

Storm Water Management Plan

Storm Water MS4 Pollution Control Order

Erosion and Sediment Control; Illicit Discharge; and
Post-Construction

Galveston County Health District

**ORDER OF THE GALVESTON COUNTY HEALTH DISTRICT ADOPTING RULES
FOR EROSION AND SEDIMENT CONTROL; ILLICIT DISCHARGE; AND POST-
CONSTRUCTION**

Whereas, the Legislature has enacted legislation, codified as Code of Federal Regulations, Chapter 122, to implement the National Pollutant Discharge Elimination System (NPDES) Program;

Whereas, the EPA has delegated authority to issue MS4 storm water discharge permits, in Texas, to the State of Texas. Under the authority of the Texas Water Code and the CWA, the Texas Commission on Environmental Quality ("TCEQ") has issued on August 13, 2007, a Texas Discharge Elimination System ("TPDES") general permit to discharge waste from small MS4 systems to waters of the state (TPDES General Permit No. TXR040000).

Whereas, the Environmental Protection Agency (EPA) has established Design Criteria for Municipal Separate Storm Sewer System (MS4) permit holders to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution;

Whereas, Chapter 122 of the Code of Federal Regulations authorizes a local governmental entity to implement and enforce rules to regulate the discharge of "pollutants" from any "point source" into "waters of the United States."

Whereas, the pollutants from storm water activities such as erosion and sediment control, illicit discharge, and post-construction within the jurisdiction of the Galveston County Health District (GCHD) is or may cause pollution or is or may injure public health;

Whereas, the Galveston County Health District has considered the matter and deems it appropriate to enact an order adopting rules regulating erosion and sediment control, illicit discharge, and post-construction to abate or prevent pollution or injury to public health within the jurisdiction of the Galveston County Health District.

NOW THEREFORE, THIS ORDER OF THE GALVESTON COUNTY HEALTH DISTRICT ADOPTING RULES FOR EROSION AND SEDIMENT CONTROL; ILLICIT DISCHARGE; AND POST-CONSTRUCTION, IS HEREBY ADOPTED AS FOLLOWS:

SECTION I: Erosion and Sediment Control

A. PURPOSE AND INTENT

During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality, and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches, and the dredging of lakes. In addition, clearing grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for the citizens of Galveston County.

As a result, the purpose of this local Order is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land within the jurisdiction of the Galveston County Health District..

B. DEFINITIONS

For the purpose of this Order, the following terms shall mean:

1. Clearing – Any activity which removes the vegetative surface cover.
2. Drainage Way – Any channel that conveys surface runoff throughout the site.
3. Erosion Control – Measures that prevent erosion.
4. Erosion and Sediment Control Plan – A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used controlling sediment and erosion on a development site before, during, and after construction.
5. Grading – Excavation or fill of material, including the resulting conditions thereof.
6. Perimeter Control – A barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff, or diverting it to a sediment trap or basin.
7. Phasing – Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.
8. Sediment Control – Measures that prevent eroded sediment from leaving the site.
9. Settling basin- A basin, in a water conduit, which allows suspended debris, sand, etc., to settle.
10. Site – A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.
11. Site Development Permit – A permit issued by the Galveston County Health District for

which the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

12. Stabilization – The use of practices that prevent exposed soil from eroding.
13. Start of Construction – The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
14. Watercourse – Any body of water, including, but not limited to lakes, ponds, rivers, streams, and other bodies of water.
15. Waterway – A channel that directs surface runoff to a watercourse, or to the public storm drain.

C. APPLICABILITY

1. This Order shall apply to all Construction Sites within the jurisdiction of the Galveston County Health District.
2. Sites disturbing more than one (1) acre or within a Common Plan of Development that is disturbing more than one (1) acre of land shall comply with all aspects of this Order.
3. Landowners or land users who conduct development within the area subject to the jurisdiction of this Order shall be allowed to conduct such activities without obtaining a permit if the development falls within any one of the following subsections:
 - a. Construction of a single-family residence or associated structure, regardless of the acreage involved
 - b. Operation and maintenance of agricultural entities such as orchards, cultivated crops, pastures, rangelands, and other non-point source agricultural activities.

D. PERMITS

1. No person shall be granted a site development permit for land-disturbing activity which would require the uncovering of one (1) acre without the approval of an Erosion and Sediment Control Plan by the Galveston County Health District.
 - a. No site development permit is required for the following activities:
 - (1) Any emergency activity which is immediately necessary for the protection of life, property or natural resources.
 - b. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant. Each application must include the name of a principal contact for the owner or developer and consulting firm.
 - c. Each application shall include a statement that any land clearing, construction, or

development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan.

2. Review and approval

a. Galveston County Health District will review each application for a site development permit to determine its conformance with the provisions of this Order. Within thirty (30) days after receiving an application, Galveston County Health District shall, in writing:

(1) approve the permit application;

(2) approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Order, and issue the permit subject to these conditions; or

(3) disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(4) Pay all applicable permit fees approved by the Galveston County Board of Health.

b. Failure of the Galveston County Health District to act on original or revised applications within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and Galveston County Health District. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by Galveston County Health District.

E. EROSION AND SEDIMENT CONTROL PLAN

1. The Erosion and Sediment Control Plan shall include:

a. Contact Information

The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

b. Topographic Base Map

A 1" = 200' topographic base map of the site and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

c. Construction Plan

A plan with estimated start dates for the construction of the development site, including dates for stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping.

d. Maintenance and Repair Plan

The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

e. Maintenance Easements

The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.

f. Erosion and Sediment Control Plans for Construction of Stormwater Management Measures

All erosion and sediment control measures necessary to meet the objectives of this Order throughout all phases of construction and permanently, after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each project

g. Seeding

Any seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

h. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

2. Modifications to the plan

- a. Amendments of the erosion and sediment control plan shall be submitted to Galveston County Health District and shall be processed and approved, or disapproved, in the same manner as the original plans.

F. DESIGN REQUIREMENTS

1. Clearing and Grading

Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance all other applicable local, state, or federal regulations.

- a. Phasing shall be required on all sites disturbing greater than thirty acres, with the size of each phase to be established at plan review and as approved by Galveston County Health District.
- b. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

- c. Cut and fill slopes shall be no greater than 2:1, except as approved by the Galveston County Health District to meet other community or environmental objectives. Grading shall meet the design criteria set forth in applicable local, state, or federal regulations.
2. Erosion Control
- a. If vegetative erosion control methods, such as seeding, have not become established within two weeks, Galveston County Health District may require that the site be reseeded, or that a non-vegetative option be employed.
 - b. On steep slopes or in drainage ways, special techniques that meet the design criteria outlined in *Galveston County Drainage District # 1 Drainage Criteria Manual* shall be used to ensure stabilization.
 - c. Soil stockpiles must be stabilized or covered at the end of each work day or located within the protection of temporary erosion controls such as silt fencing or another method that does not require germination to control erosion.
3. Sediment Controls
- a. Sediment controls shall be provided in the form of settling basins, the use of hay bales, silt fencing, mulch, or any other method approved by the Galveston County Health District for perimeter controls.
 - b. Controls shall be provided to prevent the runoff from soil stockpiles.
 - c. Where possible, settling basins shall be designed in a manner that allows adaptation to detention ponds to provide long term storm water management.
4. Construction Site Access
- a. A temporary access road shall be provided at all sites.
 - b. Other measures may be required at the discretion of Galveston County Health District in order to ensure that sediment is not tracked onto public streets by construction vehicles, or washed into storm drains.

G. WATERWAYS AND WATERCOURSES

- 1. All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the *Galveston County Drainage District # 1 Drainage Criteria Manual*.
 - a. Stabilization adequate to prevent erosion must be provided at the outlets of all pipes and paved channels.

H. AUTHORITY TO INSPECT

- 1. Galveston County Health District shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails

to comply with the erosion and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Galveston County Health District shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify Galveston County Health District at least two (2) working days before the following:

- (1) Start of Construction
 - (2) Erosion and sediment control measures are in place and stabilized
 - (3) End of Construction
 - (4) Final Landscaping
2. The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for additional control measures. All inspections shall be documented in written form and submitted to Galveston County Health District at the time interval specified in the approved permit.
 3. Galveston County Health District shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under 2.

SECTION II: Illicit Discharge

A. PURPOSE AND INTENT

The purpose and intent of this Order is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system.

B. DEFINITIONS

For the purpose of this Order, the following terms shall mean:

1. Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water 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.
2. Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. § 125 1 et seq.), and any subsequent amendments thereto.
3. Construction Activity - Activities subject to NPDES and TPDES Construction Permits. Formerly these included construction projects resulting in land disturbance of five (5) acres or more. As of March 2003, NPDES and TPDES Storm Water Phase I permits have been required for construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
4. 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.
5. Illegal Discharge - Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8 of this Order.
6. Illicit Connections - An illicit connection is defined as either of the following:
 - a) 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

- b) 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.
7. Industrial Activity - Activities subject to NPDES and TPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
 8. Municipal Separate Storm Sewer System (MS4) - A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, that is:
 - a) Owned or operated by a:
 - 1) Federal, state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over storm water, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges into waters of the state; or
 - 2) Privately owned storm water utility, hospital, university, or college having jurisdiction over storm water that discharges into waters of the state.
 - b) Designed or used for collecting or conveying storm water; and
 - c) Not a combined sewer; and
 - d) Not part of a publicly owned treatment works (POTW) as defined by 40 C.F.R. 122.2.
 9. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit - Means a permit issued by the United States Environmental Protection Agency (USEPA) (or by a State under authority delegated pursuant to 33 USC 5 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.
 10. Non-Storm Water Discharge - Any discharge to the storm drain system that is not composed entirely of storm water.
 11. Order - This Storm Water Illicit Discharge and Connection Order.
 12. Person - 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.
 13. 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; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, policies, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, E. coli, 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.

14. Premises - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
15. Publicly Owned Treatment Works (POTW) - Publicly-owned water or wastewater treatment facilities.
16. 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, closed conduit storm drains, pumping facilities, manholes, junction boxes, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
17. Storm Water - Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
18. Storm Water 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 Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
19. Texas Pollution Discharge Elimination System (TPDES) Storm Water Discharge Permit – Permit issued by the Texas Commission of Environmental Quality (TCEQ) 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.
20. Wastewater - Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
21. Waters of the United States - Any waterway in the United States including rivers, lakes, ponds, streams, seas, and canals as defined by the U.S. Army Corps of Engineers.

C. APPLICABILITY

This Order shall apply to all water entering the storm drain system generated on any developed and undeveloped lands within the jurisdiction of the Galveston County Health District.

D. RESPONSIBILITY FOR ADMINISTRATION

The Galveston County Health District shall administer, implement, and enforce the provisions of this Order.

E. ULTIMATE RESPONSIBILITY

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

F. DISCHARGE PROHIBITIONS

1. PROHIBITION OF ILLEGAL DISCHARGES

No person shall discharge or cause to be discharged into the MS4 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 Order: potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to the storm drain system; uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated nonindustrial roof drains; springs; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; and flows from fire fighting.
- b. Discharges specified in writing by the Galveston County Health District as being necessary to protect public health and safety.
- c. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES or TPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the USEPA or TCEQ, 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 the discharge to the storm drain system.

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 Order if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

G. SUSPENSION OF MS4 ACCESS

1. SUSPENSION DUE TO ILLICIT DISCHARGES IN EMERGENCY SITUATIONS

The Galveston County Health District 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 Galveston County Health District 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. SUSPENSION DUE TO THE DETECTION OF ILLICIT DISCHARGE

Any person discharging to the MS4 in violation of this Order may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Galveston County Health District will notify a violator of the proposed termination of its MS4 access. The violator may petition the Galveston County Health District 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 Galveston County Health District.

H. WASTE DISPOSAL PROHIBITIONS

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or Waters of the United States, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

I. DISCHARGES IN VIOLATION OF NPDES OR TPDES STORM WATER DISCHARGE PERMIT

Any person subject to an NPDES or TPDES 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 the Galveston County Health District prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

A person who is the operator of a facility commits an offense if the person discharges, or causes to be discharged, storm water associated with construction activity without first having obtained a NPDES or TPDES permit to do so.

J. MONITORING OF DISCHARGES

1. APPLICABILITY

This section applies to all facilities that have storm water discharges associated with construction activity.

2. ACCESS TO FACILITIES

- a. The Galveston County Health District shall be permitted to enter and inspect facilities subject to regulation under this Order as often as may be necessary to determine compliance with this Order. 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 Galveston County Health District.
- b. Facility operators shall allow the Galveston County Health District 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 or TPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c. The Galveston County Health District shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Galveston County Health District to conduct monitoring and/or sampling of the facility's storm water discharge.
- d. 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 facility operator at the written or oral request of the Galveston County Health District and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- e. Unreasonable delays in allowing the Galveston County Health District access to a permitted facility is a violation of a storm water discharge permit and of this Order. A person who is the operator of a facility with a NPDES or TPDES permit to discharge storm water associated with construction activity commits an offense if the person denies the Galveston County Health District reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Order.

K. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES (BMP)

The operator of a facility will develop Best Management Practices (BMPs) for any activity, operation, process, or operation identified at the facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or Waters of the United States. 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 nonstructural 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 or TPDES permit authorizing the discharge of storm water associated with construction activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

1. SUBMISSION OF NOI TO THE GALVESTON COUNTY HEALTH DISTRICT

- a. A person who is the operator of a facility, including construction sites, required to have a NPDES or TPDES permit to discharge storm water associated with construction activity shall submit a copy of the Notice of Intent (NOI) to the Galveston County Health District at the same time the operator submits the original Notice of Intent to the EPA or the TCEQ as applicable.

3. COMPLIANCE WITH PERMIT

- a. A facility shall be operated in strict compliance with the requirements of its NPDES or TPDES permit to discharge storm water associated with construction activity.

L. REQUIREMENT TO ELIMINATE ILLEGAL DISCHARGES

Notwithstanding the requirements of this Order, the Galveston County Health District may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

M. REQUIREMENT TO ELIMINATE OR SECURE APPROVAL FOR ILLICIT CONNECTIONS

The Galveston County Health District may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Order to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Order.

If, subsequent to eliminating a connection found to be in violation of this Order, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request the Galveston County Health District's approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

N. 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 reasonably free of trash, debris, fill, grass clippings, 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. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

O. REQUIREMENT TO REMEDIATE

Whenever the Galveston County Health District finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm

drain system, or Waters of the United States, the Galveston County Health District may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time.

P. REQUIREMENT TO MONITOR AND ANALYZE

The Galveston County Health District may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or Waters of the United States, to undertake at said person's expense such monitoring and analyses and furnish such reports to the Galveston County Health District as deemed necessary to determine compliance with this Order.

Q. 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 Waters of the United States from said facility, 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 a hazardous material said person shall immediately notify emergency response officials of the occurrence. In the event of a release of non-hazardous materials, said person shall notify the Galveston County Health District in person or by phone, facsimile, or email no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Galveston County Health District within three (3) 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 (3) years from the date of such discharge notification.

R. AUTHORITY TO INSPECT

Whenever necessary to make an inspection to enforce any provision of this Order, or whenever the Galveston County Health District has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Order, the Galveston County Health District and/or the Drainage District #1 may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the Galveston County Health District and/or the Drainage District #1 is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

S. AUTHORITY TO SAMPLE, ESTABLISH SAMPLING DEVICES, AND TEST

During any inspection as provided herein, the Galveston County Health District may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

SECTION III: Post-Construction

A. PURPOSE AND INTENT

The purpose of this Order is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This Order seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;

Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

B. DEFINITIONS

1. Accelerated Erosion – erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.
2. Applicant – a property owner or agent of a property owner who has filed an application for a storm water management permit.
3. Building – any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
4. Channel – a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
5. Dedication – the deliberate appropriation of property by its owner for general public use.
6. Detention – the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

7. Detention Facility – a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.
8. Developer – a person who undertakes land disturbance activities.
9. Drainage Easement – a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.
10. Erosion and Sediment Control Plan – a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
11. Hotspot – an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
12. Hydrologic Soil Group (HSG) – a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.
13. Impervious Cover – those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).
14. Industrial Stormwater Permit – a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.
15. Infiltration – the process of percolating stormwater into the subsoil.
16. Infiltration Facility – any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.
17. Jurisdictional Wetland – an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
18. Land Disturbance Activity – any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation,, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.
19. Landowner – the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

20. Maintenance Agreement – a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.
21. Nonpoint Source Pollution – pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.
22. Off-Site Facility – a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.
23. On-Site Facility – a stormwater management measure located within the subject property boundary described in the permit application for land development activity.
24. Recharge – means the replenishment of underground water reserves.
25. Redevelopment – any construction, alteration or improvement exceeding one acre in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.
26. Stop Work Order – an order issued which requires that all construction activity on a site be stopped.
27. Storm Water Management – the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.
28. Storm Water Retrofit – a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.
29. Stormwater Runoff – flow on the surface of the ground, resulting from precipitation.
30. Stormwater Treatment Practices (STPs) – measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.
31. Water Quality Volume (WQ_v) – the storage needed to capture and treat 90% of the average annual stormwater runoff volume. Numerically (WQ_v) will vary as a function of long term rainfall statistical data.
32. Watercourse – a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

C. APPLICABILITY

This Order shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver. The Order also applies to land development activities that are

smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by the Galveston County Health District to ensure that established water quality standards will be maintained during and after development of the site and that post-construction runoff levels are consistent with any local and regional watershed plans.

D. GENERAL PERFORMANCE CRITERIA FOR STORM WATER MANAGEMENT

Unless judged by the Galveston County Health District to be exempt or granted a waiver, the following performance criteria shall be addressed for stormwater management at all sites:

1. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
2. All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be in compliance with the Army Corp of Engineers (ACE) and the Texas Commission on Environmental Quality (TCEQ).
3. For new development, structural stormwater treatment practices (STP) shall be designed to remove 80% of the average annual post development total suspended solids load (TSS). It is presumed that a STP complies with this performance standard if it is:
 - a. sized to capture the prescribed water quality volume (WQ_v),
 - b. designed according to the specific performance criteria outlined in any applicable design manual,
 - c. constructed properly, and
 - d. maintained regularly.
4. Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
5. Prior to design, applicants are required to consult with the Galveston County Health District to determine if they are subject to additional stormwater design requirements.

E. REQUIREMENTS FOR STORM WATER MANAGEMENT PLAN APPROVAL

1. Stormwater Management Plan Required for All Developments.

No application for development will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the stormwater design manual. No building, grading, or sediment control permit shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, shall have undergone a review and been approved by the Galveston County Health District after determining that the plan or waiver is consistent with the requirements of this Order.

2. Stormwater Management Concept Plan Requirements

A stormwater management concept plan shall be required with all permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

- a. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of:
 - 1) the percentage of surface area to be adapted to various uses;
 - 2) drainage patterns; locations of utilities, roads and easements;
 - 3) a written description of the site plan and justification of proposed changes in natural conditions may also be required.
- b. Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this Order.

- c. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this Order to the maximum extent practicable.

F. FINAL STORM WATER MANAGEMENT PLAN REQUIREMENTS

After review of the stormwater management concept plan, and modifications to that plan as deemed necessary by the Galveston County Health District and the Drainage District #1, a final stormwater management plan must be submitted for approval .

SECTION IV: Enforcement

A. NOTICE OF VIOLATION

Whenever the Galveston County Health District finds that a person has violated a prohibition or failed to meet a requirement of this Order, the Galveston County Health District may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (5) 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. Such notice shall be given by personal delivery or by mail to the last known address of the owner. Such notice shall be effective upon the date of mailing or personal delivery.

B. APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal to Dr. Harlan “Mark” Guidry, MD, MPH, CEO and Health Authority, Galveston County Health District, PO Box 939, La Marque, TX 77568. The notice of appeal must be received in writing within five (5) days from the date of the Notice of Violation. The outcome of the appeal will be issued in writing within 30 days of the receipt of the appeal.

C. 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 ten (10) days of the decision of the appeal upholding the decision of the Galveston County Health District, Air and Water Pollution Services, the Galveston County Health District will seek all available legal remedies to enjoin a facility from operating. Any offense under this section is a Class C misdemeanor and each day on which a violation occurs constitutes a separate offense.

D. INJUNCTIVE RELIEF

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

E. REMEDIES NOT EXCLUSIVE

The remedies listed in this Order are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Galveston County Health District to seek cumulative remedies.

SECTION V: Effective Date:

The provisions of this order shall take effect thirty (30) days from adoption by the Galveston County United Board of Health.

INTRODUCED, READ AND PASSED BY AN AFFIRMATIVE VOTE BY THE GALVESTON COUNTY UNITED BOARD OF HEALTH of the GALVESTON COUNTY HEALTH DISTRICT on this the ____ day of ____ 2012.

PASSED AND APPROVED the ____ day of _____, 2012.

APPROVED:

Chairman,
Galveston County United Board of Health

Signed before me this ____ day of _____, 2012.

Notary Public for the State of Texas