for making the inspection.
- (15) The owner shall retain copies of any SWPPP and all reports required by this division or by the NPDES permit for the site, and records of all data used to complete the NOI for a period of at least three years from the date that the site is finally stabilized.
- (16) Upon final stabilization of the construction site, the owner shall submit written certification to the City Engineer's Office that the site has been finally stabilized. The City may withhold the final occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and the City Engineer has determined, following any appropriate inspection, that final stabilization has occurred and that any required permanent structural controls have been completed.

- (c) *[Additional requirements.]* Sites not requiring federal and/or state NPDES stormwater discharge permits which are less than one acre but are new development or redevelopment within the City limits for individual building lot sites shall comply with the following requirements:
- (1) All owners of, developers, contractors and subcontractors working on the construction activity sites shall sign a copy of the appropriate certification statement(s) prescribed in the Division 5100 Erosion and Sediment Control Manual before beginning work on the site.
 - (2) All owners of, developers, contractors and subcontractors on construction activity sites shall comply with the BMP(s) in the individual building lot layouts provided in the Division 5100 Erosion and Sediment Control Manual.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-584. - Stormwater discharges associated with industrial activity.

- (a) All operators of: (1) municipal landfills; (2) hazardous waste treatment, disposal, and recovery facilities; (3) industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their standard industrial classification or narrative description; and (4) industrial facilities that the City Officer determines are contributing a pollutant load to the storm sewer system above the minimum standards established by KDHE, shall comply with the following requirements:
- (1) Any owner who intends, after the effective date of this division, to obtain coverage for a stormwater discharge associated with industrial activity under the Kansas Industrial General Permit shall submit a signed copy of its notice of intent to the City Engineer.
 - (2) When required by their NPDES permit, all industries listed in this section shall prepare a stormwater pollution prevention plan and implement said plan in accordance with the requirements of their state or federal NPDES permit.
 - (3) The SWPPP, when required, shall be prepared and signed by a professional licensed engineer and will comply with all state NPDES requirements. The signature of the preparer shall constitute his/her attestation that the SWPPP fully complies with the requirements of the NPDES permit.
 - (4) The SWPPP, when required, shall be updated and modified as appropriate and as required by the NPDES permit and this section.
 - (5) A copy of any NOI that is required by subsection (a)(1) shall be submitted to the City in conjunction with any application for a permit or any other City approval necessary to commence or continue operation of the industrial facility.
 - (6) The City Officer may require any operator who is required by subsection (a)(2) to prepare a SWPPP, to submit the SWPPP, and any modifications thereto, to the City Engineer's Office for review.
 - (7) Upon the City's review of the SWPPP and any site inspection conducted, the City Officer may, upon a ten-day notice to the owner, deny approval necessary to commence or continue operation of the facility, on the grounds that the SWPPP does not comply with the requirements of the NPDES permit, or any additional requirement imposed by or under this division. Also, if at any time the City Officer determines that the SWPPP is not being fully implemented, upon posting notice on the property and/or a ten-day written notice to the owner, he/she may deny approval of any application for a permit or other City approval necessary to commence or continue operation of the facility.
 - (8) The SWPPP, if required, with any modifications attached, shall be retained at the industrial facility from the date of commencement of operations until all stormwater discharges associated with industrial activity at the facility are eliminated and the required NOT has been submitted.

- (9) The City Officer may notify the owner at any time that the SWPPP does not meet the requirements of the NPDES permit, or any additional requirement imposed by or under this division. Such notification shall be a posted notice on the property and/or a ten-day written notice to the owner; shall identify those provisions of the permit or division which are not being met by the SWPPP; and shall identify which provisions require modification in order to meet such requirements. Upon 30 days following such notification from the City, the owner shall submit to the City Engineer's Office a written certification that the requested changes have been made.
- (10) The owner shall amend the SWPPP, if required, whenever there is a change in design, construction, operation, or maintenance, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges.
- (11) As may be required by the facilities' NPDES permit, qualified personnel (provided by the owner) shall inspect equipment and areas of the facility specified in the SWPPP at appropriate intervals or as may be specified in their NPDES permit. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.
- (12) Industrial facilities will implement a sampling and testing program as required by its individual NPDES permits. The City may require written reports of any such monitoring and testing to be submitted to the City Official.
- (13) The owner shall retain the SWPPP and all sampling and testing reports until at least one year after stormwater discharges associated with industrial activity at the facility are eliminated, or the operator is no longer operating the facility, and a NOT has been submitted.
- (14) For discharges subject to the semiannual or annual monitoring requirements of the industrial general permit, in addition to the records-retention requirements of the paragraph above, owners are required to retain for a six-year period from the date of sample collection, records of all sampling and testing information collected. Owners must submit such monitoring results, and/or a summary thereof, to the City Engineer upon his/her request.
- (15) After the effective date of this division, no stormwater discharge shall contain any hazardous metals in a concentration that would result in the violation of any Kansas Surface Water Quality Standard.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-585. - Ditches and ponds.

- (a) The owner of any private drainage ditch or pond that empties into the City's storm sewer system or the waters of the United States has a duty to use BMPs on the ditches or pond to minimize the pollutant levels downstream. Such BMPs include, but are not limited to, removing excessive build-up of silt, repairing bank erosion, maintaining vegetative cover, the cleaning of inlet and outlet works.
- (b) The City will periodically inspect these privately owned ditches and ponds. Should conditions be found that caused the pollution of downstream receiving waters, the City shall so notify the owners by posting notice on the property and/or a ten-day written notice stating what actions are expected by the owners to remedy the problem.
- (c) Should the owners fail to make the necessary repair within 60 days after notice, the City is authorized to do the repairs at the expense of the owner. Should the owner fail to reimburse the City for the cost of the repairs upon demand, the City may initiate any collection proceedings against the owner authorized by law.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-586. - Compliance monitoring.

- (a) The City Officer shall have the right to enter the premises of any person discharging stormwater into the City's storm sewer system or to waters of the United States at any reasonable time to determine if the discharger is complying with all requirements of this division, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the inspectors ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties.
- (b) Subject to the requirements of subsection (a), dischargers shall make available, upon request, any SWPPP, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this section and with any state or federal discharge permit.
- (c) The City shall have the right to set up on the discharger's property such devices that are necessary to conduct sampling of stormwater discharges.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-587. - Subdivision development.

- (a) The developer of any subdivision requiring a federal or state NPDES stormwater discharge permit will be responsible for obtaining the required permit and developing and implementing an overall SWPPP for the subdivision. Said SWPPP shall include BMPs to be used on individual lot building sites regardless of the issuance of a NOT.
- (b) City contractors installing public streets; water, sanitary sewer, storm sewer lines; and/or sidewalks will be required to comply with the developers SWPPP and sign the appropriate contractor certification statement. For City-contracted work in public right-of-way or easements requiring a federal or state NPDES stormwater discharge permit, the City shall be responsible for obtaining the required permit and preparing the SWPPP, while the City contractor will be responsible for implementing the required SWPPP.
- (c) Any utility company installing utilities within a new subdivision will also be required to comply with the developers SWPPP and sign the appropriate contractor certification statement. For work in public rights-of-way or easements requiring a federal or state NPDES stormwater discharge permit, the utility company shall be responsible for obtaining the required permit and preparing and implementing the required SWPPP.
- (d) The purchasers of individual lots within the subdivision shall comply with the developers SWPPP by following the BMPs to be used on individual lot building sites, and shall sign a certification statement agreeing to do so.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-588. - Violations and penalties.

- (a) The discharge of, or potential discharge of, any pollutant to the storm water system or waters of the United States; failure to obtain a federal or state stormwater discharge permit; the failure to prepare or implement a SWPPP when required by a federal or state permit; the failure to use effective BMP devices; the malicious destruction of BMP devices; failure to repair BMP devices; the failure to comply with any directive, citation, or order issued under this section; are violations of this division for which enforcement action may be taken.
- (b) Prior to taking any enforcement action as specified in this section, a violator will be issued a notice of violation by posting notice on the property and/or a ten-day written notice that will detail the nature

of the violation, actions to be taken to remedy the violation, actions to be taken to clean-up any pollutants, and any specific time periods within which to accomplish said actions.

(c) Actions to be taken under this division are as follows:

- (1) Any person, contractor or subcontractor thereof, violating any provision of this division is a class C offense, punishable as provided in chapter 1, section 1-7 of the Pittsburgh City Code. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.
 - a. When the City Officer finds that any stormwater discharger has violated or continues to violate the provisions set forth in this section, or the discharger's NPDES permit or any order issued thereunder, he/she may issue an order by posting notice on the property and/or a ten-day written notice for compliance to the discharger. Such orders may contain any requirements as might be reasonably necessary and appropriate to address noncompliance including, but not limited to, the installation of best management practices, additional self-monitoring, and/or disconnection from the storm sewer system.
 - b. The City Officer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial discharger responsible for noncompliance. Such orders shall include specific action to be taken by the discharger to correct the noncompliance within a time period specified by the order.
 - c. Notwithstanding any other remedies or procedures available to the City, any discharger who is found to have violated any provision of this section, or any NPDES permit or any order issued under this section, may be assessed a criminal penalty for the following acts:
 - 1) Failure to obtain required NPDES permit;
 - 2) Failure to prepare stormwater pollution prevention plan;
 - 3) Failure to install best management practices;
 - 4) Failure to maintain best management practices;
 - 5) Failure to perform required sampling and testing or provide testing reports.
- (2) It shall be a violation of this division for any person to hinder or interfere with the City Officer or his or her designee in the discharge of duties under the provisions of this section.
- (3) Notwithstanding other penalties provided by this section, whenever the City Officer finds that any owner or contractor on a construction site has violated, or continues to violate, any provision of this section or any order issued thereunder, the City Officer may, after posting notice on the property and/or a ten-day written notice to the owner or contractor issue a stop work order to the owner and contractors by posting such order at the construction site. Said order shall also be distributed to all City departments and divisions whose decisions may affect any activity at the site. Unless express written exception is made, the stop work order shall prohibit any further construction activity at the site and shall bar any further inspection or approval by the City associated with the building permit, site development plan approval, or any other approval necessary to commence or to continue construction or to assume occupancy at the site. Issuance of a stop work order shall not be a bar against, or a prerequisite for, taking any other action against the violator. Failure to comply with the requirements of any stop work order is a violation of this section.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-589. - Appeal process.

The process for all appeals of enforcement actions pursuant to this division shall be in accordance with the Building Code Board of Appeals.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-590. - Enforcement authorized.

The following personnel employed by the City shall have the power to issue notices of violations, citations and implement other enforcement actions under this division:

- (1) All authorized personnel under the supervision of the Director of Public Works;
- (2) All authorized personnel under the supervision of the Director of Public Utilities;
- (3) All authorized personnel under the supervision of the Building Official;
- (4) All authorized personnel under the supervision of the City Engineer;
- (5) All authorized personnel under the supervision of the Stormwater Collection Foreman.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-591. - Supplemental enforcement actions.

- (a) *Performance bonds.* Where necessary for the reasonable implementation of this division, the City may, by written notice, order any owner of a source of stormwater discharge associated with construction or industrial activity effected by this division to file a satisfactory bond, payable to the City, in an amount determined by the City Engineer to be necessary to achieve consistent compliance with this division. The City may deny approval of any building permit, subdivision plat, site development plan, or any other City permit or approval necessary to commence or continue construction or industrial activity at the site, or to assume occupancy, until such a performance bond has been filed.
- (b) *Liability insurance.* Where necessary for the reasonable implementation of this division, the City may, by written notice, order any owner of a source of stormwater discharge associated with construction or industrial activity effected by this division to submit proof that it has obtained liability insurance, or other financial assurance, in an amount determined by the City Engineer, that is sufficient to remediate, restore, and abate any damage to the municipal separate storm sewer system (MS4), the waters of the United States, or any other aspect of the environment that is caused by the discharge.

(Ord. No. G-1062, § 2, 4-14-2009)

Sec. 82-592. - Severability.

If any provision of this section [division] is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect.

(Ord. No. G-1062, § 2, 4-14-2009)

Secs. 82-593—82-599. - Reserved.