

ORDINANCE NO. 10-05

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AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, CHAPTER 50 (ENVIRONMENT), BY ADDING ARTICLE V – STORM WATER; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE READING OF THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

WHEREAS, the City of Texas City, Texas, is a home-rule city; and,

WHEREAS, the City of Texas City, Texas, seeks to amend The Code of Ordinances of the City of Texas City, Chapter 50 (Environment), by adding Article V – Storm Water as required by TCEQ MS4 Permit; and

WHEREAS, the City of Texas City, as an operator of a small MS4, is required to reduce the discharge of pollutants to water of the State and the United States to the “maximum extent practicable” to protect water quality.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 50 (Environment), is amended by adding a new Article V, Storm Water, to read and provide as follows:

ARTICLE V. STORM WATER

Division 1. General Provisions

Sec. 50-210. Purposes.

The purpose and objectives of this Ordinance are as follows:

- (1) To maintain and improve the quality of surface water and groundwater within the City of Texas City, the County of Galveston, and the State of Texas.
- (2) To prevent the discharge of contaminated storm water runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) within the City of Texas City.
- (3) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial

waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of the City.

- (4) To encourage recycling of used motor oil and safe disposal of other hazardous consumer products.
- (5) To facilitate compliance with state and federal standards and permits by owners and operators of industrial and construction sites within the City.
- (6) To enable the City to comply with all federal and state laws and regulations applicable to storm water discharges, under TPDES General Permit No. TXR040024.

Sec. 50-211. Administration.

Except as otherwise provided herein, the City Engineer or Storm Water Manager shall administer, implement, and enforce the provisions of this Ordinance.

Sec. 50-212. Abbreviations.

The following abbreviations when used in this Ordinance shall have the designated meanings:

- BMP - Best Management Practices
- BTEX - Benzene, Toluene, Ethyl benzene, and Xylene
- CFR - Code of Federal Regulations
- EPA - U.S. Environmental Protection Agency
- HHW - Hazardous Household Waste
- Mg/l - Milligrams per liter
- MS4 - Municipal Separate Storm Sewer System
- NOI - Notice of Intent
- NOT - Notice of Termination
- Ppb - Parts per billion
- PST - Petroleum Storage Tank
- RQ - Reportable Quantity
- SWPPP - Storm Water Pollution Prevention Plan
- TPDES - Texas Pollutant Discharge Elimination System TPH
- TPH - Total Petroleum Hydrocarbons
- USC - United States Code

Sec. 50-213. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- (1) Agricultural storm water runoff. Any storm water runoff from orchards, cultivated crops, pastures, range lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.
- (2) Best Management Practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practice to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (3) City. The City of Texas City, Texas.
- (4) City Engineer. The person appointed to the position of City Engineer by The City of Texas City, or his/her duly authorized representative.
- (5) Commencement of construction. The disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- (6) Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.
- (7) Discharge. Any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.
- (8) Discharger. Any person, who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.
- (9) Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, that is free from industrial waste.
- (10) Environmental Protection Agency (EPA). The United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.
- (11) Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

- (12) Final stabilization. The status when all soil disturbing activities at a site have been completed, and a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (13) Fire Department. The Fire Department of the City of Texas City, or any duly authorized representative thereof.
- (14) Fire protection water. Any water, and any substances or materials contained therein, used by any person other than the Fire Department to control or extinguish a fire.
- (15) Garbage. Putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.
- (16) Hazardous household waste (HHW). Any material generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, camp grounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR § 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.
- (17) Hazardous substance. Any substance listed in Table 302.4 of 40 CFR Part 302.
- (18) Hazardous waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.
- (19) Hazardous waste treatment, disposal, and recovery facility. All contiguous land, and structures, other appurtenances and improvements on the land, used for the treatment, disposal, or recovery of hazardous waste.
- (20) Industrial waste. Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade or business.
- (21) Motor vehicle fuel. Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in a motor vehicle.
- (22) Municipal separate storm sewer system (MS4). The system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.

- (23) Non-point source. Any source of any discharge of a pollutant that is not a "point source."
- (24) Notice of Intent (NOI). The Notice of Intent that is required by either the Industrial General Permit or the Construction General Permit.
- (25) Notice of Termination (NOT). The Notice of Termination that is required by either the Industrial General Permit or the Construction General Permit.
- (26) Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.
- (27) Operator. The person or persons who, either individually or taken together, meet the following two criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications); and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.
- (28) Owner. The person who owns a facility or part of a facility.
- (29) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.
- (30) Pesticide. A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant (as these terms are defined in Section 76.001 of the Texas Agriculture Code).
- (31) Petroleum product. A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol; other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.
- (32) Point source. Any discernable, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- (33) Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive

materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastures land, and farmland.

- (34) Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the State that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
- (35) Qualified Personnel. Persons who possess the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally accepted industry standards for such activity.
- (36) Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.
- (37) Rubbish. Nonputrescible solid waste, excluding ashes, that consist of (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).
- (38) Sanitary sewer (or sewer). The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the City sewage treatment plant (and to which storm water, surface water, and groundwater are not intentionally admitted).
- (39) Septic tank waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (40) Service station. Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.
- (41) Sewage (or sanitary sewage). The domestic sewage and/or industrial waste that are discharged into the City sanitary sewer system and passes through the sanitary sewer system to the City sewage treatment plant for treatment.
- (42) Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

- (43) Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.
- (44) State. The State of Texas.
- (45) Storm water. Storm water runoff, snowmelt runoff, and surface runoff and drainage.
- (46) Storm water discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 CFR § 122.26(b)(14), and which is not excluded from EPA's definition of the same term.
- (47) Storm Water Manager. The person appointed to the position of Storm Water Manager by the City of Texas City, or his/her duly authorized representative.
- (48) Storm water pollution prevention plan (SWPPP). A plan required by either the Construction General Permit or the Industrial General Permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with construction or other industrial activity at the facility.
- (49) Texas Pollutant Discharge Elimination System (TPDES)
- (50) Uncontaminated. Not containing a harmful quantity of any substance.
- (51) Used oil (or used motor oil). Any oil that has been refined from crude oil or synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with State and federal law.
- (52) Water in the State (or water). Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

- (53) Water quality standard. The designation of a body or segment of surface water in the State for desirable uses and the narrative and numerical criteria deemed by the State to be necessary to protect those uses, as specified in Chapter 307 of Title 31 of the Texas Administrative Code.
- (54) Waters of the United States. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR § 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.
- (55) Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- (56) Yard waste. Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

Secs. 50-214 – 50-230. Reserved.

Division 2. General Prohibition

Sec. 50-231. General Prohibition.

- (1) No person shall introduce or cause to be introduced into the Municipal Separate Storm Sewer System (MS4) any discharge that is not composed entirely of Storm Water.
- (2) It is an affirmative defense to any enforcement action for violation of Subsection A of this section that the discharge was composed entirely of one or more of the following categories of discharges:
 - (a) A discharge authorized by, and in full compliance with, an TPDES permit (other than the TPDES permit for discharges from the MS4);
 - (b) A discharge or flow resulting from fire fighting by the Fire Department;

- (c) Agricultural storm water runoff;
- (d) A discharge or flow from water line flushing, but not including a discharge from water line disinfections by super chlorination or other means unless the total residual chlorine (TRC) has been reduced to less than 4 mg/l;
- (e) A discharge or flow from lawn watering, or landscape irrigation, or other irrigation water;
- (f) A discharge or flow from a diverted stream flow or natural spring;
- (g) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- (h) Uncontaminated groundwater infiltration (as defined as 40 C.F.R. § 35.2005(20)) to the MS4;
- (i) Uncontaminated discharge or flow from a foundation drain, crawl space pump, footing drain, or sump pump;
- (j) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
- (k) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
- (l) A discharge or flow from individual residential car washing;
- (m) A discharge or flow from a riparian habitat or wetland;
- (n) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
- (o) Storm Water runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant.

Secs. 50-232 – 50-240. Reserved.

Division 3. Specific Prohibitions and Requirements

Sec. 50.241. Specific Prohibition and Requirements.

- (1) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in Section II.
- (2) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the City to violate their TPDES permit.
- (3) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
 - (a) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - (b) Any industrial waste;
 - (c) Any hazardous waste, including hazardous household waste;
 - (d) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (e) Any garbage, rubbish, or yard waste;
 - (f) Any Dumpster, or Trailer Overflow:

All individuals, businesses and/or firms renting dumpsters in Texas City shall be responsible for, a) Keeping dumpster(s) covered at all times. (b) Maintaining their dumpster(s) and the area around their dumpster(s) in a clean and sanitary condition. (c) Providing an adequately sized dumpster with necessary pickups in order to prevent the overflow of refuse.

All individuals, businesses and/or firms utilizing trailers to store or transport household refuse and/or construction debris, shall keep trailers covered with a secured tarp at all times in order to prevent the release of windblown refuse or debris.

Any individual, business and/or firm failing to maintain a Dumpster or Trailer in accordance with these regulations shall be subject to a fine of up to two hundred fifty dollars (\$250.00).

- (g) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or

commercial or public service vehicle, including a truck, bus, or heavy equipment;

- (h) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
- (i) Any wastewater from commercial floor, rug, or carpet cleaning;
- (j) Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
- (k) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;
- (l) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material, or from the cleaning of vehicles or equipment containing, or used in transporting or applying, such material;
- (m) Any filter backwash from a swimming pool, fountain, or spa;
- (n) Any water from a water curtain in a spray room used for painting vehicles or equipment;
- (o) Any contaminated runoff from a vehicle wrecking yard;
- (p) Any substance or material that will damage, block, or clog the MS4;
- (q) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
 - (i) Compliance with all state and federal standards and requirements;
 - (ii) No discharge containing a harmful quantity of any pollutant;
 - (iii) No discharge containing more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, methylbenzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).

- (4) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with land filling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.
- (5) No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4, or allow such a connection to continue.
- (6) No person shall cause or allow any pavement wash water from a service station to be discharged into the MS4 unless such wash water has passed through a properly functioning and maintained, grease, oil, and sand interceptor before discharge into the MS4.
- (7) Regulation of Pesticides, Herbicides, and Fertilizers.
 - (a) Any sale, distribution, application, labeling, manufacture, transportation, storage, or disposal of a pesticide, herbicide, or fertilizer must comply fully with all state and federal statutes and regulations including, without limitation, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and all federal regulations promulgated pursuant to FIFRA; Chapters 63, 75, and 76 of the Texas Agriculture Code and all state regulations promulgated pursuant thereto; and any other state or federal requirement.
 - (b) Any license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for sale, distribution, application, manufacturer, transportation, storage, or disposal of a pesticide, herbicide or fertilizer must be presented to the Storm Water Manager and any city law enforcement officer for examination upon request.
 - (c) No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.
 - (d) No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.
 - (e) No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to

cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

(8) Used Oil Regulation

No person shall:

- (a) Discharge motor vehicle oil into the MS4 or a sewer, drainage system, septic tank, surface water, groundwater, or water course;
- (b) Knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill;
- (c) Apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.

Secs. 50-242 – 50-250. Reserved.

Division 4. Release Reporting and Cleanup

Sec. 50-251. Release Reporting and Cleanup.

- (1) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following quantities of any of the following substances that may flow, leach, enter, or otherwise be introduced into the MS4 or waters of the United States, shall immediately telephone and notify the Storm Water Manager concerning the incident:
 - (a) An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR Part 302;
 - (b) An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR Part 355;
 - (c) An amount of oil that either (a) violates applicable water quality standards, or (b) causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
 - (d) Any harmful quantity of any pollutant.
- (2) The immediate notification required by Subsection (1) above shall include the following information:

- (a) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;
 - (b) The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
 - (c) The time and duration (thus far) of the release;
 - (d) An estimate of the quantity and concentration (if known) of the substance released;
 - (e) The source of the release;
 - (f) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
 - (g) Any precautions that should be taken as a result of the release;
 - (h) Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and
 - (i) The names and telephone numbers of the person or persons to be contacted for further information.
- (3) Within fifteen (15) days following such release, the responsible person in charge of the facility, vehicle, or other source of the release shall, unless waived by the Storm Water Manager submit a written report containing each of the items of information specified above, as well as the following additional information:
- (a) The ultimate duration, concentration, and quantity of the release;
 - (b) All actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;
 - (c) Any known or anticipated acute or chronic health risks associated with the release;
 - (d) Where appropriate, advice regarding medical attention necessary for exposed individuals;
 - (e) The identity of any governmental/private sector representatives responding to the release; and

- (f) The measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.
- (4) The notifications required by Section 50-251 shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to this Ordinance or to state or federal law.
- (5) Any person responsible for any release as described in Section 50-251 shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.
- (6) Any person responsible for a release described in Section 50-251 above shall reimburse the City for any cost incurred by the City in responding to the release.

Secs. 50-252 – 50-260. Reserved.

Division 5. Storm Water Discharges from Construction Activities

Sec. 50-261. General Requirements.

- (1) All operators of construction sites shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the United States, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, and other construction activities to the maximum extent practicable. Such best management practices may include, but not be limited to, the following measures:
 - (a) Ensuring that existing vegetation is preserved and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
 - (b) Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;
 - (c) Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;

- (d) Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the United States;
 - (e) A single, on-site location, shall be erected with an appropriate BMP, in order to allow for concrete truck washout, to ensure zero percent leaching into surrounding soil;
 - (f) Providing general good housekeeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements; All portable fueling tanks used to fuel on-site construction equipment shall have secondary containment,
 - (g) Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash;
 - (h) Timely maintenance of vegetation, erosion and sediment control measures, and other best management practices in good and effective operating condition; and
 - (i) Installation of structural measures during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but not be limited to, the following: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have terminated.
- (2) Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every 14 calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, best

management practices shall be revised as appropriate, and as soon as is practicable.

- (3) The City may deny approval of any building permit, grading permit, certificate of occupancy, subdivision plat, site development plan, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon a site inspection by the City Engineer or Storm Water Manager are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable.
- (4) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing a best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure.

Sec. 50-262. One-Acre Disturbances.

All operators of sites of construction activity, including clearing, grading, and excavation activities, that result in the disturbance of one or more acres of total land area, or that are part of a common plan of development or sale within which one or more acres of total land area are disturbed, or who are required to obtain an TPDES permit for storm water discharges associated with construction activity, shall comply with the following requirements:

- (1) Any operator who intends to obtain coverage for storm water discharges from a construction site under the TPDES General Permit for Storm Water Discharges from Construction Sites ("the Storm Water Quality Permit") shall submit a signed copy of its Notice of Intent (NOI) to the City Engineer at least 7 days prior to the commencement of any construction activities.
- (2) A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented in accordance with the requirements of the TPDES Construction General permit issued for storm water discharges from the construction site, and with any additional requirement imposed by or under this Ordinance and any other city ordinance.
- (3) Upon the City Engineer's review of the SWPPP and any site inspection that he/she may conduct, the City may deny approval of any building permit, grading permit, certificate of occupancy, subdivision plat, site development plan, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the Construction General Permit, any individual or group TPDES permit issued for storm water discharge from the construction site, or any additional requirement imposed by or under this Ordinance. Also, if at any time

the City Engineer determines that the SWPPP is not being fully implemented, the City may similarly deny approval of any building permit, grading permit, certificate of occupancy subdivision plat, site development plan or any other City approval necessary to commence or continue construction, or to assume occupancy, at the site.

- (4) All contractors and subcontractors identified in an SWPPP shall sign a copy of the following certification statement before conducting any professional service identified in the SWPPP:

I certify under penalty of law that I understand the terms and conditions of the Texas Pollutant Discharge Elimination System (TPDES) permit that authorizes the storm water discharges associated with activity from the construction site identified as part of this certification, with the Storm Water Ordinance of the City of Texas City, and with those provisions of the Storm Water Pollution Prevention Plan (SWPPP) for the construction site for which I am responsible.

The certification must include the name and title of the person providing the signature; the name, address, and telephone number of the contracting firm; the address of the site; and the date the certification is made.

- (5) The Operator shall make the SWPPP and any modification thereto available to the City Engineer or Storm Water Manager upon request.
- (6) The City Engineer or Storm Water Manager may notify the operator at any time that the SWPPP does not meet the requirements of the Construction General Permit, any applicable individual or group TPDES permit issued for storm water discharges from the construction site, or any additional requirement imposed by or under this Ordinance. Such notification shall identify those provisions of the permit or Ordinance, which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet such requirements. Within seven (7) days of such notification from the City Engineer or Storm Water Manager, the operator shall make the required changes to the SWPPP and shall submit to the City Engineer a written certification that the requested changes have been made.
- (7) The Operator shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, and which has not otherwise been addressed in the SWPPP, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in storm water discharges associated with construction activity. In addition, the SWPPP shall be amended to identify any new contractor and/or subcontractor that will implement a measure in the SWPPP.

- (8) Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the MS4. Locations where vehicles enter or exit the site shall be inspected daily for evidence of off-site sediment tracking, remediation of tracking on city streets shall be sweep, picked up and disposed of properly.
- (9) Based on the results of the inspections required by Section 50-261, (2), the site description and/or the pollution prevention measures identified in the SWPPP shall be revised as appropriate, but in no case later than seven calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within seven calendar days following the inspection.
- (10) A report summarizing the scope of any inspection required by Section 50-261, (2), and the name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with above shall be made and retained as part of the SWPPP for at least three years from the date that the site is finally stabilized. Such report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP, the facility's TPDES permit, and this Ordinance. The report shall be certified and signed by the person responsible for making it.
- (11) The operator shall retain copies of any SWPPP and all reports required by this Ordinance or by the TPDES permit for the site, and records of all data used to complete the NOI, for a period of at least three years from the date that the site is finally stabilized.
- (12) Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this Ordinance and by the TPDES permit for those construction activities are eliminated, or where the operator of all storm water discharges at a facility changes, the operator of the construction site shall submit to the City Engineer a Notice of Termination (NOT) that includes the

information required for Notices of Termination by Part II Section F; of the Construction General Permit.

- (13) Upon final stabilization of the construction site, the owner (or the duly authorized representative thereof) shall submit written certification to the City Engineer that the site has been finally stabilized. (See definition of final stabilization in this Ordinance.) The City may withhold a certificate of occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and the City Engineer has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.
- (14) Weekly on site meetings shall be conducted to ensure compliance with TPDES Permit and City Ordinance guidelines.

Secs. 50-263 – 50-270. Reserved.

Division 6. Storm Water Discharges Associated with Industrial Activities.

Sec. 50-271. Compliance Monitoring.

(1) Right of Entry: Inspection and Sampling

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

- (a) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, Storm Water Manager will be permitted to enter without delay for the purposes of performing his/her responsibilities.
- (b) The Storm Water Manager shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.

- (c) The Storm Water Manager may require any discharger to the MS4 or waters of the United States to conduct specified sampling, testing, analysis, and other monitoring of its storm water discharges, and may specify the frequency and parameters of any such required monitoring.
- (d) The Storm Water Manager may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the Storm Water Manager and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- (f) Unreasonable delays in allowing the Storm Water Manager access to the discharger's premises shall be a violation of this Ordinance.

(2) Search Warrants

If the Storm Water Manager has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance or any state or federal discharge permit, limitation, or requirement, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Storm Water Manager may seek issuance of a search warrant from any court of competent jurisdiction.

Secs. 50-272 – 50-280. Reserved.

Division 7. Citizen Participation and Publication.

Sec. 50-281. Citizen Participation and Publication.

(1) Citizen Reports of Violations

- (a) All citizens are encouraged to report to the Storm Water Manager or his/her delegate any spills, releases, illicit connections, other instances of

anyone discharging pollutants into the MS4 or waters of the United States, and any other violation of this Ordinance of which they become aware.

- (b) The Storm Water Manager will designate an individual or office within his/her department to receive all such citizen reports by telephone, in writing, and in person. A written record of each citizen report will be prepared and kept on file for a period of 3 years, and a copy of the City's record of the report will be furnished to the reporting citizen upon request. Also upon request, the Storm Water Manager will inform the reporting citizen of any action undertaken by the City in response to the citizen's report.

(2) Publication of Dischargers in Significant Noncompliance

The Storm Water Manager may periodically publish, in a daily newspaper generally distributed within the City, a list of owners and operators of discharges to the MS4 or waters of the United States from sites of construction and industrial activity which, during the previous 12 months, were in significant noncompliance with the requirements of this Ordinance. The term "significant noncompliance" shall mean:

- (a) Introducing or causing to be introduced into the waters of the United States any discharge that violates a water quality standard;
- (b) Introducing or causing to be introduced into the MS4 any discharge that causes or contributes to causing the City to violate a water quality standard, the City's TPDES permit, or any state-issued discharge permit for discharges from the City's MS4;
- (c) Any connection of a line conveying sanitary sewage, domestic or industrial, to the MS4, or allowing any such connection to continue;
- (d) Any discharge of pollutants to the MS4 or waters of the United States that has caused an imminent or substantial endangerment to the health or welfare of persons or to the environment, or has resulted in the Storm Water Manager's exercise of his/her emergency authority to halt or prevent such a discharge;
- (e) Any violation that has resulted in injunctive relief, civil penalties, or criminal fine being imposed as a judicial remedy under Section 50-301 of this Ordinance; or
- (f) Any other violation(s), which the Storm Water Manager determines to be chronic or especially dangerous to the public or to the environment.

- (g) Any failure to comply with a compliance schedule, whether imposed by the City or by a court.

Secs. 50-282 – 50-290. Reserved.

Division 8. Administrative Enforcement Remedies.

Sec. 50-291. Administrative Enforcement Remedies.

(1) Notification of Non-Compliance

When the City Engineer or Storm Water Manager finds that any person has violated, or continues to violate, any provision of this Ordinance, or any order issued hereunder, the City Engineer or Storm Water Manager may serve upon that person a written Notice of Non-Compliance. The person shall take corrective action to correct the issue of Non-Compliance.

(2) Cease and Desist Orders

When the City Engineer or Storm Water Manager finds that any person has violated, or continues to violate, any provision of this Ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) have caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City Engineer or Storm Water Manager may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (a) Immediately comply with all Ordinance requirements; and
- (b) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the City Engineer or Storm Water Manager may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The City Engineer or Storm Water Manager may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the City Engineer or Storm Water Manager that the period of endangerment has passed, unless further termination proceedings are initiated

against the discharger under this Ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the City Engineer or Storm Water Manager within 5 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(3) "Red Tags"

Whenever the City Engineer or Storm Water Manager finds that any operator of a construction site has violated, or continues to violate, any provision of Division V of this Ordinance, or any order issued there under, the City Engineer or Storm Water Manager may order that a "Red Tag" be issued to the operator, posted at the construction site, and distributed to all City departments and divisions whose decisions affect any activity at the site. Unless express written exception is made by the City Engineer or Storm Water Manager, the "Red Tag" shall prohibit any further construction activity at the site and shall bar any further inspection or approval by the City associated with a building permit, grading permit, subdivision plat approval, site development plan approval, or any other City approval necessary to commence or continue construction or to assume occupancy at the site. Issuance of a "Red Tag" order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

Secs. 50-292 – 50-300. Reserved.

Division 9. Judicial Enforcement Remedies.

Sec. 50-301. Judicial Enforcement Remedies.

(1) Civil Remedies

Whenever it appears that a person has violated, or continues to violate, any provision of this Ordinance that relates to:

- (a) The preservation of public safety, relating to the materials or methods used in construction of any structure or improvement of real property;
- (b) The preservation of public health or to the fire safety of a building or other structure or improvement;
- (c) The establishment of criteria for land subdivision or construction of buildings, including street design;
- (d) Dangerously damaged or deteriorated structures or improvements;

- (e) Conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or
- (f) Point source effluent limitations or the discharge of a pollutant, other than from a non-point source, into the MS4.

Pursuant to Section 54.016 of the Texas Local Government Code, the City may obtain against the owner or the operator of a facility a temporary or permanent injunction, as appropriate, that:

- (a) Prohibits any conduct that violates any provision of this Ordinance that relates to any matter specified in Section 50-301, (a) - (f) above; or
- (b) Compels the specific performance of any action that is necessary for compliance with any provision of this Ordinance that relates to any matter specified in Section 50-301, (a) - (f) above.

(2) Criminal Penalties

- (a) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor offence and upon conviction thereof, shall be punished by a fine of not less than \$250.00 nor more than \$2000.00 for each violation. Each day in which any violation shall occur shall constitute a separate offense. Prosecution or conviction under this section shall not preclude any civil remedy or relief for a violation of this article.
- (b) Any person who has knowingly made any false statement, representation, or certification in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Ordinance shall be guilty of a misdemeanor offence and upon conviction thereof, shall be punished by a fine of not less than \$250.00 nor more than \$2000.00 for each violation.
- (c) In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, the knowledge, intent, negligence, or other state of mind of the violator, and any other factor as justice requires.

(3) Civil Suit Under the Texas Water Code

Whenever it appears that a violation or threat of violation of any provision of Section 26.121 of the Texas Water Code, or any rule, permit, or order of the Texas Commission on Environmental Quality, has occurred or is occurring within the jurisdiction of the City of Texas City exclusive of its extraterritorial jurisdiction, the City, in the same manner as the Texas Commission on Environmental Quality, may have a suit instituted in a state district court through its City Attorney for the injunctive relief or civil penalties or both authorized in Subsection (a) of Section 26.123 of the Texas Water Code, against the person who committed or is committing or threatening to commit the violation. This power is exercised pursuant to Section 26.124 of the Texas Water Code. In any suit brought by the City under this Section 50-301, the Texas Commission on Environmental Quality is a necessary and indispensable party.

(4) Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive of any other remedies that the City may have under state or federal law or other City ordinances. The City may take any, all, or any combination of these actions against a violator. The City is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.

Secs. 50-302 – 50-310. Reserved.

Division 10. Supplemental Enforcement Action

Sec. 50-311. Supplemental Enforcement Action.

(1) Performance Bonds

The City Engineer or Storm Water Manager may, by written notice, order any owner or operator of a source of storm water discharge associated with construction or industrial activity to file a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City Engineer or Storm Water Manager to be necessary to achieve consistent compliance with this Ordinance, any order issued hereunder, any required Best Management Practice, and/or any SWPPP provision, and/or to achieve final stabilization of the site. The City may deny approval of any building permit, grading permit, certificate of Occupancy, subdivision plat, site development plan, or any other City permit or approval necessary to commence or continue construction or any industrial activity at the site, or to assume occupancy, until such a performance bond has been filed.

(2) Liability Insurance

The City Engineer or Storm Water Manager may, by written notice, order any owner or operator of a source of storm water discharge associated with construction or industrial activity to submit proof that it has obtained liability insurance, or other financial assurance, in an amount not to exceed a value determined by the City Engineer or Storm Water Manager, that is sufficient to remediate, restore, and abate any damage to the MS4, the waters of the United States, or any other aspect of the environment that is caused by the discharge.

(3) Public Nuisances

A violation of any provision of this Ordinance, or any order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Storm Water Manager. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code; governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

Secs. 50-312 – 50-320. Reserved.

Division 11. Miscellaneous Provisions.

Sec. 50-321. Miscellaneous Provisions.

(1) Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of constructing, operating, and maintaining the City's MS4, and for reimbursement of costs of implementing its storm water management program as required by EPA or the State, and the cost of implementing this Ordinance, which costs may include, but not be limited to, the following:

- (a) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;
- (b) Fees for spill and release reports and responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants; and
- (c) Other fees as the City may deem necessary to carry out the requirements contained in this Ordinance. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

Secs. 50-322 – 50-340. Reserved.

SECTION 2: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable.

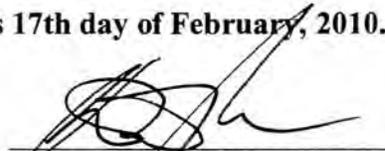
SECTION 3: That it is further provided that, in the event any section, clause, sentence, paragraph or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5: That this Ordinance shall be read on three (3) separate days and shall become effective upon its final reading, passage, and adoption.

SECTION 6: That the City Secretary is hereby directed, in accordance with Article III of the City Charter, to publish this ordinance, by caption only, in one issue of the official paper, and obtain proof of such publication made by the printer or publisher of such paper. An affidavit made by said printer or publisher before some officer authorized by law to administer oaths, and filed with the person performing the duties of city secretary shall be prima facie evidence of such publication and promulgation of such ordinance in courts of the state. The ordinance so published shall take effect, and be in force, from and after ten days after publication thereof, unless otherwise expressly provided.

PASSED ON FIRST READING this 17th day of February, 2010.


Matthew T. Doyle, Mayor
City of Texas City, Texas

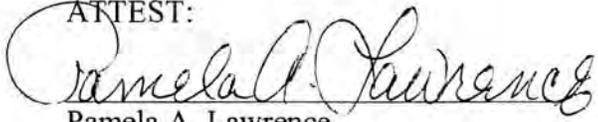
ATTEST:

Pamela A. Lawrence
City Secretary

PASSED ON SECOND READING this 3rd day of March, 2010.


Mike Land, Mayor Pro Tem
City of Texas City, Texas

ATTEST:



Pamela A. Lawrence
City Secretary

PASSED AND FINALLY ADOPTED this 17th day of March, 2010.



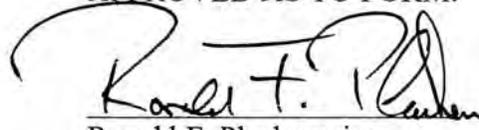
Mike Land, Mayor Pro Tem
City of Texas City, Texas

ATTEST:



Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:



Ronald F. Plackemeier
City Attorney