THE ORDINANCE OF HOUSTON COUNTY TO REGULATE ILLICIT DISCHARGE, PET WASTE, AND CONSTRUCTION STORMWATER WITHIN THE MS4 SYSTEM

Ordinance No. 18

SECTION 1. JURISDICTION

The boundary of this Ordinance shall be the designated La Crosse Area Planning Committee's Urbanized Area under authority of Houston County's Small Municipal Separate Storm Sewer System (MS4) General Permit with the Minnesota Pollution Control Agency, as amended from time to time.

SECTION 2. ILLICIT DISCHARGE

2.1 PURPOSE/INTENT.

The boundary of this Ordinance shall be the designated La Crosse Area Planning Committee's Urbanized Area under authority of Houston County's Small Municipal Separate Storm Sewer System (MS4) General Permit with the Minnesota Pollution Control Agency, as amended from time to time.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Houston County through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elmination System (NPDES) permit process. The objectives of this ordinance are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;

(2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system; and

(3) To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

2.2 DEFINITIONS.

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

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

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

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

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

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

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 2.7 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

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

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

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

2.3 APPLICABILITY.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

2.4 RESPONSIBILITY FOR ADMINISTRATION.

The Houston County Environmental Services and Highway Department shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

2.5 SEVERABILITY.

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

2.6 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

2.7 DISCHARGE PROHIBITIONS.

2.7.1 Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), street wash water, irrigation water, fire fighting activities, and any other water source not containing Pollutants.

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

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

2.7.2 Prohibition of Illicit Connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

2.8 SUSPENSION OF MS4 ACCESS.

2.8.1 Suspension due to Illicit Discharges in Emergency Situations. Houston County may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

2.8.2 Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a

violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

2.9 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Houston County prior to the allowing of discharges to the MS4.

2.10 MONITORING OF DISCHARGES.

2.10.1 Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

2.10.2 Access to Facilities.

(a) Houston County shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(b) Facility operators shall allow Houston County ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(c) Houston County shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(d) Houston County has the right to require the discharger to install monitoring equipment as necessary. 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 stormwater flow and quality shall be calibrated to ensure their accuracy.

(e) 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 operator at the written or oral request of Houston County and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(f) Unreasonable delays in allowing Houston County access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(g) If Houston County has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

2.11 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

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

2.12 WATERCOURSE PROTECTION.

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

2.13 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Houston County within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or

operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

2.14 ENFORCEMENT.

2.14.1 Notice of Violation. Whenever Houston County finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(a) The performance of monitoring, analyses, and reporting;

(b) The elimination of illicit connections or discharges;

(c) That violating discharges, practices, or operations shall cease and desist;

(d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

(e) Payment of a fine to cover administrative and remediation costs; and

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

2.15 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 35 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

2.16 ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or , in the event of an appeal, within 60 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

2.17 COST OF ABATEMENT OF THE VIOLATION.

Within 60 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 35 days. If the amount due is not paid within a

timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the county by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the judgement rate per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

2.18 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

2.19 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

2.20 VIOLATIONS DEEMED A PUBLIC NUISANCE.

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

2.21 CRIMINAL PROSECUTION.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of $1000 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days. The authorized enforcement agency may recover all attorney’s fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

2.22 REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 3. ANIMAL WASTE

3.1 Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal: A dog, cat, or other animal kept for amusement or companionship

Owner/Custodian*:* Any person who harbors, feeds, boards, possesses, keeps, or has custody of an animal

Immediately: at once, without delay

Soil/defile*:* to make unclean from excrement

Waste: solid matter expelled from the bowels of the pet; excrement

3.2 DISPOSAL OF ANIMAL WASTE.

(a) No owner or custodian of any animal shall cause or allow such animal to soil, defile, or defecate on any public property or upon any street, sidewalk, public way, or play area, unless such owner immediately removes and disposes of all feces deposited by such animal in a sanitary manner.

(b) It is unlawful for any person owning, keeping, or harboring an animal to cause or permit said animal to be on any public property, without having in his/her immediate possession a device for the removal of feces and depository for the transmission of excrement to a proper receptacle located on the property owned or possessed by such person.

(c) It is unlawful for any person in control of, causing, or permitting any animal to be on any public property to fail to remove feces left by such animal and dispose of it properly as described in section (d).

(d) Proper disposal of animal waste shall be limited to burial where lawfully permitted, flushing in the toilet, bagging for disposal in the owner or keeper's waste receptacle, and bagging for disposal in a waste receptacle in a public park or park area.

(e) Disposal of animal waste in storm drains is prohibited.

(f) Disposal of animal waste in public compost is prohibited.

(g) The provisions of this section shall not apply to the ownership or use of any properly identified service animals, animals when used for police activities, or tracking animals when used by or with the permission of the appropriate authorities.

SECTION 4. CONSTRUCTION AND POST-CONSTRUCTION STORMWATER MANAGEMENT

Houston County hereby adopts and incorporates by reference the erosion, sediment, and waste control standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (Construction Stormwater Permit) as now constituted and from time to time amended.

4.1 CONSTRUCTION SITE STORMWATER RUNOFF CONTROL.

4.1.1 Site Plan Review

a. The owner or operator of construction activity shall submit a copy of the site plan as part of the permit application for review and confirmation that ordinance requirements have been met.

b. If the permit application is denied, and the permitee would like to proceed with the project, the permittee must revise the permit application, including the site plan, and resubmit.

c. Once a permit has been issued/approved, the site plan becomes an enforceable document and the permitee must comply with all requirements identified in the site plan. The permittee is also responsible for keeping the stormwater runoff control requirements identified in the site plan up to date.

4.1.2 Site Plan Requirements

a. The site plan must include the following project information.

(1) Project name

(2) Location of the project

(3) Total acreage to be disturbed

(4) Names of the person responsible for the proposed construction activity

b. The site plan must include the location, type, and narrative of the following best management practices (BMPs) consistent with standards identified in Part 4.1.3.

(1) Down gradient sediment controls;

(2) Soil stabilization (temporary and permanent);

(3) Vehicle tracking;

(4) Inspection and maintenance schedules; and

(5) Other BMPs as applicable:

a) Areas that are not to be disturbed;

b) Phasing and stabilization BMPs for steep slopes;

c) Temporary or permanent ditches or swales being used as sediment containment systems;

d) Pipe outlet energy dissipation

e) Buffer Zones including but not limited to:

i. A minimum of a 50-foot natural buffer;

ii. A minimum of a 100-foot buffer zone from “other special waters”, “prohibited waters”, and “restricted waters” as defined;

f) Inlet protection BMPs;

g) Stockpile BMPs;

h) Dewatering and basin draining;

i) Temporary Sedimentation Basins consistent with standards identified in Part 4.1.4.

j) Pollution Prevention Management BMPs

k) Permanent Stormwater Management BMPs

4.1.3 Best Management Practices (BMPs) Requirements

a. Erosion Prevention Practices

(1) All areas not to be disturbed must be delineated before work begins;

(2) All steep slopes must be identified in the site plan and disturbance of those steep slopes should be minimized. If steep slopes must be disturbed, techniques such as phasing and stabilization practices designed for steep slopes (e.g., slope draining and terracing) must be implemented;

(3) All exposed soil areas, including stockpiles must be stabilized;

i. Stabilization must be initiated immediately to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days (or seven (7) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to, one or more of the following: “impaired waters”, “other special waters”, “prohibited waters”, and/or “restricted waters” as defined);

ii. Stabilization must be completed no later than 14 calendar days after the construction activity has ceased (or seven (7) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to, one or more of the following: “impaired waters”, “other special waters”, “prohibited waters”, and/or “restricted waters” as defined);

iii. Stabilization is not required on constructed base components of roads, parking lots and similar surfaces;

iv. Stabilization is not required on temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) but permittees must provide sediment controls at the base of the stockpile.

(4) All exposed soil areas within 200 feet of the water's edge, and that drain to Public Waters that the Minnesota DNR has promulgated "work in water restrictions" during specified fish spawning time frames, must be stabilized within 24 hours during the restriction period;

(5) The normal wetted perimeter of the last 200 linear feet of temporary or permanent drainage ditches or swales that drain water from the site must

be stabilized within 24 hours after connecting to a surface water or property edge;

(6) Stabilization of remaining portions of temporary or permanent ditches or swales must be completed within 14 calendar days (or seven (7) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to, one or more of the following: “impaired waters”, “other special waters”, “prohibited waters”, and/or “restricted waters” as defined) after connecting to a surface water or property edge and after construction in that portion of the ditch temporarily or permanently ceases;

(7) Temporary or permanent ditches or swales being used as a sediment containment system during construction (with properly designed rock-ditch checks, bio rolls, silt dikes, etc.) do not need to be stabilized. Stabilization of these areas must be completed within 24 hours after their use as a sediment containment system ceases;

(8) Mulch, hydro mulch, tackifier, polyacrylamide or similar erosion prevention practices must not be used within any portion of the normal wetted perimeter of a temporary or permanent drainage ditch or swale section with a continuous slope of greater than two (2) percent. Examples of acceptable erosion prevention practices include blankets, poly, riprap, etc.;

(9) Temporary or permanent energy dissipation must be provided at all pipe outlets within 24 hours after connection to a surface water or permanent stormwater treatment system; and

(10) No more land can be disturbed (i.e., phasing) than can be effectively inspected and maintained in accordance with inspection and maintenance requirements.

b. Sediment Control Practices

(1) Sediment control BMPs must be established on all downgradient perimeters of the site and downgradient areas of the site that drain to any surface water, including curb and gutter systems;

(2) Sediment control practices must be located upgradient of any buffer zones;

(3) Sediment control practices must be installed before any upgradient land-disturbing activities begin and must be kept in place until permanent cover is established. Any sediment control made of soil must be temporarily or permanently stabilized within 24 hrs.

(4) If downgradient sediment controls are overloaded, based on frequent failure or excessive maintenance requirements, additional upgradient sediment control practices or redundant BMPs must be installed to

eliminate the overloading. The site plan must be amended to identify these additional practices;

(5) Temporary or permanent drainage ditches and sediment basins designed as part of a sediment containment system (e.g., ditches with rock-check dams) require sediment control practices only as appropriate for site conditions;

(6) A floating silt curtain placed in the water is not a sediment control BMP to satisfy perimeter control in this part except when working on a shoreline or below the waterline. When applicable, after the construction activity (e.g., installation of rip rap along the shoreline) in that area is complete, upland perimeter control practices must immediately be installed if exposed soils still drain to a surface water;

(7) All sediment control practices adjusted or removed to accommodate short-term activities such as clearing or grubbing, or passage of vehicles, must be re-installed immediately after the short-term activity is completed. All sediment control practices must be re-installed before the next precipitation event even if the short- term activity is not complete;

(8) All storm drain inlets must be protected using appropriate BMPs during construction until permanent cover has been established on all areas with potential for discharging to the inlet;

(9) Inlet protection for a particular inlet may be removed if a specific safety concern (e.g. street flooding/freezing) is identified. The need for removal must be documented in the site plan;

(10) Silt fence or other effective sediment controls must be provided at the base of stockpiles on the downgradient perimeter prior to the initiation of stockpiling;

(11) All stockpiles must be located outside of natural buffers or surface waters, including stormwater conveyances such as curb and gutter systems unless there is a bypass in place for the stormwater;

(12) Vehicle tracking BMPs must be located to minimize the track out of sediment from the construction site or onto paved roads within the site;

(13) Street sweeping must be used in addition to vehicle tracking BMPs if vehicle tracking BMPs are not adequate to prevent sediment tracking onto the street;

(14) Temporary sediment basins must be installed consistent with standards identified in Part 4.1.4.

i. In any areas of the site where final vegetative stabilization will occur, vehicle and equipment use must be restricted to minimize soil compaction;

(15) Topsoil must be preserved on the site;

(16) Discharges from BMPs must be directed to vegetated areas unless infeasible;

(17) A 50-foot natural buffer must be preserved or, if a buffer is infeasible on the site, redundant (double) perimeter sediment controls must be provided when a surface water is located within 50 feet of the project's earth disturbances and stormwater flows to the surface water;

i. Permittees must install perimeter sediment controls at least 5 feet apart unless limited by lack of available space;

ii. Natural buffers are not required adjacent to road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, and sediment basins;

iii. If preserving the buffer is infeasible, the reasons must be documented in the site plan;

iv. Sheet piling and other impermeable barriers installed in a manner that retains all Stormwater are considered redundant perimeter control.

(18) An undisturbed buffer zone of not less than 100 linear feet must be included on a project that is within one mile (aerial radius measurement) of, and flows to "other special waters", "prohibited waters", and/or "restricted waters" as defined;

i. The buffer zone must be maintained at all times, both during construction and as a permanent feature post construction, except where a water crossing or other encroachment is necessary to complete the project;

ii. If buffer encroachment is necessary, the circumstance, reasons, and restoration activities must be fully documented in the site plan;

iii. All potential water quality, scenic and other environmental impacts of the encroachments must be minimized by the use of additional or redundant (double) BMPs. Additional or redundant BMPs must be documented in the site plan.

(19) Polymers, flocculants, or other sedimentation treatment chemicals must be used in accordance with accepted engineering practices, dosing specifications and sediment removal design specifications provided by the manufacturer or supplier;

(20) Conventional erosion and sediment controls must be used prior to chemical addition and must direct treated stormwater to a sediment control system for filtration or settlement of the floc prior to discharge.

c. Dewatering and Basin Draining

(1) Turbid or sediment-laden waters related to dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) must be discharged to a sediment control (e.g. sediment trap or basin, filter bag) designed to prevent discharges with visual turbidity. To the extent feasible, use well-vegetated (e.g. grassy or wooded) upland area of the site to infiltrate dewatering water before discharge;

(2) Receiving waters cannot be used as part of a treatment area;

(3) Discharges from dewatering activities must be visually checked and photographed at the beginning and at least once every 24 hours of operation to ensure treatment has been obtained and nuisance conditions will not result from the discharge. Dewatering activities that only last for minutes, as opposed to hours and do not reach a surface water, do not require photographs or documentation;

(4) If nuisance conditions result from the discharge, dewatering activities must immediately cease and corrective actions must occur before dewatering is resumed. Nuisance conditions include, but is not limited to, a sediment plume in the receiving water or the discharge appears cloudy, or opaque, or has a visible contrast, or has a visible oil film, or causes aquatic habitat degradation that can be identified by an observer;

(5) An oil-water separator or suitable filtration device (e.g., cartridge filters, absorbents pads) must be used prior to discharge of water containing oil or grease;

(6) Water from dewatering or basin-draining activities must be discharged in a manner that does not cause erosion or scour in the immediate vicinity of discharge points;

(7) Dewatering or basin-draining activities cannot cause inundation of wetlands that causes significant adverse impact to the wetland in the immediate vicinity of discharge points.

(8) If filters with backwash water are used, all backwash must be hauled away for disposal, returned to the beginning of the treatment process, or incorporated into the site in a manner that does not cause erosion.

d. Inspection and Maintenance

(1) A trained person must inspect the entire construction site and areas adjacent to the site at least once every seven (7) days during active construction, or every three (3) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to a “prohibited waters” as defined, and within 24 hours after a rainfall event greater than ½ inch in 24 hours;

(2) All permanent stormwater treatment BMPs must be inspected and maintained;

(3) All erosion prevention and sediment control BMPs and Pollution Prevention Management Measures must be inspected to ensure integrity and effectiveness.

(4) All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs by the end of the next business day after discovery unless another time frame is specified below. Additional time, if field conditions prevent access to the area, may be taken;

(5) Surface waters, including drainage ditches and conveyance systems, but not curb and gutter systems, must be inspected for evidence of erosion and sediment deposition.

a) All deltas and sediment deposited in areas adjacent to the site and in surface waters, including drainage ways, catch basins, and other drainage systems must be removed;

b) All areas where sediment removal resulted in exposed soils must be restabilized. Removal and stabilization must be completed within seven (7) calendar days of discovery unless precluded by legal, regulatory, or physical access constraints;

c) All reasonable efforts to obtain access must be used;

d) If precluded, removal and stabilization must take place within seven (7) days of obtaining access; and

e) Contact all local, regional, state and federal authorities and receive any applicable permits, prior to conducting any work in surface waters;

(6) Construction site vehicle exit locations, streets and curb and gutter systems within and adjacent to the project must be inspected for sedimentation from erosion or tracked sediment from vehicles.

a) Sediment must be removed from all paved surfaces within one (1) calendar day of discovery or, if applicable, within a shorter time to avoid a safety hazard to users of public streets;

(7) Perimeter control devices must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches ½ of the height of the device;

(8) When the depth of sediment collected in temporary and permanent sedimentation basins reaches ½ the storage volume, the basins must be drained and sediment removed. This must occur within 72 hours of discovery;

(9) At least one individual present on the site (or available to the project site in three (3) calendar days) must be trained in the job duties of overseeing the implementation of, revising and/or amending the site plans and performing inspections for the project;

(10) Inspection schedules may be adjusted as follows:

a) Inspections of areas with permanent cover can be reduced to once per month, even if construction activity continues on other portions of the site; or

b) Where sites have permanent cover on all exposed soil and no construction activity is occurring anywhere on the site, inspections can be reduced to once per month and, after 12 months, may be suspended completely until construction activity resumes. Houston County may require inspections to resume if conditions warrant;

c) here construction activity has been suspended due to frozen ground conditions, inspections may be suspended. Inspections must resume within 24 hours of runoff occurring, or upon resuming construction, whichever comes first; or

d) projects where a pollinator habitat or native prairie type vegetative cover are being established, inspections may be reduced to once per month if the site has temporary vegetation with a density of 70% uniform cover. If after 24 months no significant erosion problems are observed, inspections may be suspended completely until the termination requirements identified in Part 4.1.3(f) below are met.

(11) Inspections and maintenance activities must be recorded within 24 hours of being conducted and these records must be retained with the site plan. These records must include:

a) Date and time of inspections;

b) Name of person(s) conducting inspections;

c) Accurate findings of inspections, including the specific location where corrective actions are needed;

d) Corrective actions taken (including dates, times, and party completing maintenance activities);

e) Date of all rainfall events greater than ½ inches in 24 hours, and the amount of rainfall for each event. Rainfall amounts must be obtained by either a properly maintained rain gauge installed onsite, a weather station that is within one (1) mile of the site's location, or a weather reporting system that provides site specific rainfall data from radar summaries;

f) Photographs of dewatering activities;

g) Observed discharges must be recorded, discharges should be photographed and the location of the discharge described (i.e., color, odor, settled or suspended solids, oil sheen, and other obvious indicators of pollutants); and

h) Any amendments to the site plan proposed as a result of the inspection must be documented within seven (7) calendar days.

e. Pollution Prevention Management Measures

(1) Construction and landscape materials must be placed under cover (e.g., plastic sheeting or temporary roofs) or protected by similarly effective means as designed to minimize contact with Stormwater;

(2) Products which are either not a source of contamination to Stormwater or designed to be exposed to Stormwater are not required to be covered or protected;

(3) Pesticides, herbicides, fertilizers and treatment chemicals must be placed under cover (e.g., plastic sheeting or temporary roofs) or protected by similarly effective means designed to minimize contact with Stormwater;

(4) Hazardous materials and toxic waste (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) must be stored in sealed containers to prevent spills, leaks or other discharge;

(5) Hazardous materials must be stored and disposed of in accordance with Minn. R. ch. 7045;

(6) Solid waste must be stored, collected, and disposed of in accordance with Minn. R. ch. 7035;

(7) Portable toilets must be positioned so that they are secure and will not tip or be knocked over.

(8) Sanitary waste from the portable toilets must be properly disposed in accordance with Minn. R. ch. 7041;

(9) Reasonable steps must be taken to prevent the discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible;

a) Adequate supplies must be available at all times to clean up discharged materials and an appropriate disposal method must be available for recovered spilled materials;

b) Spills must be immediately reported and cleaned up as required by Minn. Stat. Sect. 115.061, using dry clean up measures where possible.

(10) Limit vehicle exterior washing and equipment to a defined area of the site.

a) Runoff from the washing area must be contained in a sediment basin or other similarly effective controls;

b) Waste from the washing activity must be disposed of properly;

c) Soaps, detergents, and solvents must be properly used and stored.

(11) Liquid and solid wastes generated by washout operations (e.g. concrete, stucco, paint, form release oils, curing compounds and other construction materials) related to the construction activity must be contained and not contact the ground. A sign, indicating the location of a washout facility, must be installed.

f. Termination Conditions

(1) All construction activity must be completed and permanent cover must be installed over all areas;

a) Permanent cover must consist of a uniform perennial vegetation with a density of 70 percent of its expected final growth;

b) Vegetation is not required where the function of a specific area dictates no vegetation, such as impervious surfaces or the base of a sand filter.

(2) Permanent stormwater treatment system must be cleaned of any accumulated sediment;

a) The system must meet all applicable requirements and operate as designed.

(3) Sediment must be removed from conveyance system(s);

(4) Temporary synthetic erosion prevention and sediment control BMPs must be removed. BMPs designed to decompose on-site may be left in place;

(5) For residential construction only, permit coverage may be terminated on individual lots if:

a) The structure(s) are finished, permanent cover has been established, and the lot is sold to the homeowner; or

b) The structure(s) are finished, the lot is sold to the homeowner, temporary erosion prevention perimeter controls are properly installed downgradient of any soils where permanent cover has not been established, and the homeowner is provided the MPCA's "Homeowner Fact Sheet".

(6) For construction projects on agricultural land (e.g., pipelines across cropland), the disturbed land must be returned to its preconstruction agricultural use.

4.1.4 Design Criteria for Temporary Sediment Basins

a. Where 10 or more acres of disturbed soil drain to a common location or where 5 or more acres of undisturbed soil drain to a common location on the project that is within one mile (aerial radius measurement) of an “impaired waters”, “other special waters”, “prohibited waters”, and/or “restricted waters” as defined, the applicant must provide a basin to provide treatment of the runoff before it leaves the construction site or enters surface waters.

b. Temporary sediment basins may be converted to a permanent basin after construction is complete.

c. Temporary basins may be removed when permanent cover has reduced the acreage of disturbed soils to less than 10 (or 5 when applicable) acres draining to a common location.

d. Must provide live storage for a calculated volume of runoff from a two (2) year, 24-hour storm from each acre drained to the basin, except that in no case shall the basin provide less than 1,800 cubic feet of live storage per acre drained to the basin.

e. Where the two (2)-year, 24-hour storm runoff amount is not calculated, the temporary sediment basin must provide 3,600 cubic feet of live storage per acre of the basins’ drainage area.

f. Outlets must be designed to prevent short-circuiting and the discharge of floating debris.

g. The outlet structure must be designed to withdraw water from the surface to minimize the discharge of pollutants. The use of a surface withdrawal mechanism may be temporarily suspended during frozen conditions. The basin must include a stabilized emergency overflow to prevent failure of pond integrity.

h. Energy dissipation must be provided for the basin outlet within 24 hours after connection to a surface water.

i. Temporary sediment basins must be situated outside of surface waters and include a buffer zone not less than 100 linear feet from special waters.

j. The temporary basins must be constructed and made operational prior to disturbing 10 or more acres of soil draining to a common location.

k. Where a temporary sediment basin meeting the above requirements is infeasible, effective sediment controls such as smaller sediment basins, and/or sediment traps, silt fences, vegetative buffer strips, or any appropriate combination of measures must be installed as dictated by individual site conditions, including all down-slope boundaries and side-slope boundaries. In determining whether installing a sediment basin is infeasible, the owner/operator(s) must consider public safety and may consider factors such as site, soils, slope, and available area on site. The determination of infeasibility must be documented in the site plan.

4.2 POST-CONSTRUCTION STORMWATER MANAGEMENT.

4.2.1 Submittal of Site Plans consisting of Post-Construction Plans

a. Site plans must be submitted for review and confirmation that ordinance requirements have been met, prior to start of construction activity.

b. Site plans must consist of, at a minimum, the following items:

(1) All calculations for the permanent stormwater treatment system;

(2) The water quality volume that will be treated through volume reduction practices;

(3) Rationale and documentation supporting the location of any off-site permanent stormwater treatment projects;

(4) All legal mechanisms related to Section 4.2.3.

4.2.2 Post-Construction Stormwater Management BMPs must meet the following criteria:

a. Designed with accepted engineering practices and in accordance with Section 4.2.4.

b. Designed so that discharges from the project during and after construction activities do not cause a violation of state water quality standards, including nuisance conditions, erosion in receiving channels or on downslope properties, or a significant adverse impact to wetlands caused by inundation or decrease of flow.

c. Treat the water quality volume on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres.

d. For construction activity (excluding linear projects), water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface.

e. For linear projects, water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in Section 4.2.2(f). Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, the owner/operator of construction activity must maximize the treatment of the water quality volume prior to discharge from Houston County's MS4.

f. Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. Wet sedimentation basins and filtration systems are not considered volume reduction practices. If infiltration is prohibited, as described in Section

4.2.4a(14), other volume reduction practices, a wet sedimentation basin, or a filtration basin may be considered.

g. For discharges to a trout stream, the system must be designed so the discharge from the project minimizes any increase in the temperature of trout streams resulting from the one (1) or two (2) year 24-hour precipitation events. This includes all tributaries of designated trout streams located within the same Public Land Survey System (PLSS) Section. The design must incorporate one or more of the following measures, in order of preference:

(1) Provide stormwater infiltration or other volume reduction practices as described in Part 4.2.2c-e above, to reduce runoff. Infiltration systems must discharge all stormwater routed to the system within 24 hours;

(2) Provide stormwater filtration as described in Part 4.2.4b. Filtration systems must discharge all stormwater routed to the system within 24 hours;

(3) Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales, and through the use of other non-structural controls;

(4) If ponding is used, the design must include an appropriate combination of measures such as shading, vegetated swale discharges or constructed wetland treatment cells that limit temperature increases. The pond must be designed as a dry pond and should draw down in 24 hours or less; and

(5) Other methods that minimize any increase in the temperature of the trout stream.

h. Off-site Treatment

(1) For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment and meet the following requirements (must be selected in the following order of preference):

a) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.

b) Locations within the same DNR catchment area as the original construction activity.

c) Locations in the next adjacent DNR catchment area up-stream.

d) Locations anywhere within the Houston County's jurisdiction.

(2) Off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs owned or operated by Houston County cannot be used to meet this requirement.

(3) Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity.

4.2.3 Long-term Maintenance

a. The permittee must enter into a long-term maintenance agreement with Houston County that documents all responsibilities for long-term operation and maintenance of stormwater treatment practices that are not owned or operated by Houston County. At a minimum, the long-term maintenance agreement must include provisions that:

(1) Allow Houston County to conduct inspections of structural stormwater BMPs not owned or operated by Houston County, perform necessary maintenance, and assess costs for those structural stormwater BMPs when Houston County determines the owner of that structural stormwater BMP has not ensured proper function;

(2) Are designed to preserve Houston County's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by Houston County, when those responsibilities are legally transferred to another party; and

(3) Are designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP.

4.2.4 Permanent Stormwater Management System Design Criteria

a. Infiltration System

(1) Infiltration options include, but are not limited to: infiltration basins, infiltration trenches, rainwater gardens, bioretention areas without underdrains, swales with impermeable check dams, and natural depressions;

(2) To determine if an infiltration system is suitable, either the MPCA's contamination screening checklist must be completed or an assessment must be conducted. The checklist or assessment must be documented in the site plan. For more information and to access the MPCA's "contamination screening checklist" see the Minnesota Stormwater Manual;

(3) Must be designed such that pre-existing hydrologic conditions of wetlands in the vicinity are not impacted (e.g., inundation or breaching a perched water table supporting a wetland);

(4) Must not be excavated to final grade, or within three (3) feet of final grade, until the contributing drainage area has been constructed and fully stabilized unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the infiltration area.

(5) When excavating to within three (3) feet of final grade, the permittee must stake off and mark the area so heavy construction vehicles or equipment do not compact the soil in the infiltration area;

6) A pretreatment device such as a vegetated filter strip, forebay, or water quality inlet (e.g., grit chamber) to remove solids, floating materials, and oil and grease from the runoff, to the maximum extent practicable, must be used before the system routes stormwater to the infiltration system;

7) Designed to provide a water quality volume as described in Part 4.2.2c-e;

8) Designed to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Additional flows that cannot infiltrate within 48 hours must bypass the system through a stabilized discharge point;

9) Must provide a means to visually verify the infiltration system is discharging through the soil surface or filter media surface within 48 hours or less;

10) Must provide at least one soil boring, test pit or infiltrometer test in the location of the infiltration practice for determining infiltration rates;

11) For design purposes, divide field measured infiltration rates by 2 as a safety factor or use soil-boring results with the infiltration rate chart in the Minnesota Stormwater Manual to determine design infiltration rates. When soil borings indicate type A soils, field measurements should be performed to verify the rate is not above 8.3 inches per hour.

12) Must employ appropriate on-site testing to ensure a minimum of three (3) feet of separation from the seasonally saturated soils (or from bedrock) and the bottom of the proposed infiltration system;

13) Must design a maintenance access, typically eight (8) feet wide;

14) Infiltration Systems are prohibited in the following areas (See "higher level of engineering review" in the Minnesota Stormwater Manual for more information):

a) Areas that that receive runoff from vehicle fueling and maintenance areas;

b) Areas where infiltrating stormwater may mobilize high levels of contaminants in soil or groundwater;

c) Areas where soil infiltration rates are field measured at more than 8.3 inches per hour unless the soils are amended to slow the infiltration rate below 8.3 inches per hour;

d) Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;

e) Areas of predominately Hydrologic Soil Group type D soils (clay);

f) The following areas within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13:

i. In an Emergency Response Area (ERA) within a DWSMA classified as having high or very high vulnerability as defined by the Minnesota Department of Health; or

ii. In an ERA within a DWSMA classified as moderate vulnerability unless a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater has been approved by Houston County; or

iii. Outside of an ERA within a DWSMA classified as having high or very high vulnerability unless a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater has been approved by Houston County.

g. Areas within 1,000 feet upgradient or 100 feet downgradient of active karst features; and

h. Areas that receive runoff from the following industrial facilities not authorized to infiltrate stormwater under the NPDES stormwater permit for industrial activities:

1) Automobile salvage yards;

2) Scrap recycling and waste recycling facilities;

3) Hazardous waste treatment, storage, or disposal facilities;

4) Wood preserving facilities; or

5) Air transportation facilities that conduct deicing activities.

b. Filtration System

1) Filtration options include, but are not limited to: sand filters with underdrains, biofiltration areas, swales using underdrains with impermeable check dams and underground sand filters;

2) Must not install filter media until the contributing drainage area is constructed and fully stabilized unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the filtration area;

3) Designed to remove at least 80 percent of TSS;

4) Must use a pretreatment device such as a vegetated filter strip, small sedimentation basin, water quality inlet, forebay or hydrodynamic separator to remove settleable solids, floating materials, and oils and grease from the runoff to the maximum extent practicable, before runoff enters the filtration system;

5) Designed to provide a water quality volume as described in Part 4.2.2c-e;

6) Designed to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Additional flows that the system cannot filter within 48 hours must bypass the system or discharge through an emergency overflow;

7) Designed to provide a means to visually verify the system is discharging through the soil surface or filter media within 48 hours;

8) Employ appropriate on-site testing to ensure a minimum of three (3) feet of separation between the seasonally saturated soils (or from bedrock) and the bottom of the proposed filtration system;

9) Construct with an impermeable liner when the system has less than three (3) feet of separation between seasonally saturated soils or bedrock;

10) Designed with a maintenance access, typically eight (8) feet wide.

c. Wet Sedimentation Basin

1) Permanent volume of 1,800 cubic feet of storage below the outlet pipe for each acre that drains to the basin;

2) Permanent volume must reach a minimum depth of at least three (3) feet and must have no depth greater than 10 feet;

3) Must be configured to minimize scour or resuspension of solids;

4) In addition to the permanent volume, the basin must provide the water quality volume as live storage. Water quality volume is described in Part 4.2.2c-e;

5) Water quality volume discharges at no more than 5.66 cubic feet per second (cfs) per acre of surface area of the basin;

6) Designed to prevent short-circuiting and the discharge of floating debris;

7) Basin outlets must have energy dissipation;

8) Must include a stabilized emergency overflow to accommodate storm events in excess of the basin's hydraulic design;

9) Must have a maintenance access, typically eight (8) feet wide, for the basin;

10) Must be located outside of surface waters and any buffer zones identified in Part 4.1.3b.

11) Permittees must design basins using an impermeable liner if located within active karst terrain.

d. Regional Wet Sedimentation Basins

1) When the entire water quality volume cannot be treated by volume reduction practices onsite, regional wet sedimentation basins can be used or created, provided they are constructed basins, not a natural wetland or water body.

2) The regional basin conforms to all requirements for a wet sedimentation basin as described in Part 4.2.4c.

3) Must be large enough to account for the entire area that drains to the basin.

4) Waterways between the project and the regional basin must not be significantly degraded.

5) Written authorization from Houston County or private entity that owns and maintains the regional basin.

SECTION 5. ADOPTION OF ORDINANCE

The Houston County Board of Commissioners, after proper notice and publication, held a public hearing on the adoption of this Ordinance on June 2nd, 2026, at the Houston County Courthouse.

This ordinance is hereby adopted by the Houston County Board of Commissioners, voting ___ ayes and ___ nay, and is effective this 16th day of June, 2026.

HOUSTON COUNTY

By_____ Date: _____
Greg Myhre, Chair
Houston County Board of Commissioners

Attested to by:

_____ Date: _____
Brent Parker
Houston County Coordinator