

CITY OF FORT WORTH ENVIRONMENT CODE
CHAPTER 12.5
ARTICLE III - STORMWATER PROTECTION

(With amendments through May 18, 1999)

DIVISION 1. GENERAL PROVISIONS

Section 12.5-300. Definitions.

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

Agricultural storm water runoff means 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.

Aquatic monitoring organism means the Fathead minnow *Pimephales promelas*, the bacterium *Vibrio fischeri*, or the daphnid *Ceriodaphnia dubia*.

Best management practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the MS4 and 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.

Cellar dirt means construction site waste materials, such as natural rock and soil overburden.

CFR means the Code of Federal Regulations.

City means the City of Fort Worth, Texas.

Contaminated means containing a harmful quantity of any substance.

Contamination means the presence of or entry into a public water supply

system, the MS4, Waters of the State, or Waters of the United States of any substance which may be deleterious to the public health and/or the quality of the water.

Cosmetic cleaning means cleaning done for cosmetic purposes. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

Director means the Director of the Department of Environmental Management or the Director's authorized representatives.

Discharge means 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.

Discharger means 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.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency, or any duly authorized official of said agency.

Facility, as used in Division 3 of this Article, means any facility, including construction sites, required by the Federal Clean Water Act to have a permit to discharge storm water associated with industrial activity.

Fire Code means the "Fire Prevention and Protection" chapter of the City Code.

Fire Department means the Fire Department of the City of Fort Worth, or any duly authorized representative thereof.

Fire protection water means any water, and any substances or materials contained therein, used by any person other than the Fire Department to control or extinguish a fire.

Harmful quantity means the amount of any substance that will cause pollution of waters in the State, Waters of the United States, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic monitoring organisms belonging to the City, upon their exposure to samples of any discharge into waters in the State, Waters of the

United States, or the MS4.

Mobile commercial cosmetic cleaning means power washing, steam cleaning, and any other mobile cosmetic cleaning operation, of vehicles and/or exterior surfaces, engaged in for commercial purposes.

Municipal separate storm sewer system (MS4) means the system of conveyances (including sidewalks, 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.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the federal Clean Water Act.

NOI means Notice of Intent.

Non-point source means any source of any discharge of a pollutant that is not a "point source."

Notice of intent means the Notice of Intent that is required by the NPDES Storm Water Multi-Sector General Permit, the EPA Region 6 NPDES Storm Water Construction general permit, or any similar general permit to discharge storm water associated with industrial activity that is issued by the EPA or the TNRCC.

NPDES means the National Pollutant Discharge Elimination System.

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

Operate means drive, conduct, work, run, manage, or control.

Operator, as used in Division 3 of this Article, means the party or parties that either individually or taken together meet the following two criteria: 1) They have operational control over the site specifications (including the ability to make modifications in specifications); and 2) they have the

day-to-day operational control of those activities at the site necessary to ensure compliance with SWPPP requirements and any permit conditions.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

pH means the logarithm to the base 10 of the reciprocal of the concentration in grams per liter of hydrogen ions; a measure of the acidity or alkalinity of a solution, expressed in standard units.

Point source means any discernible, 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.

Pollutant means dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; filter backwash; munitions; chemical wastes; biological materials; toxic materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, recreational, and agricultural waste discharged into water or into the municipal separate storm sewer system.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any Water of the State or Water of the United States, 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.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, surface soils, the municipal separate storm sewer system (MS4), the Water of the State, the Waters of the United States.

State means the State of Texas.

Storm water means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

Storm water discharge associated with industrial activity means 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. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR part 122. For the categories of industries identified in paragraphs (i) through (x) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in this paragraphs (i)-(xi) of this definition) include those facilities designated under the provisions of 40 CFR §122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" :

- (i) Facilities subject to storm water effluent limitations guidelines,

new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this definition);

- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 31I, 32 (except 323), 33, 344I, 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR §434.11(1) because the performance bond issued to the facility by the appropriate federal Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of the federal Resource Conservation and Recovery Act (RCRA);
- (v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal

scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this definition are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the federal Clean Water Act;
- (x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 24, 34, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (ii)-(x) of this definition);

Storm water pollution prevention plan means a plan required by a permit

to discharge storm water associated with industrial activity, including construction, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility.

SWPPP means storm water pollution prevention plan.

TAC means the Texas Administrative Code.

Texas Pollutant Discharge Elimination System means the program delegated to the State of Texas by the EPA pursuant to 33 USC §1342(b).

TPDES means the Texas Pollutant Discharge Elimination System.

TSS (total suspended solids) means solids that either float on the surface, or are in suspension in, water, wastewater, or other liquids, and which are generally removable by a laboratory filtration device. TSS is expressed in milligrams per liter.

Uncontaminated means not containing a harmful quantity of any substance.

USC means United States Code.

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

Water in the state means ground-water, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, wetlands, marshes, inlets, canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the bed and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Waters of the United States means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; 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.

Wetland means an area that is inundated or saturated by surface or ground-water 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.

Section 12.5-301. Administration.

The Director of the Department of Environmental Management and the Director's authorized representatives are authorized to administer, implement, and enforce the provisions of this Article.

Section 12.5-302. Discharge to MS4 Prohibited.

- (a) A person commits an offense if the person introduces or causes to be introduced into the MS4 any discharge that is not composed entirely of stormwater.
- (b) It is an affirmative defense to any enforcement action for a violation of subsection (a) that the discharge was composed entirely of one or more of the following categories of discharges:
 - (1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);
 - (2) A discharge or flow resulting from fire fighting by the Fire Department;
 - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials that the Fire Code requires to be contained and treated prior to discharge, in which case treatment adequate to remove harmful quantities of pollutants must have occurred prior to discharge;
 - (4) Agricultural stormwater runoff;

- (5) A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine (TRC) or any other chemical used in line disinfection;
- (6) A discharge or flow from lawn watering, or landscape irrigation;
- (7) A discharge or flow from a diverted stream flow or natural spring;
- (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- (9) Uncontaminated groundwater infiltration (as defined at 40 C.F.R. § 35.2005(20)) to the MS4;
- (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
- (11) 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;
- (12) 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;
- (13) A discharge or flow from individual residential car washing;
- (14) A discharge or flow from a riparian habitat or wetland;
- (15) A discharge or flow from cold water (or hot water with prior permission of the Director) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or
- (16) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited.

- (17) A discharge or flow of uncontaminated storm water pumped from an excavation.
- (c) No affirmative defense shall be available under subsection (b) if:
 - (1) the discharge or flow in question has been determined by the Director to be a source of a pollutant or pollutants to the waters of the United States or to the MS4;
 - (2) written notice of such determination has been provided to the discharger;
 - (3) and the discharge has continued after the expiration of the time given in the notice to cease the discharge.
- (d) A person commits an offense if the person introduces or causes to be introduced into the MS4 any harmful quantity of any substance.

Section 12.5-303. Connection of Sanitary Sewer Prohibited.

A person commits an offense if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 12.5-304. Nuisances.

- (a) An actual or threatened discharge to the MS4 that violates or would violate this Article is hereby declared to be a nuisance.
- (b) A line conveying sewage or designed to convey sewage that is connected to the MS4 is hereby declared to be a nuisance.

Section 12.5-305. Emergency Suspension of Utility Service and MS4 Access.

- (a) The City may, without prior notice, suspend water service, sanitary sewer service, and/or MS4 discharge access to a person discharging to the MS4, Waters of the United States, or POTW when such suspension is necessary to stop an actual or threatened discharge which:

- (1) presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or
 - (2) presents or may present imminent and substantial danger to the MS4 or Waters of the United States.
- (b) When the Director determines that City-provided water and/or sanitary sewer service needs to be suspended pursuant to subsection (a), the Director shall request the Director of the Department of Water to do so.
 - (c) As soon as is practicable after the suspension of service or MS4 discharge access, the Director shall notify the violator of the suspension in person or by certified mail, return receipt requested, and shall order the violator to cease the discharge immediately. When time permits, the Director should also attempt to notify the violator prior to suspending service or access.
 - (d) If the violator fails to comply with an order issued under subsection (c), the Director may take such steps as the Director deems necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
 - (e) The City shall not reinstate suspended services or MS4 access to the violator until:
 - (1) The violator presents proof, satisfactory to the Director, that the noncomplying discharge has been eliminated and its cause determined and corrected;
 - (2) The violator pays the City for all costs the City incurred in responding to abating, and remediating the discharge or threatened discharge; and
 - (3) The violator pays the City for all costs the City will incur in reinstating service or access.
 - (f) A violator whose service or access has been suspended or disconnected may appeal such enforcement action to the Director, in writing, within ten days of notice of the suspension in accordance with Section 12.5-119 of this chapter.

- (g) The City may obtain a lien against the property to recover its response costs pursuant to the procedure set out in Section 12.5-120 of this chapter.
- (h) The remedies provided by this Section are in addition to any other remedies set out in this chapter. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.

Section 12.5-306. Non-emergency Suspension of Utility Service and MS4 Access.

- (a) The City may terminate the City-provided water supply, sanitary sewer connection, and/or MS4 access any person discharging to the MS4 in violation of this Article, if such termination would abate or reduce the illicit discharge.
- (b) The Director will notify a violator of the proposed termination of its water supply, sanitary sewer connection, and/or MS4 access. The violator may petition the Director for a reconsideration and hearing pursuant to Section 12.5-119 of this chapter.
- (c) The City shall not reinstate suspended services or MS4 access to the discharger until:
 - (1) The violator presents proof, satisfactory to the Director, that the noncomplying discharge has been eliminated and its cause determined and corrected; and
 - (2) The violator pays the City for all costs the City will incur in reinstating service or MS4 access.
- (d) The remedies provided by this Section are in addition to any other remedies set out in this chapter. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.
- (e) A person commits an offense if the person reinstates water service, sanitary sewer service, and or MS4 access to premises terminated pursuant to this Section, without the prior approval of the Director.

[Sections 12.5-306 through 12.5-314 reserved]

DIVISION 2. COSMETIC CLEANING

Section 12.5-315. Permit and Registration Required.

- (a) A person commits an offense if the person knowingly engages in mobile commercial cosmetic cleaning without a valid permit issued by the Director.
- (b) A person commits an offense if the person knowingly operates or causes to be operated a mobile commercial cosmetic cleaning vehicle which is not registered with the Director.

Section 12.5-316. Permit Application Procedures.

- (a) A person required by section 12.5-315 to have a permit shall complete and file a permit application on a form prescribed by the Director.
- (b) The Director may require any information on an application that the Director believes is necessary to ensure that best management practices are implemented by the permittee.
- (c) The application shall include a description and the vehicle license registration number of each vehicle to be registered under the permit. All motor vehicles and trailers used to transport cosmetic cleaning rigs shall be registered. However, a motor vehicle which is used to tow a trailer registered with the Director and which is not used to transport a cosmetic cleaning rig itself, shall not be required to be registered.
- (d) Any applicant who utilizes wash water recycling units shall list all sanitary sewer discharge locations and other disposal sites the applicant intends to use.

Section 12.5-317. Issuance of Permit and Registration Certificates.

- (a) The Director may issue a permit and registration certificates after the applicant pays all applicable fees, unless the Director has cause to deny such permit, as specified in Section 12.5-320. The Director shall provide for procedures to add registered vehicles to a permit during its term.
- (b) A permit shall be valid for one year from the date of its issuance, unless suspended or revoked. Registration certificates shall be valid for the term of the permit.
- (c) Neither a permit nor a registration certificate shall be transferable.
- (d) The City Council shall set an annual fee for a permit and each registration certificate issued under this Division.
- (e) The Director will issue a registration number to each vehicle registered under a permit, and listed on the permit. A registration number is not transferable.
- (f) The Director will issue a registration certificate for each vehicle registered under a permit. The certificate shall be of a size and design determined by the Director.

Section 12.5-318. Display of Registration Numbers and Certificates.

- (a) A permit holder shall have the registration numbers permanently displayed on each of its vehicles registered under the permit as follows:
 - (1) The registration number shall be placed on both sides of the vehicle in a location approved by the Director.
 - (2) The registration number shall be in numerals of a minimum height of three (3) inches, in a color contrasting to their background, and in a visible location.
- (b) A permit holder shall place a registration certificate on each registered vehicle in a location approved by the Director.
- (c) A person commits an offense if the person operates or causes

to be operated a mobile commercial cosmetic cleaning vehicle which does not properly display the registration number assigned to that vehicle by the Director.

- (d) A person commits an offense if the person operates or causes to be operated a mobile commercial cosmetic cleaning vehicle which does not properly display a valid registration certificate.

Section 12.5-319. Permit Conditions.

As a condition of receiving and maintaining a permit under this Division a permit holder shall comply with the following:

- (a) A permit holder shall immediately notify the Director of any management changes in the business during the time the permit is in effect.
- (b) A permit holder shall submit samples of washwater and/or waste water to the Director or to an authorized representative of the Director of the Department of Water, immediately upon their demand.
- (c) A permit holder who utilizes wash water recycling units shall:
 - (1) notify the Director in writing of all changes in disposal sites it wants to use during the permit period;
 - (2) discharge wash water into the sanitary sewer only at those sites listed in its permit application and its notices under subsection (c)(1); and
 - (3) before the end of each permit period:
 - A. test or cause to be tested a representative sample of its recycled wash water discharge to determine compliance with the discharge limits and prohibitions of Section 12.5-610 of this chapter;
 - B. report the results of such tests in writing to the Industrial Waste Section of the Wastewater Treatment Division of the Department of Water,

and send a copy to the Department of Environmental Management; and

- C. sign and certify the report as required by Section 12.5-633 of this chapter.
- (d) A permit holder shall immediately notify the Director when it sells or otherwise disposes of a vehicle registered under its permit.
- (e) A permit holder shall ensure that all of its employees engaged in mobile commercial cosmetic cleaning are knowledgeable of the discharge prohibitions to the MS4 under this Article, and shall require all its employees to use best management practices when engaging in mobile commercial cosmetic cleaning. For exterior cleaning, best management practices shall include, but not be limited to, the following:
 - (1) Accumulations of oil and grease which have not dried shall be precleaned with absorbent clay (kitty litter) or a similar material and properly disposed of prior to washing.
 - (2) Storm sewer entrances which will receive the wash water shall be screened to catch leaves and other debris. Wash water discharge shall comply with Section 12.5-302(b)(15).
 - (3) Wash water discharged to the MS4 shall first pass through an oil absorbent boom or pad to absorb hydrocarbons so that no oil sheen is present on the discharge. Wash water discharge shall comply with Section 12.5-302(b)(15).
 - (4) Wash water which does not comply with Section 12.5-302(b)(15) shall be discharged into the sanitary sewer system. Discharge shall be at the job site when possible. Wash water from recycle rigs which does not comply with Section 12.5-302(b)(15) shall be disposed of in compliance with subsection (c) of this section. Grit and sludge shall not be disposed of through the sanitary sewer.
- (f) A permit holder shall ensure that all of its vehicles registered

under the permit display the registration numbers and certificates as required by this Division, and shall not allow unregistered vehicles to engage in mobile commercial cosmetic cleaning.

- (g) A permit holder shall not discharge to the MS4 in violation of this Article.
- (h) A permit holder shall not discharge wastewater to the sanitary sewer system in violation of Section 12.5-610 of this chapter.
- (i) A permit holder shall not discharge wastewater into the sanitary sewer, either on a job site or off a job site, without the permission of the owner of the property upon which the sewer inlet is located. The permit holder shall provide proof of such permission to the Director upon demand.
- (k) A permit holder shall not create or maintain a nuisance in violation of Section 12.5-321.

Section 12.5-320. Permit Denial and Revocation.

- (a) The Director may deny a permit, or after notice and hearing revoke a permit if:
 - (1) The permit application contains a false statement of a material fact;
 - (2) If the person engages in operations that do not consist solely of cosmetic cleaning; or
 - (3) If the permit holder or an employee of the permit holder has violated a permit condition.
- (b) An applicant whose permit is denied will be notified by the Director, in writing, of the denial and the grounds therefore. Such notice will be sent certified mail, return receipt requested, to the mailing address listed on the application.
- (c) An applicant whose permit is denied may request a reconsideration no later than the tenth day after receipt of the notice of denial, in accordance with Section 12.5-119 of this chapter.

- (d) A permit may be suspended or revoked under the procedures of Section 12.5-119(b) of this chapter.

Section 12.5-321. Nuisances.

- (a) A vehicle transporting cosmetic cleaning wash water or wastewater which is leaking or spilling from such vehicle is hereby declared to be a nuisance.
- (b) Any premises upon which cosmetic cleaning wastewater has accumulated and which is emitting noxious or offensive odors, or which is creating an unsanitary condition, or which is injurious to the public health or the environment is hereby declared to be a nuisance.

DIVISION 3.

STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL
ACTIVITY, INCLUDING CONSTRUCTION ACTIVITY

Section 12.5-330. Applicability.

This division applies to all facilities located within the City that have storm water discharges associated with industrial activity, including construction activity.

Section 12.5-331. Access to Facilities.

- (a) The Director is authorized by Section 12.5-121 of this Chapter to enter and inspect facilities subject to regulation under this Article.
- (b) Facility operators shall allow the Director 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 Director shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Director 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 operator at the written or oral request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (e) Unreasonable delays in allowing the Director access to a permitted facility is a violation of a storm water discharge permit and of this Article. A person who is the operator of a facility with a NPDES or TPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Director reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Article.

Section 12.5-332. Unpermitted Discharges Prohibited

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 industrial activity without first having obtained a NPDES or TPDES permit to do so.

Section 12.5-333. Submission of NOI to City.

- (a) The operator of a facility, including construction sites, required to have a NPDES or TPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the Director at the same time the operator submits the original Notice of Intent to the EPA or the TNRCC as applicable.
- (b) The copy of the Notice of Intent may be delivered to the Director either in person or by mailing it to:

Notice of Intent to Discharge Storm Water
Department of Environmental Management
1000 Throckmorton Street
Fort Worth, Texas 76102

- (c) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the Director.

Section 12.5-334. 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 industrial activity.
- (b) A person commits an offense if the person operates a facility in violation of a requirement of the facility's NPDES or TPDES permit to discharge storm water associated with industrial activity.

Section 12.5-335 Modification of Storm Water Pollution Prevention Plans

- (a) The Director may require any operator of a facility to modify the facility's storm water pollution prevention plan if in the best professional judgment of the Director, the SWPPP does not comply with the requirements of the facility's NPDES or TPDES permit to discharge storm water associated with industrial activity.
- (b) The deficiencies in a facility's SWPPP will be made in writing, and the Director will give the facility operator a reasonable amount of time, not to exceed thirty days, to make the necessary changes in the SWPPP.

[Sections 12.5-336 through 12.5-399 reserved.]