

**FORREST COUNTY ORDINANCE
FOR
STORMWATER RUNOFF, ILLICIT DISCHARGES, AND
ILLEGAL CONNECTIONS**

Prepared By the Forrest County Planning Department
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ARTICLE 1.0 INTRODUCTION

It is the intention of the Forrest County Board of Supervisors to protect the health and safety of the citizens and visitors of the community and to prevent damage to private property and public facilities through the proper design and construction of both on-site and regional stormwater management and/or detention facilities that prevent or adequately reduce increases in peak flow rates of runoff that may otherwise increase the risk of flooding and the associated risk of public endangerment, property damage and erosion. To accomplish this goal, the Board of Supervisors finds it is necessary to provide stormwater management practices for drainage and control of flood and surface waters within Forrest County. This is to insure that storm and surface waters may be properly drained and controlled, pollution may be reduced and environment enhanced, and that the health property, safety and welfare of Forrest County and its inhabitants may be safeguarded and protected. Stormwater Runoff is a major contributor to degradation and pollution of receiving waters. Discharges into a Stormwater Runoff system may occur because of stormwater runoff, spills, dumping, and/or improper connections to the stormwater system from developments, residential, industrial, commercial, or institutional establishments. Such discharges not only impact waterways individually, but geographically dispersed, small volume discharges can have a cumulative impact on receiving waters, which can adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters. The Forrest County Board of Supervisors endorses promulgation of this ordinance to address the impacts of stormwater runoff, spills, improper dumping, and/or illegal connections to the County runoff program. This ordinance applies to construction and development on all lands within the unincorporated portions of Forrest County.

1.1 PURPOSE

- A. The purpose of this ordinance is to protect the environment, public health, safety, property and general welfare of the citizens of Forrest County, Mississippi, through the regulation of Stormwater Runoff and Illicit Discharges into the County Storm Drainage or any Separate Storm Sewer system, to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the County drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
- B. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions

different from those imposed by any other ordinance, rule, regulations, or other provision of law. Whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

1.2 OBJECTIVES

- A. The objectives of this ordinance are:
1. To regulate or restrict the introduction of pollutants that may potentially enter the County Drainage System;
 2. To prohibit Illegal Connections and Discharges to any separate storm sewer system;
 3. To identify, define, and regulate erosion, sediment and detention controls related to stormwater runoff.
 4. To prevent discharges that may occur as a result of spills, inappropriate dumping or disposal, and/or improper connections to the County drainage system, whether from residential, industrial, commercial or institutional establishments;
 5. To provide Forrest County with the authority to deal with Stormwater runoff non-conformance and illicit discharges, and to establish enforcement actions for those persons or entities found to be in noncompliance or that refuse to allow access to their facilities;
 6. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

ARTICLE 2.0 DEFINITIONS

Accidental Discharge. A discharge prohibited by this ordinance, which occurs by chance, and without planning or thought prior to occurrence.

Authorized Enforcement Agency: Employees or designees of the agency designated to enforce this ordinance.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C., 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbances. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

County Drainage System (CDS). Any County maintained or designated roadways, ditches, culverts, channels, or conduits intended to direct water flows.

Detention. Temporary storage of stormwater runoff in a stormwater management practice with goals of controlling peak discharge rates and providing gravity settlement of pollutants.

Facility. A structure, installation, or system that is designed to serve a particular purpose, service, or function.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Connections. An illegal connection is defined as any of the following:

Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the drainage system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, wash water, or any other such discharge, to enter the storm drain system and any connections to the storm drain system from any source, regardless of whether such pipe, open channel, drain, connection, or source had been previously allowed, permitted, or approved by an authorized enforcement agency.

Illicit Discharge. Any direct or indirect discharge into a stormwater drainage system that is not composed entirely of stormwater.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Land Disturbance Activity. Any activity which changes the volume or peak flow discharge rate of rainfall from the land surface. This may include grading, digging, cutting, scraping, or excavation of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or manmade watercourse.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by EPA (or by a 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.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Person. Any individual, association, organization, partnership, firm, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or other legal entity, joint venture, public or private corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Any substance which causes or contributes to pollution. Pollutants may include, but are not limited to paints, varnishes, solvents, petroleum hydrocarbons, automotive fluids, cooking grease, detergents (biodegradable or otherwise), degreasers, cleaning chemicals, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter, discarded or abandoned objects, munitions, accumulations that may cause or contribute to pollution, any floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved

and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure including concrete/cement (this includes water from washing out cement trucks) and noxious or offensive matter of any kind or any other substance which has been or may be determined to be a pollutant.

Pollution. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any substance or condition including but not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Premises. Any parcel or portion of land whether improved or unimproved.

Separate storm sewer system. Any facility designed or used for collecting and/or conveying stormwater, including but not limited to streets or roads with drainage systems, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which are:

- (a) Owned or maintained by the county
- (b) Not part of publicly-owned treatment works.

State Waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, well, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

Storm Drainage System. Any one (1) or more of various devices used in the collection, treatment or disposition of storm, flood or surface drainage waters, including but not limited to any roads with drainage systems, natural and human-made or altered drainage channels, reservoirs, manmade structures and natural watercourses and/or floodplains for the conveyance of runoff, such as detention or retention areas, berms, swales, improved gutters, pumping stations, pipes, ditches, siphons, catch basins, inlets, and other equipment and appurtenances and all extensions, improvements, remodeling, additions and alterations thereof; and any and all rights or interests in such stormwater facilities.

Stormwater/Stormwater Runoff. Any surface flow, runoff, and/or drainage consisting entirely of water from any form of natural precipitation, which is not absorbed, transpired, evaporated or left in surface depressions, and which then flows controlled or uncontrolled into a watercourse or body of water.

Stormwater Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Structural Stormwater Control. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including but not limited to, the quantity and quality, the period of release or the velocity of flow.

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

Watercourse. Any stream, river, or drainage easement, that transverses subdivided property in Forrest County.

ARTICLE 3.0 APPLICABILITY

This ordinance shall apply to any and all water entering a storm drainage system generated on any developed or undeveloped lands throughout all of unincorporated Forrest County unless explicitly exempted by an authorized enforcement agency. The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

ARTICLE 4.0 RESPONSIBILITY FOR ADMINISTRATION

The Forrest County Board of Supervisors or designee shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

ARTICLE 5.0 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

ARTICLE 6.0 POLICY

The owner of any parcel of land or property, whether with or without a structure thereupon, shall take all reasonable measures to prevent the erosion or escape of soil, sand, gravel, or similar material from said parcel onto any adjoining property, public street or into any drainage channel that receives rainwater runoff from said parcel in such quantities as to harm said adjoining property, public street, drainage channel, or stormwater drainage system. (See Article 7.1 Standards and Requirements). In the development or use of any site, the owner or their agents shall not construct or conduct any activity so as to cause the discharge of rainwater runoff in such a manner as to cause erosion or to increase blockage of a storm drainage system/channel. This includes both pre-construction and post-construction.

All drainage improvements, including post-construction best management practices and landscaping, shall be maintained in perpetuity and cannot be developed for any other use which would limit or cause to limit the use of the improvements. Responsibility and maintenance of these improvements shall follow the Ownership of the property. Each property owner shall, within the contents of his deed, be liable for the maintenance of the improvements. A special note to this effect shall appear on any final plat of

subdivision. When problems arise due to inadequate maintenance, a county representative may inspect the improvements and compel the correction of a problem by written notice. In case of failure of facility, the property owner may contract with the County for the correction of the problem, provided the County is adequately reimbursed.

6.1 PERMITTING

Permit applications will be filled out and a copy filed at the Forrest County Planning Department. Stormwater permits and Stormwater Pollution Prevention Plans (SWPPP) are required on developments as follows:

0-.9 Acre of land disturbed: No permit or SWPPP currently required, only notification to the Planning Department.

1-5 Acres of land disturbed: Permit required from Forrest County Planning Department (See Appendix A). A Notice of Intent (CNOI) and SWPPP must be submitted to the Planning Department (See Appendix B and C for examples).

Above 5 Acres: Permit required from MDEQ. SWPPP and CNOI must also be submitted to MDEQ with a copy to the Forrest County Planning Department.

ARTICLE 7.0 CONSTRUCTION AND/OR INDUSTRIAL ACTIVITY

Any person subject to an industrial or construction activity National Pollution Discharge Elimination System (NPDES) stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Forrest County or its agents prior to the allowing of discharges to the County drainage system. Dumping excess cements and washing out cement trucks are included in this article.

7.1 STANDARDS AND REQUIREMENTS FOR EROSION/SEDIMENT CONTROLS

- A. Prior to the final approval of the plat of any subdivision, or prior to commencement of construction upon any lot or parcel of land for which a drainage report and construction plan for the installation of stormwater facilities has not been prepared and approved, the owners of the property being subdivided or upon which construction is being commenced shall, at such owner's cost, prepare a detailed drainage report and construction plans for the installation of all stormwater facilities required for such subdivision or lot, including any off-site facilities required to convey stormwater to existing drains, channels, streams, detention ponds or to other points, all in conformity with the SWPPP on file.
- B. No final subdivision plat, subdivision construction plan, site plan or building permit shall be approved by the County unless the plans for the proposed development include temporary and permanent erosion and sedimentation control measures such that siltation of downstream drainageways are minimized.
- C. The above requirement shall be accomplished through a combination of the following practices:

1. Installation of silt fences and rock or hay berms before and during construction in order to reduce on-site soil erosion and provide temporary capture of sediment.
2. Temporary and/or permanent revegetation of bare ground in order to stabilize disturbed soil at the earliest practicable date.
3. Construction of on-site stormwater detention facilities by the land owner or developer in a manner such that detention ponds function as temporary sedimentation basins until permanent revegetation of the subject tract is accomplished.
4. Other measures, as determined by Forrest County or its agents, which may be necessary to control erosion and sedimentation on a site by site basis.

7.2 STANDARDS AND REQUIREMENTS FOR STORMWATER DETENTION

- A. It is prohibited:
- to place fill material;
 - to construct impervious cover;
 - place any other structure on a property;
 - or perform any excavation or grading;
- in a manner which alters the flow of surface water across a property in a manner which damages any adjacent property. No final subdivision plat, subdivision construction plan, site plan or building permit shall be approved by the County unless it can be demonstrated by the owner or developer of such property that the proposed development will not result in damage to any adjacent or downstream property. This will be certified by a professional engineer's submittal of sufficient data and calculations.
- B. The above requirement shall be accomplished through one of the following means (Note all references to peak flood flows are relative to 25 year frequency events):
- a. Design and construction of an on-site stormwater detention facility, or facilities, by the landowner or developer which limits the peak flood flows from the proposed development to the existing peak flood flows from the subject tract.
 - b. Construction of, or participation in the construction of, off-site drainage improvements, such as storm inlets, storm sewers, culverts, channel modifications, land filling, and/or other drainage facilities such that peak water flows from the watershed area in which proposed development is located will be sufficiently and safely passed without impairing adjacent and downstream property and roadways.
 - c. Design and construction of the development by certified engineering data and calculations utilizing limited impervious cover, infiltration of runoff from impervious cover via flow through pervious areas, and/or grass-lined swales or channels such that these measures result in a minimal increase in peak water flows from the development.

d. All on-site stormwater detention facilities shall be designed to adequately and safely pass all stormwater inflows, including flood flows and runoff from upstream and adjacent properties that have natural and/or existing overland flows toward and onto the subject tract. The on-site stormwater detention facilities should not impound stormwater onto or cause backwater to inundate any upstream or adjacent properties in excess of existing conditions.

7.3 ILLICIT DISCHARGES

- A. It shall be unlawful for any person to allow discharges to the county stormwater runoff system that are not composed entirely of stormwater runoff, that contribute to increased nonpoint source pollution and degradation of receiving waters.
- B. It shall be unlawful for any person to throw, deposit, empty, drain, discharge, or to permit to be thrown, deposited, emptied, drained or discharged into any creek, or upon its margins, slopes, banks, or stormwater drainage system within the county any pollutants, including but not limited to, garbage, rubbish, refuse, hair, ashes, cinders, fruit, vegetables, paper, rags, any animal carcass or waste, sewerage, excrement, urine, liquid, or semi-liquid waste from any industry, or any noxious substance or liquid. These non-stormwater discharges may occur due to spills, dumping and improper connections to the county separate storm system from residential, industrial, commercial or institutional establishments. Non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters. The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters. These impacts can be minimized through the regulation of spills, dumping and discharges into the county separate storm sewer system. Therefore, it is determined that the regulation of spills, improper dumping and discharges to the county storm system is in the public interest and will prevent threats to public health and safety, and the environment.
- C. No person shall, or allow others under its control, to throw, drain, or otherwise discharge or cause to be discharged into a storm drainage system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as follows:
 - 1. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
 - 2. Water line flushing performed by a government agency.
 - 3. Landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning

condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

4. Dye testing is an allowable discharge, but requires a written notification to the authorized enforcement agency prior to the time of the test.

The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system. Proof of compliance with said permit may be required in a form acceptable to Forrest County or its agent prior to allowing discharges into the county drainage system. Dumping excess cement and washing out cement trucks are included in this article.

7.4 ILLEGAL CONNECTIONS

The construction, connection, use, maintenance or continued existence of any illegal connection to the county storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.

a. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to a storm drainage system, or allows such a connection to continue.

b. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the appropriate department or agency.

c. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to a storm drainage system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the local enforcement authority requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm drainage system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the local enforcement authority.

ARTICLE 8.0 MONITORING OF DISCHARGES/ACCESS AND INSPECTING PROPERTIES AND FACILITIES

A. Applicability

This section applies to all properties that create stormwater discharges associated with the use of the property.

1. **Access to Properties and Facilities**

a. A Forrest County designated official shall be permitted to enter and inspect properties and facilities subject to regulation under this ordinance at reasonable times and as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

b. Property owners and facility operators shall allow Forrest County or its agents access to all parts of the premises for the purposes of inspection, sampling, photographing, videotaping, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

c. Forrest County or its agents shall have the right to set up on any permitted property such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

d. Forrest County or its agents have the right to require a discharger to install monitoring equipment as necessary, and perform monitoring and make the monitoring data available to Forrest County. The 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 stormwater flow and quality shall be calibrated to ensure their accuracy.

e. Any temporary or permanent obstruction that does not allow safe and easy access to the property to be inspected and/or sampled shall be promptly removed by the owner at the written or oral request of the LCBOS or authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the owner.

f. Unreasonable delays in allowing the authorized enforcement agency access to a permitted property is a violation of a stormwater discharge permit and of this ordinance. A person who is the owner of property with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if

the person denies the authorized enforcement agency reasonable access to the permitted property for the purpose of conducting any activity authorized or required by this ordinance.

2. If Forrest County, its agents, or authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, environment, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

ARTICLE 9.0 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTION BY THE USE OF BEST MANAGEMENT PRACTICES (BMPs)

Forrest County will adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, a storm drainage system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into storm drainage system or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to a separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

ARTICLE 10.0 WATERCOURSE OR EASEMENT PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

ARTICLE 11.0 NOTIFICATION OF SPILLS

In the event of a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity, or operation, or responsible for emergency response for a facility, activity, or operation has information of any known or suspected release of pollutants or non-stormwater materials from that facility or operations which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the Forrest County storm drainage system, State waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of a discharge. In the event of recognition of such a release of hazardous materials said person shall immediately notify the authorized enforcement or emergency response agencies of the occurrence, either in person, by phone, or facsimile no later than 24 hours, of the nature, quantity and time of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Forrest County Board of Supervisors or authorized enforcement agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill. Failure to provide notification of a release as provided above is a violation of this ordinance.

ARTICLE 12.0 VIOLATIONS

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Anyone who has violated or continues to violate the provision of this Ordinance, may be subject to enforcement actions outlined in this section or may be restrained by injunction or otherwise restricted in a manner provided by law. Whenever the Forrest County Board of Supervisors finds a violation of this ordinance has occurred, the Board may order compliance by written notice of violation.

A. The notice shall contain:

1. The name and address of the alleged violator;
 2. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 3. A statement specifying the nature of the violation;
 4. A description of the remedial measures necessary to restore compliance with this ordinance and time schedule for the completion of such remedial action;
 5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- and,

6. A statement that the determination of violation may be appealed to the Forrest County Board of Supervisors by filing a written notice of appeal within thirty (30) days of service of notice of violation.

B. Such notice may require:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist. Depending on severity of the violations, offending person(s) may be given as little as 24 hours to clean up sediments, pollutants, etc., and an additional 24 hours to put stormwater controls in place. Otherwise, a stopwork order may be issued.
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine or costs to cover administrative, remediation, and/or abatement costs; and
6. The implementation of source control, pollution prevention practices, or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

12.1 VIOLATIONS ENFORCEMENT

In the event a violation constitutes an immediate danger to public health or public safety, Forrest County or its authorized agent may enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. After abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. Forrest County is authorized to seek costs of the abatement as outlined in this section. The property owner may file an appeal within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the appropriate authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the County by reason of such violation.

ARTICLE 13.0 PENALTIES AND PROSECUTION

A. CIVIL

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the local permitting authority shall deem appropriate,

after the permitting authority has taken one or more of the actions described above, the local permitting authority may seek any legal or equitable remedy available under the law. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses. Additionally, failure to comply with MDEQ Stormwater Regulations may result in actions being taken by state and federal agencies in accordance with the Mississippi air and water pollution control law (Section 49-17-1 ET SEQ.) and the federal Clean Water Act.

B. CRIMINAL

Violations of this ordinance shall be deemed a misdemeanor. The local permitting authority may issue a citation to the alleged violator requiring such person to appear before the appropriate court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 per offense or imprisonment in the County jail not to exceed 6 months, or both. Each violation and each day upon which any violation shall continue, will constitute a separate offense.

C. CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be guilty of a misdemeanor and subject to criminal prosecution to the fullest extent of the law.

D. INJUNCTION

If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

E. ALTERNATIVE ACTION

In addition to any other remedy, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

13.1 REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. The local enforcement authority may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

13.2 VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and environment, is declared and deemed a nuisance, and may be summarily abated by injunctive or other equitable relief as provided by law, or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

13.3 SUSPENSION OF ACCESS TO STORM DRAINAGE SYSTEM(S)

A. Suspension due to Illicit Discharges in Emergency Situations

Forrest County Board may, without prior notice, suspend discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the Waters of the United States, or to minimize danger to persons.

B. Suspension due to the Detection of Illicit Discharge

1. Any person discharging to the County drainage system in violation of this ordinance may have their access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its county drainage system access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
2. A person commits an offense if the person reinstates access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

ARTICLE 14.0 APPEALS

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be filed with the Board of Supervisors. A Hearing on the appeal before the Board of Supervisors shall be set by the Board with at least ten (10) days notice to the violator.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an unsuccessful appeal, then representatives of the authorized enforcement agency may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

ARTICLE 15.0 ADOPTION OF ORDINANCE

This ordinance shall be in full force and effect after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this 6th day of January, 2005.

Billy Hudson, President
Forrest County Board of Supervisors

ATTEST:

Jimmy C. Havard, Clerk