



**PUBLIC HEARING AND TOWN COUNCIL MEETING
TUESDAY, APRIL 19, 2022, 6:00PM
ABITA SPRINGS TOWN HALL
22161 Level St., Abita Springs, LA 70420**

Posted: April 14, 2022 1pm

CALL TO ORDER: Mayor Curtis
INVOCATION: Alderman Saussy
PLEDGE OF ALLEGIANCE: Alderman Murphy

PUBLIC HEARING: 1.) Discussion of Instrument 2022-003, AN ORDINANCE TO AMEND THE ABITA SPRINGS CODE OF ORDINANCES TO ADD CHAPTER 9, STORMWATER MANAGEMENT, TO SECTION 9, TO IMPLEMENT THE TOWN'S STORM WATER MANAGEMENT PLAN; TO MAINTAIN AND IMPROVE THE QUALITY OF SURFACE WATER AND GROUNDWATER WITHIN THE TOWN OF ABITA SPRINGS, TO PREVENT THE DISCHARGE OF CONTAMINATED STORMWATER RUNOFF AND TO PROVIDE FOR RELATED MATTERS.

MAYOR'S ANNOUNCEMENTS: Master Planning Efforts

ROLL CALL:

Call for Agenda Modifications
Accept February 15, 2022 Town Council Meeting Minutes
Accept the January and February 2022 Financial Reports

OLD BUSINESS:

1.) Consideration of amendment to Instrument 2022-003, AN ORDINANCE TO AMEND THE ABITA SPRINGS CODE OF ORDINANCES TO ADD CHAPTER 9, STORMWATER MANAGEMENT, TO SECTION 9, TO IMPLEMENT THE TOWN'S STORM WATER MANAGEMENT PLAN; TO MAINTAIN AND IMPROVE THE QUALITY OF SURFACE WATER AND GROUNDWATER WITHIN THE TOWN OF ABITA SPRINGS, TO PREVENT THE DISCHARGE OF CONTAMINATED STORMWATER RUNOFF AND TO PROVIDE FOR RELATED MATTERS.

2.) Consideration of adoption of Instrument 2022-003, AN ORDINANCE TO AMEND THE ABITA SPRINGS CODE OF ORDINANCES TO ADD CHAPTER 9, STORMWATER MANAGEMENT, TO SECTION 9, TO IMPLEMENT THE TOWN'S STORM WATER MANAGEMENT PLAN; TO MAINTAIN AND IMPROVE THE QUALITY OF SURFACE WATER AND GROUNDWATER WITHIN THE TOWN OF ABITA SPRINGS, TO PREVENT THE DISCHARGE OF CONTAMINATED STORMWATER RUNOFF AND TO PROVIDE FOR RELATED MATTERS.

NEW BUSINESS:

OPEN/ADJOURNMENT:

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE, PLEASE CONTACT US AT (985) 892-0711. PLEASE CONTACT TOWN HALL AT THE SAME NUMBER FOR ADDITIONAL INFORMATION REGARDING THIS AGENDA.



INSTRUMENT 2022-003

1 **AN ORDINANCE TO AMEND THE ABITA SPRINGS CODE OF ORDINANCES TO ADD CHAPTER 9, STORMWATER**
2 **MANAGEMENT, TO SECTION 9, TO IMPLEMENT THE TOWN’S STORM WATER MANAGEMENT PLAN; TO MAINTAIN AND**
3 **IMPROVE THE QUALITY OF SURFACE WATER AND GROUNDWATER WITHIN THE TOWN OF ABITA SPRINGS, TO PREVENT**
4 **THE DISCHARGE OF CONTAMINATED STORMWATER RUNOFF, AND TO PROVIDE FOR RELATED MATTERS.**

5 WHEREAS, the Clean Water Act, among other things, regulates storm water and urban runoff to protect water
6 quality; and

7 WHEREAS, the Town of Abita Springs has adopted a Storm Water Management Plan, and is implementing
8 regulations for storm water management to comply with the Louisiana Pollutant Discharge Elimination System
9 (LPDES) permit issued by the Louisiana Department of Environmental Quality (LDEQ); and

10 WHEREAS, the Town’s Storm Water Management Plan provides that the Town will adopt an ordinance
11 intended to prohibit, prevent and/or minimize pollution resulting from storm water runoff.

12 NOW, THEREFORE, BE IT ORDAINED by the Town of Abita Springs Board of Aldermen, in regular session
13 convened, that the ordinance regulating discharges to the municipal separate storm drain system shall read as
14 follows:

15 **PART 9 – PLANNING, ZONING, and DEVELOPMENT**

16 **Chapter 9. - STORMWATER MANAGEMENT**

17 **Sec. 9-901. – Purpose and objectives**

18 The purpose and objectives of this chapter are as follows:

- 19 (1) To implement the Town of Abita Springs Stormwater Management Plan.
- 20 (2) To maintain and improve the quality of surface water and groundwater within the Town of Abita
21 Springs;
- 22 (3) To prevent the discharge of contaminated stormwater runoff from industrial, commercial,
23 residential, and construction sites into the municipal separate storm sewer system (MS4) and
24 natural waters affected by the Town of Abita Springs;
- 25 (4) To promote public awareness of the hazards involved in the improper discharge of hazardous
26 substances, petroleum products, household hazardous waste, industrial waste, sediment from
27 construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm
28 sewers and natural waters of the Town of Abita Springs;

- 29 (5) To encourage the recycling of used motor oil and safe disposal of other hazardous consumer
 30 products;
- 31 (6) To facilitate compliance with state and federal standards and permits by owners and operators
 32 of industrial and construction sites within the Town of Abita Springs; and
- 33 (7) To enable the Town of Abita Springs to comply with all federal and state laws and regulations
 34 applicable to stormwater discharge.

35 **Sec. 9.902. - Administration.**

36 Except as otherwise provided herein, the Mayor or his designee shall administer, implement, and enforce the
 37 provisions of this chapter. Any powers granted to, or duties imposed upon the Director of Public Works shall
 38 be carried out by that person and may be delegated to other Town personnel.

39 **Sec. 9-903. – Abbreviations and Definitions**

- 40 (a) Abbreviation of terms. The following abbreviations when used in this section shall have the
 41 designated meanings:

BMP	Best Management Practices
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
LAC	Louisiana Administrative Code
LDEQ	Louisiana Department of Environmental Quality
LPDES	Louisiana Pollutant Discharge Elimination System
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan

42

43 (b) Definitions. The following words, terms, and phrases, when used in this subsection (e), shall have
44 the meanings ascribed to them in this subsection, except where the context clearly indicates a
45 different meaning:

46 *Best management practices (BMPs)* means schedules of activities, prohibitions of practices,
47 maintenance procedures, treatment requirements, operating procedures, and other practices
48 used to prevent or reduce contaminated discharges or runoff.

49 *BMPs for Coastal Louisiana Zone manuals* means technical manuals prepared by the
50 Louisiana Coastal Nonpoint Pollution Control Program to minimize coastal impacts from
51 developmental activities and control nonpoint source pollution resulting from stormwater runoff.
52 The manual includes nonpoint source BMPs specific to the Louisiana Coastal Zone and is to be
53 used as a guide for developers, builders, and engineering firms during the design and
54 construction phase of development.

55 *Clean Water Act (CWA)* means the primary federal law in the United States governing water
56 pollution. Its objective is to restore and maintain the chemical, physical, and biological integrity
57 of the nation's waters by preventing point and nonpoint pollution sources, improving
58 wastewater treatment, and maintaining the integrity of wetlands. It is administered by the U.S.
59 Environmental Protection Agency (EPA), in coordination with state governments. The CWA is
60 codified in 40 CFR 100—140, 401—471, and 501—503).

61 *Commercial* means any activity pertaining to a business, industry, corporation, or
62 organization.

63 *Construction* means any human activity that includes clearing, grading, excavation, filling, or
64 other placement, movement, removal, or depositing of soil, rock, organic materials, or earth
65 minerals.

66 *Contaminated* means containing any pollutant which is introduced into stormwater
67 conveyances by stormwater contact with industrial activities as defined by LAC 33:IX.2511.B.14-
68 15 and 40 CFR 122.26(b)(14) or through illicit discharges.

69 *Conveyance* means drainage infrastructure, including any ditch, pipe, canal, or waterway
70 that moves water in the Town.

71 *Debris*: Material resulting from tree cutting activity including felled tree trunks and uprooted
72 stumps.

73 *Discharge* means any stormwater or wastewater, including but not limited to sheet flow and
74 point source, introduced into the MS4, drainage infrastructure, conveyances, ditches, or
75 waterways of the Town, or into waters of the United States.

76 *Discharger* means any person or property who causes, allows, or is otherwise responsible for
77 a discharge.

78 *Facility means any building, structure, property, installation, process, or activity from which*
79 *there is or may be a discharge of a pollutant.*

80 *Fertilizer means any substance that contains essential plant nutrients in a form available to*
81 *plants and is used primarily for promoting or stimulating growth of a plant or improving the*
82 *quality of a crop.*

83 *Fill or filling means the deposition of soil and other inert materials on the land to raise its*
84 *grade and/or smooth its features.*

85 *Garbage means putrescible animal and vegetable wastes resulting from the handling,*
86 *preparation, cooking and consumption of food.*

87 *Hazardous substance means any of the following: any substance determined to be hazardous*
88 *according to 49 CFR 171.8. or listed in Table 302.4 of 40 CFR 302 or section 311(b)(2)(A) of the*
89 *Clean Water Act (33 USC 1317(a) and 1321(b)(A)).*

90 *Hazardous waste means any substance identified or listed as a hazardous waste by the EPA*
91 *pursuant to 40 CFR 261.*

92 *Herbicide means a substance used to defoliate, desiccate, destroy, inhibit, or regulate*
93 *vegetation.*

94 *Illicit discharge means a prohibited non-stormwater discharge containing pollutants.*

95 *Litter means garbage, refuse, and rubbish, as defined herein, and all other waste materials*
96 *which, if thrown or deposited as herein prohibited, tends to create a danger to public health,*
97 *safety, and welfare.*

98 *Louisiana discharge permit elimination system (LPDES) permit or national discharge permit*
99 *elimination system (NPDES) permit means the permit issued by the LDEQ or the EPA, under*
100 *authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to*
101 *waters of the United States.*

102 *Municipal separate storm sewer system (MS4) means roadside drainage systems, catch*
103 *basins, curbs, gutters, ditches, manmade channels, or storm drains used for collecting and/or*
104 *conveying stormwater in the Town.*

105 *Notice of intent (NOI) means the notice of intent that is required by the LPDES general permit*
106 *for discharges of stormwater from construction activities five acres or greater, the multi-sector*
107 *general permit for stormwater, or other general permits for the discharge of stormwater.*

108 *Non-point source pollution means pollution discharged over a wide land area that cannot be*
109 *traced to one specific point or location. These are forms of diffuse pollution caused by sediment,*
110 *nutrients, organic, and toxic substances contained in stormwater runoff from urbanized areas,*
111 *construction sites, agricultural sites, and silvicultural operations, etc.*

112 *Operator means the person or persons who, either individually or taken together, has*
113 *operational control over the facility; or has day-to-day operational control over those activities*
114 *at the facility necessary to ensure compliance with pollution prevention requirements and any*
115 *permit conditions.*

116 *Person means any individual, partnership, firm, company, corporation, association, trust,*
117 *estate, entity, or any legal representative, agent, or assignee.*

118 *Pesticide means a substance used to prevent, destroy, repel, or mitigate any pest.*

119 *Point source means the discharge of pollutants at a specific location from pipes, outfalls,*
120 *channels, or other discernible or discrete conveyances. The term "point source" does not include*
121 *irrigation flow returns from agricultural stormwater runoff.*

122 *Pollutant means dredged spoil, solid waste, sewage, garbage, sludge, chemical waste,*
123 *biological materials, radioactive materials, heat, rock, soil, sediment, or industrial waste*
124 *discharged into waters of the state and/or the MS4, drainage infrastructure, conveyances, or*
125 *waterways of the Town.*

126 *Pollution means the contamination of the physical, thermal, chemical, or biological quality of*
127 *waters that causes impairment of the designated uses of a water body as stipulated in the*
128 *current EPA integrated report or renders the water harmful, detrimental, injurious to humans,*
129 *animal life, vegetation, or impairs the usefulness for the public enjoyment of the water for any*
130 *lawful or reasonable purpose.*

131 *Refuse means all putrescible and non-putrescible solid waste (except body waste), including*
132 *garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles and solid*
133 *market and industrial wastes.*

134 *Rubbish means non-putrescible solid wastes consisting of both combustible and*
135 *noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard*
136 *clippings, leaves, wood, glass, bedding, crockery, plastic, and similar materials.*

137 *Release means any spilling, leaking, pumping, pouring, discharging, injecting, leaching,*
138 *dumping, or disposing, directly or indirectly, into the MS4, drainage infrastructure, conveyances,*
139 *or waterways of the Town.*

140 *Rinsate means water, containing low concentrations of contaminants, resulting from the*
141 *cleaning of containers etc.*

142 *Sanitary sewage means the domestic sewage and/or industrial waste that is discharged into*
143 *the sanitary sewer system and passes through the sanitary sewer system to any public or*
144 *privately owned sewage treatment plant.*

145 *Sanitary sewer (or sewer) means the system of pipes, conduits, and other conveyances which*
146 *carry industrial waste and sanitary sewage from residential dwellings, commercial buildings,*

147 *industrial and manufacturing facilities, and institutions, whether treated or untreated, to any*
148 *sewage treatment plant.*

149 *Site work means excavation, grading, filling, cutting, draining, paving, earthwork,*
150 *stockpiling/storage of fill.*

151 *Sediment means soil, sand, clay, and minerals washed from land into roadways, drainage*
152 *infrastructure, and waterways, usually during or after a rain. Sediment may cause a reduction in*
153 *storage capacity, impede drainage, destroy fish-nesting areas, clog animal habitats, and cloud*
154 *waters to such an extent as to prevent sunlight from reaching aquatic biota.*

155 *Solid waste means any garbage, rubbish, refuse, sludge from a waste treatment plant, water*
156 *supply treatment plant, or air pollution control facility, and other discarded material, including,*
157 *solid, liquid, semi-solid, or contained gaseous material resulting from construction or industrial,*
158 *municipal, commercial, mining, and agricultural operations, and from community and*
159 *institutional activities.*

160 *Stormwater means stormwater runoff, surface runoff and drainage runoff. (Agricultural*
161 *stormwater may be excluded, subject to the provisions of LAC 33:IX.2313.)*

162 *Stormwater agreement means the agreement utilized by the Town and signed by the*
163 *contractor, developer, landowner, or agent to ensure all required permits are in place and the*
164 *implementation of BMPs will be used to control erosion and sedimentation and reduce the*
165 *pollutants in stormwater discharges associated with excavation, grading, filling, and other*
166 *construction projects as well as heavy equipment fuels/oils and grease.*

167 *Stormwater pollution prevention plan (SWPPP) means a plan required by the LPDES general*
168 *permits for discharge of stormwater from construction activities (General Permit Number*
169 *LAR100000 and LAR200000), LPDES multi-sector general permit, or any LPDES individual permit*
170 *which describes and ensures the implementation of practices that are to be used to reduce the*
171 *pollutants in stormwater discharges associated with construction or other industrial activity at*
172 *the facility.*

173 *Superchlorination means a water treatment process in which the addition of excess amounts*
174 *of chlorine to a water supply to speed chemical reactions or insure disinfection within a short*
175 *contact time.*

176 *Wastewater means any water or other liquid, other than uncontaminated stormwater,*
177 *discharged from a facility.*

178 *Water quality standard means the numerical criterion established by LDEQ and deemed*
179 *necessary by the state to protect the designated uses of a water body.*

180 *Waters of the United States (WOTUS) means any waters within the federal definition of*
181 *"waters of the United States" at 40 CFR 122.2; but not including any waste treatment systems,*
182 *treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.*

183 *Wetland means an area that is frequently inundated or saturated by water and is sufficient*
184 *to support a prevalence of vegetation typically adapted for life in saturated soil conditions.*
185 *Wetlands generally include swamps, marshes, bogs, and similar areas.*

186 **Sec. 9-904. - General provisions.**

- 187 (a) No person shall introduce or cause to be introduced into the MS4, drainage infrastructure,
188 conveyances, or waterways of Abita Springs any illicit discharge, including non-stormwater
189 discharges that are not composed entirely of stormwater, except as expressly provided for in this
190 chapter.
- 191 (b) No person shall introduce or cause to be introduced into the MS4, drainage infrastructure,
192 conveyances, or waterways of Abita Springs any discharge that causes or contributes to violation of a
193 water quality standard.
- 194 (c) No person shall connect an interior drain or any other source of wastewater to the MS4, drainage
195 infrastructure, conveyances, or waterways of Abita Springs, or allow such a connection to continue.
- 196 (d) Any person that causes a spill, release, or other discharge of a prohibited substance or other
197 pollutant is solely responsible for the cleanup and removal of the substance.
- 198 (e) Sanitary sewer overflows to the MS4, drainage infrastructure, conveyances, or waterways of the
199 town shall be prevented. In the event of an overflow the owner, operator, or person otherwise
200 having control of the sanitary sewer, shall remove all sewage to the maximum extent practical.
- 201 (f) Items that are stored for collection, disposal, recycling, or reuse shall be stored in a manner that
202 prevents contamination of stormwater. Drums shall be covered and/or in secondary containment
203 where required, closed, not leaking, and in good condition.
- 204 (g) Spills and leaks of hazardous substances or pollutants shall be cleaned up immediately after the spill
205 occurs or the leak is detected. Any absorbent material used for cleanup must be disposed of properly
206 and disposed of in accordance with solid waste regulations. Surface soil contaminated by the spill or
207 leak must be removed or otherwise protected from contact with stormwater.
- 208 (h) Drip pans, absorbent mats, or equivalent controls shall be used to collect and properly dispose of
209 leaking fluids from motor vehicles that are parked outside during maintenance and repairs or while
210 waiting for repairs at commercial repair facilities.
- 211 (i) Used engines, transmissions, radiators, and other vehicle components that have automotive fluids
212 in, or on them, shall be stored in a manner that prevents pollutants from contaminating stormwater
213 runoff.
- 214 (j) Any person or establishment that causes a spill, release, or other discharge of any prohibited
215 substance or other pollutant to the MS4, drainage infrastructure, conveyances, or waterways of
216 Abita Springs is solely responsible for notifying the appropriate agency and/or permit authorities of
217 the unauthorized release.

218 (k) Trash, litter, grass clippings, leaves, and other debris shall not be discarded in drainage ditches or
219 drainage inlets. Such material shall be disposed of as solid waste and shall not be allowed to enter
220 the MS4, drainage infrastructure, conveyances, or waterways of the town.

221 **Sec. 9-905. - Allowed Discharges**

222 Discharges from the following activities will not be considered a source of pollutants to the town's storm
223 drainage system and to waters of the U.S. when properly managed to ensure that no potential pollutants are
224 present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of
225 the provisions of the Clean Water Act, or this article:

- 226 (1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES
227 permit for discharges from the MS4);
- 228 (2) A discharge or flow resulting from the fire-fighting activities by the fire department;
- 229 (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or
230 materials;
- 231 (4) Agricultural water runoff;
- 232 (5) A discharge or flow from water line flushing or water line disinfection provided that the
233 discharge, by superchlorination or other means, contains no harmful quantities of chlorine, or
234 any other chemical used in the line disinfection;
- 235 (6) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
- 236 (7) A discharge of flow from a diverted stream flow or natural spring;
- 237 (8) A discharge or flow from uncontaminated pumped ground water or rising groundwater;
- 238 (9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(2) to the MS4);
- 239 (10) Uncontaminated discharge or flow from a fountain drain, foundation drain, crawl space pump,
240 or footing drain;
- 241 (11) A discharge or flow from air conditioning condensation that is not mixed with water from a
242 cooling tower, emissions scrubber, emission filter, or any other source of pollutant;
- 243 (12) A discharge or flow from a potable water source not containing any harmful substance or
244 material from the cleaning or draining of a storage tank or other container;
- 245 (13) A discharge or flow from individual residential car washing;
- 246 (14) Routine external building wash down that does not include harmful levels of used in violation of
247 the relevant label;
- 248 (15) A discharge or flow from riparian habitat or wetland;

- 249 (16) A discharge or flow from water used in street washing that is not contaminated with any soap,
250 detergent, solvent, emulsifier, dispersant, or any other harmful cleaning substance used in
251 violation of its label;
- 252 (17) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an
253 emissions scrubber or filter or any other source of pollutant; or
- 254 (18) Dechlorinated swimming pool discharges, subject to the requirements of Sec. 9-907.
- 255 (19) Other similar occasional incidental discharges, such as non-commercial or charity car washes,
256 where such discharges will not cause a problem due to the nature of the discharge or such
257 controls as placed on the discharge by the Town.

258 **Sec. 9-906. - Specific Prohibitions**

259 No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce
260 or cause, allow, or permit to be introduced any of the following substances into the MS4, drainage
261 infrastructure, conveyances, or waterways of the town:

- 262 (1) Any used motor oil, antifreeze, hydraulic fluid, fuel, or other motor vehicle fluid;
- 263 (2) Any industrial or hazardous waste, including household hazardous waste;
- 264 (3i) Any untreated sanitary sewage or septic tank waste;
- 265 (4) Any grease trap waste, or grit trap waste;
- 266 (5) Any litter or debris, as defined herein, not resulting from a storm event.
- 267 (6) Any untreated wastewater from a commercial car wash facility, or from any washing or cleaning
268 of any commercial or public service vehicle, including heavy equipment;
- 269 (7) Any contaminated wastewater or wash water from commercial cleaning, power, or pressure
270 wash processes or wash racks;
- 271 (8) Any wastewater from the cleanup following a release of hazardous waste or pollutants;
- 272 (9) Any discharge from a commercial or industrial cooling tower, condenser, compressor, or boiler
273 unless the discharge is in compliance with an LPDES or NPDES permit;
- 274 (10) Any concrete, mortar, ceramic, or asphalt base material;
- 275 (11) Any discharge or wash down water from an animal, fowl, or livestock containment area;
- 276 (12) Any unpermitted stormwater discharge associated with a commercial or industrial activity;
- 277 (13) Any substance or material that will damage, block, or clog the MS4, drainage infrastructure,
278 conveyances, or waterways of the town;

- 279 (14) Any construction debris or other waste building material resulting from construction or
280 demolition;
- 281 (15) Any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation,
282 filling, or other construction activities in violation of a permit allowing said construction
283 activities;
- 284 (16) Any direct discharge of pesticide, herbicide, and/or fertilizer contrary to relevant state or
285 federal regulations;
- 286 (17) Any discharge that causes or contributes to a violation of a water quality standard.

287 **Sec. 9-907. - Swimming pool regulation.**
288

289 The following restrictions apply to scheduled or intentional discharges associated with discharges from pools,
290 hot tubs, spas, and filter backwash, which is a rinsate resulting from the cleaning of equipment, vehicles, tools,
291 containers, cartridges, filters, etc.:

- 292 (1) For uncontaminated discharge that cannot be retained on site for irrigation or other uses, a
293 gradual discharge is required;
- 294 (2) Discharge shall be dechlorinated with no detectable concentration levels [$<$ (less than) 0.1
295 mg/L] of total residual chlorine, prior to discharge;
- 296 (3) Discharge shall not drain or back up onto adjacent properties or across a sidewalk;
- 297 (4) Discharge may not be drained into unpaved alleys.
- 298 (5) Discharge shall not cause erosion or sediment transport;
- 299 (6) Discharge shall not cause an accumulation of water in roadways or along curbs and shall not
300 cause adverse impacts to drainage infrastructure, waterways, roadways, or adjacent properties.

301 **Sec. 9-908. - Used oil regulation.**

302 The following restrictions apply to used oil. No person shall:

- 303 (1) Discharge used oil into the MS4 or a sewer drainage system, surface water, groundwater, or
304 water course;
- 305 (2) Knowingly mix or commingle used oil with solid waste that is to be disposed in a landfill or
306 knowingly dispose of used oil on land or in a landfill;
- 307 (3) Apply used oil to a road or land for solid suppression, weed abatement, or other similar use that
308 introduces used oil into the environment.

309 **Sec. 9-909. - Discharge from dumpster area.**

310 All new construction of commercial facilities requiring suitable cleaning and supplies such as high- pressure
311 pumps, hot water, steam, and detergents necessary for the effective cleaning of equipment and receptacles of
312 solid waste collection must meet the following requirements:

- 313 (1) Liquid waste generated by the cleaning operations cannot be discharged into the MS4 without a
314 valid NPDES permit;
- 315 (2) Liquid waste generated by cleaning operations not meeting criteria in subsection (a) above must
316 be discharged to the sanitary sewer. Stormwater runoff must be prevented from entering the
317 sanitary sewer by means approved by the Town of Abita Springs; and
- 318 (3) Discharge entering the sanitary sewer must meet local discharge limits found in Town
319 ordinances. Discharges unable to meet these discharge limits must be pretreated on site to
320 reduce pollutant concentration prior to discharging to the sanitary sewer.

321 **Sec. 9-910. - Stormwater discharges from construction activities.**

322 (a) General requirements.

- 323 (1) Construction activity, including clearing, grading, and excavation activities that result in the
324 disturbance of one or more acres of total land area shall comply with the requirements of this
325 section. This also applies to building construction (including residential) on lots less than one
326 acre.
- 327 (2) Upon completion of permitted construction activity on any site, the property owner and
328 subsequent property owners will be responsible for continued compliance with the
329 requirements of this section in the course of maintenance, reconstruction, or any other
330 construction activity on the site.
- 331 (3) No development shall degrade water quality, adversely affect the MS4, drainage infrastructure,
332 conveyances, or waterways.
- 333 (4) All construction projects involving site work of any kind, including but not limited to subdivision
334 development, minor subdivision development, residential construction, commercial
335 construction, and roadway construction shall comply with the requirements of Subdivision
336 Ordinance Section 3.8 – Storm Drainage.
- 337 (5) All appropriate permits shall be obtained before the commencement of construction.
- 338 (6) Operators shall refer to guidance manuals such as the BMPs for Coastal Louisiana Zone for BMP
339 definitions, selection, applicability, planning considerations, recommended specifications, and
340 maintenance.
- 341 (7) The Town may deny approval of any building permit, site development plan, or any other town
342 approval necessary to commence or continue construction, or to assume occupancy, on the
343 grounds that the management practices described in the plans or observed upon the site
344 inspection by the town are determined not to control and reduce the discharge of sediment, silt,

345 earth, soil, and other material associated with clearing, grading, excavation, and other
346 construction activities to the maximum extent practicable.

347 (b) Exemptions. The following project types are exempt from the requirement for a stormwater
348 agreement and stormwater site plan. These exemptions do not relieve the owner, operator, or other
349 legal representative of the responsibility of installing and properly maintaining the erosion,
350 sedimentation, or pollution control measures or any other liability resulting from such activities.

351 (1) Capital projects or infrastructure improvement projects by town personnel (such projects shall
352 comply with all other state, federal, and local stormwater permit requirements). This exemption
353 does not apply to private contractors working on town projects;

354 (2) An activity that is determined by a town official to be immediately necessary for the protection
355 of life, property, or natural resources;

356 (3) Excavation of graves in cemeteries;

357 (4) Agricultural practices such as plowing, cultivation, tree cutting, logging operations that leave the
358 stump and root mat intact and cultivated sod operations. Agricultural projects shall comply with
359 all other state, federal, and local stormwater, and water quality requirements.

360 (c) Stormwater agreement.

361 (1) It shall be the responsibility of the property owner or his designee to acquire and comply with
362 any applicable LDEQ permits prior to the commencement of construction. An approved
363 stormwater agreement is required for any development or improvement project that requires a
364 building permit, site work permit or subdivision work order. This agreement, which is a
365 document provided by the town, will serve as a signed contract with the town stating that the
366 property owner or his/her designee agrees to obtain an LDEQ permit for construction, if
367 applicable, and comply with all applicable LDEQ regulations during the term of the project.

368 (2) For subdivisions developed in phases, a stormwater agreement shall be submitted at the
369 preliminary approval phase for each phase of the development.

370 (d) Stormwater site plan.

371 (1) A stormwater site plan is a component of the SWPPP as required by LDEQ. In an effort to ensure
372 the owner, developer or contractor has a sufficient plan to address necessary stormwater
373 controls before the commencement of construction, the town shall require a copy of the
374 stormwater site plan at the time of building permit application. This information may be
375 included on a plot plan depending on the complexity of the project.

376 (2) An approved stormwater site plan is required with submittal of any applicable building permit,
377 site work permit or drainage plan for a subdivision. The site plan shall contain the following:

378 a. The property owner's name, address, date, legal description of parcel, lot number, and a
379 boundary survey indicating the location, and dimensions of the lot;

- 380 b. The shape, size, and location of all existing and proposed buildings or other structures;
- 381 c. The location and approximate dimension of driveways, entrances, and all points of access to
382 a public street or road;
- 383 d. Locations of areas subject to flooding or limits of floodplain, if applicable;
- 384 e. Total land area;
- 385 f. The locations of all existing and proposed streets, alleys, utilities, stormwater conveyances,
386 drainage features, sanitary sewers and drainage, utility, or access easements/servitudes,
387 specifically noting connections to town conveyance systems;
- 388 g. All existing and proposed impervious areas;
- 389 h. Natural or manmade watercourses;
- 390 i. All existing and proposed slopes, terraces, bulkheads, or retaining walls;
- 391 j. Erosion and sedimentation control plans or SWPPP;
- 392 k. Drainage and/or fill calculations as required by permit and/or ordinance;
- 393 l. Direction of flow indicators; and
- 394 m. Receiving water body for the ultimate discharge of stormwater from the site.
- 395 (3) For a subdivision development, a stormwater site plan shall be submitted at the preliminary
396 approval phase and will focus on stormwater management, water quality, and receiving waters.
- 397 (e) Construction activity requirements. All operators of construction sites shall use best management
398 practices to control and reduce the discharge, to the town's storm drainage system and to waters of
399 the United States, of sediment, silt, earth, soil, and other material associated with the clearing,
400 grading, excavation, and other construction activities to the maximum extent practicable. Such best
401 management practices may include, but not be limited to, the following measures:
- 402 (1) Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the
403 site are stabilized within 14 days of the temporary or permanent cessation of construction
404 activities. Stabilization measures may include temporary seeding, permanent seeding, mulching,
405 geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature
406 vegetation, and other appropriate measures;
- 407 (2) Use of structural BMPs to divert flows from exposed soils, store flows, or otherwise limit runoff
408 and the discharge of pollutants from the site to the extent feasible;
- 409 (3) Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the
410 escape of other windblown waste from the site. A stabilized construction entrance/exit pad shall
411 be utilized to minimize the tracking of mud, clay, sediment, and other construction materials
412 onto roadways and streets.

- 413 (4) Prevention of the discharge of building materials, including cement, lime, concrete, paints, and
414 mortar, to the town's storm drainage system or waters of the United States. On-site
415 containment or off-site disposal is required.
- 416 (5) Providing general good housekeeping measures, such as covered storage, storm drain
417 protection, secondary containment, etc., to prevent and contain spills of paints, solvents, fuels,
418 septic waste, and other hazardous chemicals and pollutants associated with construction, and to
419 assure proper cleaning and disposal of any such spills, in compliance with state, federal, and
420 local requirements of a larger common plan of development.
- 421 (6) Implementation of proper waste disposal and waste management techniques, including covered
422 waste containers and concrete disposal bins and minimizing ground contact with hazardous
423 chemicals and trash to prevent stormwater contamination.
- 424 (7) Timely maintenance of vegetation, erosion and sediment control measures and other best
425 management practices in good and effective operating condition; and
- 426 (8) Installation of permanent structural measures during the construction process to control
427 pollutants in stormwater discharges that will occur after construction operations have been
428 completed (post-construction). These structural measures should be placed on upland soils to
429 the degree attainable and shall comply with the requirements of the Town's Subdivision
430 Regulations Section 3.8 – Storm Drainage. Such installed structural measures may include, but
431 not be limited to, the following: stormwater detention structures (including wet ponds); flow
432 attenuation by use of open vegetative swales and natural depressions; other velocity dissipation
433 devices, infiltration of runoff on site; and sequential systems which combine several practices.
434 Operators of construction sites are only responsible for the installation and maintenance of
435 permanent stormwater management measures prior to final stabilization of the site and are not
436 responsible for maintenance after stormwater discharges associated with construction activity
437 have terminated.
- 438 (9) Installation, inspection, and maintenance of erosion and sediment BMPs shall be consistent with
439 the effective operating conditions on the site. Operators are responsible for the installation and
440 maintenance of stormwater BMPs until warranty obligations are met and/or occupancy
441 certificates are issued.
- 442 a. As required by LDEQ permits, operators shall be responsible for overseeing self-inspections
443 of all BMPs at construction sites as noted in the LDEQ permit.
- 444 b. Based on the results of the inspections, BMPs shall be maintained, revised, repaired, or
445 replaced as necessary but prior to a future storm event.
- 446 c. The SWPPP or stormwater site plan shall be updated with any BMP revisions.
- 447 d. Any BMP modifications shall be recorded in the SWPPP and/or stormwater site plan within
448 seven calendar days and implemented on site as soon as is practical.

- 449 e. The owner, contractor, and/or operator of a construction site is responsible for compliance
450 with the requirements of this subsection (e).
- 451 (10) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and
452 severally responsible for compliance with the requirements in this section.
- 453 (11) The SWPPP, which shall include the stormwater site plan, and stormwater self-inspection and
454 BMP maintenance reports shall be available on the construction site for inspections.
- 455 a. In accordance with LDEQ requirements, an NOI and SWPPP is required for large
456 construction projects on five or more acres. This requirement includes any lot or parcel
457 that is part of a larger common plan of development.
- 458 b. In accordance with LDEQ requirements, a SWPPP is required (but not an NOI) for all
459 construction projects one acre or greater, but less than five acres, if not part
- 460 (12) On phased subdivision developments, site disturbance shall be phased, when applicable, to limit
461 soil erosion and sediment excursion. Final stabilization shall be accomplished prior to
462 commencement of the next phase of development.
- 463 (f) Stormwater inspections. Routine stormwater inspections will be performed by town stormwater
464 inspectors in accordance with the applicable permitting processes or as needed. Fees associated
465 with inspections/re-inspections will be in accordance with Sec. 9-14.
- 466 (1) The first stormwater inspection for each project shall be scheduled at the commencement of
467 construction with the preliminary drainage inspection. The final stormwater inspection shall be
468 scheduled at the completion of construction with the drainage final inspection.
- 469 (2) Re-inspections will be scheduled and performed as required.
- 470 (3) Unscheduled stormwater inspections and drainage inspections may be performed by the town
471 at any point during the construction process.
- 472 (4) Based on the results of the inspections required by this section, the site description and/or the
473 pollution prevention measures shall be revised as appropriate, but in no case later than one
474 calendar day following the inspection. Such modifications shall provide for timely
475 implementation of any changes to the SWPPP within seven calendar days (per the state
476 stormwater general permit for small construction activities) following the inspection.
- 477 (5) Failure to correct inadequacies following a failed drainage and/or stormwater inspection may
478 result in enforcement action.
- 479 (g) Post-construction stormwater requirements.
- 480 (1) Post-construction permanent stormwater facilities. Permanent stormwater BMPs shall include
481 both structural and non-structural BMPs.

- 482 a. Structural BMPs shall include, but are not limited to, retention/detention ponds,
483 stormwater diversion structures, and filtration devices.
- 484 (i) Installation of permanent structural measures intended to control stormwater
485 pollutants after the completion of a subdivision developments shall comply with the
486 requirements of Subdivision Ordinance Section 3.8 – Storm Drainage.
- 487 (ii) Erosion, sedimentation, and pollutants shall be controlled after completion of the
488 development process in accordance with the BMPs for Coastal Louisiana Zone
489 manuals and/or current LDEQ and EPA guidelines for structural BMPs.
- 490 (iii) Structural stormwater controls for residential and commercial development shall
491 continue to meet the performance standards as stipulated in the original design and
492 approved by the town in accordance with this section.
- 493 (2) Non-structural BMPs may include, but are not limited to, buffer zones, riparian buffers,
494 and/or green space. Non-structural BMPs such as buffer zones, riparian buffers, and green
495 space areas shall be established in accordance with all applicable state, federal, and local
496 requirements to prevent water quality impacts to waterways and wetlands.
- 497 (3) Stormwater BMP maintenance. Routine inspection and maintenance of permanent and/or
498 structural BMPs is necessary to ensure proper functioning condition in accordance with the
499 original design criteria. It shall be the responsibility of the landowner, homeowner's
500 association, or maintenance association, whichever is applicable, to maintain the facility in
501 perpetuity unless the town has agreed to accept the improvements as part of the
502 maintenance system in accordance with Subdivision Ordinance Section 3.101. Inspections
503 by the town may be conducted to ensure maintenance is being performed. Failure to
504 correct inadequacies following a failed inspection may result in enforcement action.

505 **Sec. 9-911. - Authorization to adopt and impose BMPs.**

506 Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating
507 such facility shall implement and maintain these BMPs at their own expense.

508 **Sec. 9-912. - Public participation and involvement.**

- 509 (a) Owner and/or operator reporting requirements. The operator and/or the owner of any
510 commercial or industrial activity shall report any prohibited discharges, spills, releases, illicit
511 discharges, and unauthorized connections into the MS4, drainage infrastructure, conveyances,
512 or waterways in the town and any other violation of this section for which they are responsible.
- 513 (1) A hazardous and/or toxic substance spill or release shall be immediately reported to the
514 fire department and LDEQ;
- 515 (2) Other instances where pollutants are discharged into the MS4, drainage infrastructure,
516 conveyances, or waterways of the town by spill, release, illicit connections, or other means
517 shall be reported to LDEQ and the town; and

518 (3) The owner of any commercial or industrial facility with a spill or release of pollutants,
519 hazardous substances, or toxins is responsible for proper notification of the incident to all
520 appropriate local, state, and federal agencies.

521 (b) Citizen complaint reports. Anyone may report any spills, releases, illicit connections, or other
522 instances of anyone discharging pollutants into the MS4, drainage infrastructure, conveyances or
523 waterways of the town and any other violation of this section to the MS4 administrator or any
524 person designated by the town to receive such citizen reports.

525 (1) Citizen stormwater complaints may be made verbally or in writing. A written record of each
526 citizen report will be prepared and kept on file for a period of three years. Upon request,
527 the town will inform the reporting citizen of any action taken in response to the citizen's
528 report.

529 (2) When applicable, the town will report citizen complaints to the appropriate local, state, or
530 federal agencies if a violation is confirmed upon investigation.

531 **Sec.9-913. - Violations and penalties.**

532 (a) Any person found to be violating any provision of sections 9-901 through 9-911 of this Code shall
533 be served by the town with written notice stating the nature of the violation and providing a
534 reasonable time limit for the satisfactory correction thereof. The offender shall, within the
535 period of time stated in such notice, permanently cease all violations.

536 (b) Any person who shall continue any violation beyond the time limit provided for in subsection a
537 of this section shall be guilty of a misdemeanor, and on conviction thereof, shall be fined or
538 imprisoned as provided in Section 1-108 of this Code.

539 (c) Any person violating any of the provisions of sections 9-901 through 9-911 of this Code shall
540 become liable to the town by reason of such violation.

541 (d) In addition to any other penalty authorized by this section, any person, partnership, or
542 corporation convicted of violating any of the provisions of this chapter shall be required to bear
543 the expense of such restoration.

544 **Sec. 9-914. - Charges and fees.**
545

546 The Mayor may adopt reasonable fees for reimbursement of costs of constructing, operating, and maintaining
547 the town's MS4, and for reimbursement of costs of implementing its stormwater management program as
548 required by EPA or the state, and the cost of implementing this chapter, which costs may include, but are not
549 limited to, the following:

550 (a) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and
551 analyzing discharges and reviewing monitoring reports submitted by dischargers;

552 (b) Fees for spills and release reports and responding to spills and releases of oil, hazardous and
553 extremely hazardous substances, and other pollutants;

- 554 (c) Fees for the discharges of stormwater into the town's separate storm sewer system; and
555 (d) Other fees as the town may deem necessary to carry out the requirements contained in this
556 chapter. These fees relate solely to the matters covered by this chapter and are separate from all
557 other fees, fines, and penalties chargeable by the town.

558
559 Introduced by Alderman Patterson, seconded by Alderman Saussy, on the 15th day of February 2022. And the
560 ordinance was declared adopted on a motion of Alderman _____ seconded by Alderman _____
561 on this _____ day of _____ 2022.
562

563
564 AYES:
565 NAYS:
566 ABSENT:
567 ABSTENTION:
568

569
570
571 _____
572 Janet Dufrene, Town Clerk
573

Daniel J. Curtis, Mayor

Amendment to Instrument

#2022-003

Delete lines 539 thru 543 on page 17 in their entirety.

In lieu thereof insert the following:

c.) In addition to any other penalty authorized by this section, any person violating any of the provisions of sections 9-901 through 9-911 shall become liable to the Town to restore the affected property to pre-violation condition at their expense.

d.) The required remediation shall be done in accordance with plans, prepared and stamped by a license professional that is qualified to provide such plans. The plans shall be approved by the Town, or by a licensed professional selected by the town that is qualified to make such review.

e.) Any dispute to determine the pre-violation condition of the property shall be decided after a hearing before the judge presiding over the Town of Abita Springs Mayor's Court. The parties shall have 15-day notice of the hearing.

f.) Upon a non-appealable conviction, the Town may file a certificate of the conviction in the mortgage records of the Clerk of Court which recordation shall encumber the property of the convicted person until the required remediation is performed.