

WORKING DRAFT 5 Redline

IZARD COUNTY STORMWATER MANAGEMENT AND WATER PROTECTION ORDINANCE

ORDINANCE NO. _____

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF IZARD, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE ADOPTING ARKANSAS STORMWATER LAWS AND WATER PROTECTION LAWS; PROVIDING FOR IZARD COUNTY STORMWATER MANAGEMENT AND WATER PROTECTION, INCLUDING ENFORCEMENT AND OTHER PURPOSES

WHEREAS, the Arkansas Department of Environmental Quality (ADEQ), under regulations adopted by the State, the Pollution Control and Ecology Commission (PC&EC) and administered by the United States Environmental Protection Agency (EPA) requires stormwater management for sediment and erosion control;

WHEREAS, runoff generated by clearing of land without prior planning for site stabilization is causing excessive silt, debris and pollution to enter our rivers, streams and other water bodies. Sediment is the primary cause of water pollution in Arkansas, endangering public and private property, decreasing quality fish populations, contributing to flooding, decreasing water quality, and interfering with the essential recharge of our wells and aquifers.

WHEREAS, the Arkansas Pollution Control and Ecology Commission (APCEC) adopted Regulation 6, titled Regulations for State Administration of the National Pollution Discharge Elimination System (NPDES) and designated the Arkansas Department of Environmental Quality (ADEQ) as the permitting and enforcement agency.

WHEREAS, part of the NPDES system relates to disturbance of soil, pollution and erosion control related to construction activities generally referred to as the Construction Storm Water Program of ADEQ.

WHEREAS, inspection, monitoring and enforcement of State construction stormwater laws and water protection laws needs to be supplemented by local authority in order to protect the health, safety, environment and general welfare of the citizens of IZARD County.

WHEREAS, the Planning and Development Committee has previously met and approved the adoption of the following IZARD County Stormwater Management and Water Protection Ordinance;

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF IZARD COUNTY, ARKANSAS

Section 1: That the IZARD County Stormwater Management and Water Protection Ordinance attached hereto as Attachments A, B, C and D are hereby adopted including the penalties provided therein.

PASSED: _____

APPROVED: _____

ATTEST: _____

COUNTY CLERK

COUNTY JUDGE

IZARD COUNTY

STORMWATER MANAGEMENT AND WATER PROTECTION

Attachment "A" to Ordinance # _____

Section 1. General Provisions and Purpose. This ordinance shall be known as the Izard County Stormwater Management and Water Protection Ordinance. It is the purpose of this ordinance to:

- a. Protect, maintain, and enhance the environment of Izard County and protect the public health, safety and the general welfare of the citizens of the county, by controlling discharges of pollutants to the county's stormwater drainage system and to protect, maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the county.
- b. Enable Izard County to assure compliance with the National Pollution Discharge Elimination System (NPDES) as applied to construction activity, land disturbance, erosion and sediment control and applicable regulations for stormwater discharges of the State of Arkansas pursuant to the Clean Water Act.
- c. Allow Izard County to exercise the following powers with respect to stormwater management and water protection by ordinance or resolution in order to:
 - i. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the county, whether or not owned and operated by the county;
 - ii. Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services;
 - iii. Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

- iv. Review and approve plans for stormwater management and issue permits;
- v. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the NPDES permit or Iazard County Stormwater Management Permit (ISP);
- vi. Enforce state water protection laws.

Section 2. Adoption. The following regulations, permits and/or laws are hereby adopted and incorporated by reference by Iazard County.

- a. ADEQ Construction Storm Water Program regulations including but not limited to definitions, forms, permits, templates and procedures adopted by ADEQ pursuant to its authority, collectively referred to as "ADEQ Construction Stormwater Laws." The specific forms and supporting information currently adopted by ADEQ and this ordinance can be found online at http://www.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/cnstruction/construction.htm and are variations of ADEQ General Permit Number ARR150000 and related documents.
- b. Official copies of these documents shall be maintained at the office of the County Clerk and in the Iazard County Stormwater Manual.

Section 3. The County Judge or his designee's are responsible for enforcing this ordinance and for the design of forms and procedures for the accomplishment of the objectives of this ordinance. The County Judge shall appoint an Iazard County Stormwater Commission, a Stormwater Inspector(s) and a Committee of Quorum Court members to act as the Administrative Authority (AA) under such terms and conditions as the County Judge shall establish by appropriate order, in consultation with the Iazard County Planning and Development Committee.

- a. The Planning and Development Committee is hereby granted authority to promulgate policies, regulations, forms and procedures to accomplish the objectives of this ordinance and shall work closely with the Stormwater Inspector.
- b. The County Judge shall appoint an Iazard County Stormwater Commission to hear appeals and variances. The Commission shall have 5 members. One member shall be the Chair of the Planning and Development Committee, or their designee; one shall be a civil engineer with experience in hydrology; one shall be a realtor; one shall have expertise in heavy construction and grade management and one shall be a "citizen at large" provided all shall have sufficient professional training to qualify them to make informed decisions regarding stormwater

management. Commission members shall receive per diem compensation for their work and training. Three members shall be considered a quorum for decision making purposes.

- c. The Stormwater Inspector(s) are hereby granted the authority to enforce the provisions of this ordinance as set forth more specifically herein and to enter open land for purposes of inspection to determine if a violation has occurred or a permit required.

Section 4. Stormwater submittal requirements – Large, Small and Special Construction sites are required to submit the following documents and obtain an IZARD County Stormwater Permit (ISP) prior to any construction activity or soil disturbance. Payment of appropriate fees as set forth in Attachment “C” shall be made at the time of application.

- a. Large Construction Sites – Construction activity that disturbs 5 acres or more.

- i. The Arkansas Department of Environmental Quality (ADEQ) will act as the permitting and enforcement agency for the IZARD County Stormwater Management Program for Large Construction Sites. IZARD County will assist ADEQ by:

1. Receiving and reviewing a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the Notice of Coverage (NOC) issued by ADEQ prior to construction activity. These documents should be submitted with the application for an IZARD County Stormwater Permit (ISP).
2. Issuing an IZARD County Stormwater Permit (ISP)
3. Conducting on-site inspections prior to issuance of an ISP or at any time during or after completion of construction to monitor compliance. Potential violations shall be reported to ADEQ.
4. Reporting all large construction sites without the required permits to ADEQ.
5. Receiving, reviewing and approving the Notice of Termination when permittee has complied with termination provisions.

- b. Small Construction Sites – Construction activity that disturbs one (1) but less than five (5) acres or less than one (1) acre but part of a larger common plan for development.

- i. Iazard County requires all small construction sites to submit a Stormwater Pollution Prevention Plan (SWPPP) for review prior to construction or any soil disturbance. The Stormwater Inspector (SI) will conduct on-site inspections to ensure compliance with local, state and federal regulations. ADEQ will be informed of all actual and potential violations.
- ii. The owner/operator shall prepare and submit an application for an Iazard County Stormwater Permit (ISP) accompanied by a Stormwater Pollution Prevention Plan (SWPPP) using form "ARR150000 Automatic Coverage SWPPP Template" and form "ARR150000 Automatic Coverage Posting" as defined by ADEQ. Applicants shall comply with the following:
 - 1. Post form "ARR150000 Automatic Coverage Posting" on-site.
 - 2. Post an Iazard County Stormwater Permit (ISP) on-site.
 - 3. Use Best Management Practices (BMP's) to reduce runoff.
 - 4. Maintain the Stormwater Pollution Prevention Plan (SWPPP) on-site and inspect stormwater controls weekly.
 - 5. Remove all unnecessary BMP's after final stabilization.
 - 6. Notify Iazard County when final stabilization is completed, as defined by ADEQ. Submit the Notice of Termination (NOT) form used by ADEQ. Once compliance is confirmed, Iazard County shall approve the NOT.
 - 7. Submit an "as built" plan.
- iii. Special Construction Sites – Construction activity where less than 1 acre will be disturbed, but the site is within 300 feet of the White River or 100 feet of any lake, non-ephemeral stream, tributary, creek or other flowing body of water, unless further exempted under Section 6. Landowners disturbing less than one acre of land that is further away than the 300/100 foot area are exempt from the permitting requirements of this ordinance, but are covered by state law if they are part of a larger plan for development.
- iv. The owner/operator shall prepare and submit an application for an Iazard County Stormwater Permit (ISP) accompanied by a Stormwater Pollution Prevention Plan (SWPPP) using form "ARR150000 Automatic Coverage

SWPPP Template” and form “ARR150000 Automatic Coverage Posting” as defined by ADEQ. Applicants shall comply with the following:

1. Post form “ARR150000 Automatic Coverage Posting” on-site.
 2. Post an Iazard County Stormwater Permit (ISP) on-site.
 3. Use Best Management Practices (BMP’s) to reduce runoff.
 4. Maintain the Stormwater Pollution Prevention Plan (SWPPP) on-site and inspect stormwater controls weekly.
 5. Remove all unnecessary BMP’s after final stabilization.
 6. Notify Iazard County when final stabilization is completed, as defined by ADEQ. Submit the Notice of Termination (NOT) form used by ADEQ. Once compliance is confirmed, Iazard County shall approve the NOT.
 7. Submit an “as built” plan.
- c. Buffer zones as specified by ADEQ in Part 1, Section B, 13 of ADEQ General Permit Number ARR150000 shall apply to all sites within 300 feet of the White River or 100 feet of any lake, non-ephemeral stream, tributary, creek or other flowing body of water.

Section 5. Permits and fees required

- a. An Iazard County Stormwater Permit (ISP) will be required for any construction site activities associated with excavation, filling, grading and removal of trees or surface vegetation unless excluded by this ordinance. The application for a permit should be filed two (2) weeks before construction activity is anticipated to begin in order to allow time for review and approval by the Stormwater Inspector (SI). For large sites, the application for an ISP may be filed contemporaneously with the ADEQ filing, but shall not be approved until the ADEQ permit is reviewed and coverage is granted.
- b. The plan shall be approved and implemented prior to the start of any land disturbing activity and shall be maintained over the duration of the project. The Stormwater Inspector shall be notified when the stormwater management components are in place, but prior to soil disturbance. Permanent Stormwater management components of the plan shall be maintained in perpetuity.

- c. Within 2 weeks after receiving an application, the Stormwater Inspector (SI) shall in writing:
 - i. Approve the permit application;
 - ii. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation and issue the permit subject to these conditions; or
 - iii. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- d. Failure of the Stormwater Inspector (SI) to act on an original or revised application within 2 weeks of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement. This does not preclude the subsequent issuance of a stormwater permit (ISP) with such terms and conditions as deemed appropriate by the SI. The Iazard County Stormwater Permit (ISP) shall contain a certification by the owner/operator that all land clearing, construction, development and drainage will be done according to state, federal and local law. The Iazard County Stormwater Permit (ISP) will be issued for a one year period.
- e. In addition to the plans and permits required by Iazard County, the applicants shall obtain all state and federal permits for the proposed development. The applicant shall also be responsible for determining the existence and limits of any wetlands and/or floodways as may be applicable and be responsible for securing permits and approvals from the U.S. Army Corps of Engineers (COE) and Federal Emergency Management Agency (FEMA) as required.
- f. The issuance of an Iazard County Stormwater Permit (ISP) or the approval of any BMP's employed on the site is not an assurance that the approach will be effective in managing and stabilizing the site. The risk and responsibility remains on the owner, operators or contractors.
- g. Application for a permit under this ordinance shall constitute permission by the applicant and owner for the local Administrative Authority (AA) or Inspector(s) to enter upon the property and inspect prior to or during the construction phase as necessary to confirm compliance with the requirements of this ordinance. The AA or Inspector(s) shall have the right to inspect the property after completion of the construction phase and approval of the Notice of Termination to determine if the site is still stable.

- h. An owner/operator must personally sign and accept responsibility for compliance with this ordinance or, in the alternative, may post a bond to cover potential risks in an amount as determined by the Stormwater Inspector.
- i. The Stormwater Fees for permits, inspections and other purposes are set forth and incorporated as Attachment "C".

Section 6. Exemptions from Coverage

- a. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
- b. Nursery, forestry and agricultural activities are excluded from coverage, *except* new clearing or timber extraction within 300 feet of the White River or 100 feet of any lake, non-ephemeral stream, tributary, creek or other flowing body of water.
- c. Timber extraction within the 300/100 foot boundary is excluded, provided that Arkansas Forestry Best Management Practices (BMP) for Water Quality Protection as published in the manual of that name dated March 16, 2002 are followed. Streamside Management Zone requirements are mandatory.
- d. Landowners disturbing less than one acre of land that is further than 300 feet from the White River or 100 feet of any non- ephemeral lake, stream, tributary, creek or other flowing body of water.
- e. If there, is an actual violation of this ordinance, an Izard County Stormwater permit (ISP) may be required for property and activities previously excluded.

Section 7. Post Construction Submissions

- a. As-built plans - All applicants are required to submit an accurate as-built plan for any structures located on-site after final construction is completed. The plan should be submitted on an 8x10 piece of paper(s) that show the nature and location of structures, storm water management facilities, ponds, drains, etc and an explanation of how they will function and be maintained. Pictures that represent the site and areas of active stormwater management shall be submitted.
- b. Landscaping and stabilization requirements - Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to ADEQ stormwater standards and regulations.
- c. Removal of all unnecessary Best Management Practices (BMPs) - All

unnecessary BMPs must be removed after soil stabilization or when no longer required to stabilize the site or control runoff.

- d. The owner/operator shall be responsible for periodic inspections to assure compliance with design and maintenance standards.
- e. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities, it shall be a violation of this ordinance and corrective action should be taken as soon as reasonably possible.

Section 8. Illicit discharges – This section shall apply to all water generated on developed or undeveloped land and entering IZARD County's stormwater drainage system.

a. Prohibition of illicit discharges

- i. No person shall introduce or cause to be introduced into IZARD County's stormwater drainage system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to IZARD County's stormwater discharge system is prohibited and a violation of this ordinance.
- ii. An exception shall be discharges that are found to be necessary by IZARD County to protect public health and safety.

b. Reduction of stormwater pollutants by the use of best management practices - Any owner of a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at owner's expense, the BMPs necessary to prevent the further discharge of pollutants to the separate storm drainage system or to adjoining private property.

c. In general, stormwater discharges shall be managed so as to retain water on site as much as possible and in no event shall discharges be allowed that cause or contribute to erosion or other damage to adjoining property owners. Such a discharge shall be considered an illicit discharge.

Section 9. Violations and Enforcement

- a. Enforcement authority. The Stormwater Inspector(s) is given authority and responsibility to enforce the provisions of this ordinance by the County Judge.
- b. Violations - It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance shall be subject to

the penalties and enforcement actions outlined in this section and in Attachment “D”.

- c. If an owner/operator determines that a stormwater management problem is occurring or is about to occur, they shall take timely actions that a reasonable person would take to address the issue and so advise the Stormwater Inspector.
- d. If the Stormwater Inspector(s) finds that any of the provisions of this ordinance are being violated, they shall notify the person or persons responsible for such violations, indicating the nature of the violation, and order the action or actions necessary to correct the violation or violations. They shall issue a Notice of Non-compliance to discontinue any illegal work being done, or take any other corrective action authorized by this ordinance and /or applicable public law to ensure compliance with its provisions.
- e. Notice of Violation (NOV). Whenever the Stormwater Inspector (SI) finds that any permittee or any other person has violated or continues to violate this ordinance, the Inspector may serve upon such person a written NOV. Within ten (10) working days of this notice and explanation of the violation, a plan for the timely correction and prevention thereof, to include specific required actions and timetables, shall be submitted to the Inspector. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the NOV. The NOV shall contain;
 - i. The name and address of the alleged violator;
 - ii. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - iii. A statement specifying the nature of the violation;
 - iv. A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
 - v. A statement of the penalty or penalties that shall or may be assessed against the person to whom the NOV is directed;
 - vi. A schematic map drawing, if necessary, to show area of violation and corrective measures to stop or abate the violation;
- f. Stepped Enforcement – If there is no immediate or significant risk to streams and waters protected by this ordinance, the Stormwater Inspector shall make every

effort to work with the owner/operator to secure voluntary compliance. Under such circumstances, the Stormwater Inspector (SI) may use a stepped enforcement approach to secure compliance, including the following:

- i. Verbal and/or written Notice of Non-compliance to the Operator/Owner.
 - ii. Notice of Violation (certified mail, hand delivery and/or post the property)
 - iii. Citation to IZARD County Circuit Court (certified mail, hand delivery and/or post the property)
 - iv. Penalties, including revocation of the IZARD County Stormwater Permit (ISP). Citation to Circuit Court will be necessary to secure revocation.
 - v. Failure to comply and/or substantial violations may be referred to ADEQ for enforcement.
- g. In the event the Stormwater Inspector believes a violation exists that constitutes an immediate danger to public health, public safety, or the environment, Administrative Authority (AA) personnel, Inspector(s) or personnel they designate may enter upon the subject property, without giving prior notice, to take any and all measures necessary to abate the violation and restore or stabilize the site. The Stormwater Inspector(s) is then authorized to seek costs of the abatement or other relief through the issuance of a Citation.
- h. Stop Work Order (SWO) - When a Stormwater Inspector finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the Inspector may issue an order to cease and desist all such violations, and freeze the request for any and all other permits requested, and direct the Owner/Operator in non-compliance to comply forthwith or take such appropriate remedial or preventive action as may be needed necessary to properly address a continuing or threatened violation, including the halting of operations and terminating the discharge.

Section 10. Appeals and Variances

- a. In the event an owner/operator does not agree with the decision of an Inspector, they may ask for a Review of Decision by the IZARD County Stormwater Commission or appeal directly to Circuit Court within 30 days.
- b. In the event an Owner/Operator does not agree with a determination of the Stormwater Inspector, an ADEQ inspector will be contacted to perform an inspection.

- c. If a Review of Decision is filed with the IZARD County Stormwater Commission the Commission shall make written findings of their decision. The owner/operator has the right to appeal this decision to Circuit Court within 30 days of mailing of the decision to the owner/operator by certified mail at the address in their application.
- d. Any Stop Work Order shall remain in effect, pending a ruling by the Commission or the Circuit Court.
- e. The Commission may grant, on a case-by-case basis, a variance from the requirements of this ordinance if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and not fulfill the intent of the ordinance.

Section 11. The Stormwater Inspector (SI) has the authority to issue a Stop Work Order (SWO) to anyone to cease and desist when s/he believes there is a violation of the water provisions of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended; Ark Code Ann. 8-4-101 and following Seq.) Within 24 hours of the issuance of a SWO or the next working day, the Stormwater Inspector (SI) shall notify ADEQ and the Administrative Authority of IZARD County. ADEQ will determine how to proceed under their authority under state law.

Section 12. Conflict of Standards - Whenever there is a conflict between any standard contained in this ordinance, EPA regulations, and/or the ADEQ stormwater regulations, the strictest standard shall prevail.

Section 13. Severability – The provisions of this Ordinance are severable. If any provisions of this ordinance, provisions of a permit or the application of any provision to any circumstance is held invalid, the application of such provisions to other circumstances and the remainder of this ordinance or permit shall not be affected thereby.

Section 14. Stormwater Manual - An IZARD County Stormwater Management Manual (Stormwater Manual) is hereby officially authorized and shall be created under the direction of the Planning and Development Committee, in consultation with the Inspector. The Inspector shall be responsible for updating and maintaining a current copy of the Manual, available to the general public. The Manual shall contain a current copy of ARR150000, this ordinance, fee schedules, forms and all other documents deemed useful to assist citizens in understanding and achieving erosion and stormwater control compliance.

Section 15. Purchasers of real property shall be required by the County Clerk to sign a statement that they have received notice of this ordinance at the time of filing of a deed.

Section 16. The provisions of this ordinance requiring the application for a permit shall become effective 180 days after it is passed. A permit shall not be required for projects that are already underway as of the date of passage, except for the provisions regarding violation. If violations occur, a permit may be required.

ATTACHMENT B

Section 1. Definitions – In addition to the definitions included in laws and regulations adopted in Section 2, the following additional or supplemental definitions apply in Izard County :

- a. As-built plans – All applicants are required to submit an accurate as-built plan for any structures or stormwater management components located on site after final construction is completed. (See specifics)
- b. Administrative Authority (AA) – The Administrative Authority is the general term for the person(s), Committee or Commission responsible for administering and enforcing this ordinance, including the promulgation of regulations, forms and procedures necessary and convenient to fulfill the purposes of this ordinance.
- c. ADEQ – Arkansas Department of Environmental Quality, the state agency charged with enforcing stormwater construction regulations and state water law.
- d. ADEQ General Permit Number ARR150000 – The general permit used by ADEQ as part of its Stormwater Construction Program.
- e. ADEQ Construction Stormwater Laws - The laws, regulations, procedures, permits, enforcement provisions, forms and supporting information currently adopted by ADEQ and found online at http://www.adeq.state.ar.us/water/branch_permits/general_permits/stormwater/construction/construction.htm . These include ADEQ General Permit Number ARR150000 and related documents and future amendments or additions to these documents.
- f. Best Management Practices (BMP or BMPs) – Practices as defined by the most current Environmental Protection Agency (EPA) BMP Manual to manage stormwater or other BMPs adopted by reference herein.
- g. Buffer Zones - Buffer zones as required by ADEQ in Part 1, Section B, 13 of ADEQ General Permit Number ARR150000 shall apply to all sites within 300 feet of the White River or 100 feet of any lake, stream, tributary, creek or other flowing body of water
- h. Clean Water Act – (CWA) Common name for Federal Water Pollution Control Act, as amended.
- i. Construction Activity – Any activity that is expected to disturb the ground surface. This includes any activity that could increase the rate of erosion, including, but

not limited to, clearing, grubbing, grading, excavation, demolition activities, haul roads, and areas used for staging. Also included are stockpiles of topsoil, fill material and any other stockpiles with a potential to create additional runoff. (See Section A: Definitions 17. Disturbed area in ARR150000)

- j. Construction Site Sizes – The specific definitions of small and large sites used in ADEQ Stormwater Construction Laws shall apply in this ordinance. Generally,
 - i. Large Construction Sites – 5 acres or more where construction activity is taking place.
 - ii. Small Construction Sites – 1 to 5 acres where construction activity is taking place.
 - iii. Special Construction Sites – Less than 1 acre will be disturbed by construction activity, but the site is within 300 feet of the White River or 100 feet of any lake, stream, tributary, creek or other flowing body of water, unless exempted under Section 6.
- k. Ephemeral stream – A stream that has a defined channel but no banks. Water flows only during or immediately after rain.
- l. Izard County (IC) – This term or Izard County may be used as a general term in the ordinance to refer to Izard County, the County Judge, the Administrative Authority or its Inspector(s)
- m. Izard County Stormwater Drainage System – The stormwater drainage system and infrastructure maintained by Izard County.
- n. Izard County Stormwater Management and Water Protection Ordinance (ISO) – This ordinance shall be known as the Izard County Stormwater Management and Water Protection Ordinance and referred to by the acronym ISO.
- o. Izard County Stormwater Management Permit (ISP) – A permit issued by the County for stormwater management as provided in this ordinance.
- p. Izard County Stormwater Commission – A five (5) member Commission appointed by the County Judge empowered to hear appeals and variances.
- q. Izard County Stormwater Manual – (SM) The manual that includes copies of this ordinance, state laws and regulations mentioned in this ordinance and all regulations, forms and procedures in this ordinance or added in the future pursuant to this ordinance.

- r. Local agency – IZARD County, through the County Judge or their designated Administrative Authority shall be considered a “local agency” as referred to in the ADEQ Stormwater Construction Laws.
- s. Maintenance means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.
- t. National Pollution Discharge Eliminate System (NPDES) – Laws, regulations and permits that apply to the discharge of surface waters into waters of the State. Stormwater construction permits are part of this system.
- u. Non-Ephemeral stream – Perennial or intermittent streams that have a defined channel and often have banks. Water flows more than immediately after a rain.
- v. Owner/ Operator – These terms shall carry the meanings set forth in the General Permit ARR150000. Generally, the owner is the operator and the person who is ultimately responsible for the activity taking place and for ensuring compliance with all applicable environmental regulations and conditions.
- w. Streamside Management Zone – Buffer areas, strips of land immediately adjacent to waterbodies where management activities are designed to protect water quality. These zones are specifically described in Arkansas Forestry Best Management Practices for Water Quality Protection, dated March 16, 2002.
- x. Stormwater Pollution Prevention Plan (SWPPP) – A plan to manage stormwater runoff as defined by ADEQ.

ATTACHMENT C

Izard County Stormwater Fees

- a. The following fees shall be payable at the time of submission of an application for an Iazard County Stormwater Permit (ISP).
- b. \$50.00 Sites with less than 1 acre or sites that are part of a larger common plan regardless of size.
- c. \$100.00 Sites with greater than one (1) acre but less than 5
- d. \$200.00 Sites with greater than five (5) but less than ten (10) acres
- e. \$500.00 Sites with greater than ten (10) acres
- f. If construction activity is not complete within one year, an additional fee as set out above will be required to cover re-inspections.
- g. An additional fee of \$25.00 shall be charged for inspections necessary to correct violations of the plan.

ATTACHMENT D

Penalties and Enforcement

- a. Any person, owner or operator, who violates this Ordinance, shall, on conviction thereof, be punished by a fine of Five Hundred Dollars (\$500) for any one (1) specified offense or violation, or double that sum for each repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the ordinance, shall not exceed two hundred fifty dollars (\$250) for each day that it may be unlawfully continued or allowed to continue.
- b. A \$25.00 non-compliance inspection fee will be imposed for all sites that are in violation of this ordinance. In addition a \$25.00 fee will be imposed for each re-inspection conducted until the property is brought into compliance with this ordinance.
- c. Disturbing land prior to obtaining a permit: A triple fee penalty may be imposed on the original cost of the permit if land disturbance activities occur prior to receiving an approved permit from the Stormwater Inspector (SI). In addition, if an owner/operator should knowingly began land disturbance activities prior to receiving a permit or commit a second offense of beginning land disturbance without a permit, they shall not be granted an Izard County Stormwater Permit (ISP) for up to 10 years thereafter. This prohibition shall extend to other forms of organizational ownership in which the violator holds an interest. This does not relieve the applicant from responsibility for any damages caused by such activity.
- d. Payment – If an equitable settlement is not reached within thirty days or the owner/operator refuses to comply with a settlement that has been reached, a civil action may be filed in Circuit Court through the issuance of a Citation.
- e. Recovery of damages and costs. - In addition to the penalties in subsection (a) above, Izard County may recover the following:
 - i. The owner/operator shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan. These may include any reasonable expenses incurred in investigating violations and enforcing compliance with, this ordinance, including costs of environmental restoration.

- ii. The costs of the county's maintenance of stormwater facilities or activities when the user of such facilities fails to maintain them as required by this ordinance.
 - iii. Attorneys' fees, court costs, witnesses and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses. Iazard County has the right to place a lien assessment against the property for failure of payment.
- f. Violations Deemed a Public Nuisance - In addition to the enforcement processes and penalties, any condition determined to be a threat caused and/or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, welfare and environment and is declared and deemed a nuisance and may be abated by injunctive or other equitable relief as provided by law.
- g. Remedies Not Exclusive - The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable Federal, State or other local ordinances.