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WATER PROVISIONS

Stormwater Management Program (SWMP) City of Belton, Missouri



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INTRODUCTION

The City of Belton, Missouri is an operator of a small municipal separate storm sewer system (MS4). As part of the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, the City is required to develop, implement and enforce a stormwater management program designed to reduce the discharge of pollutants from their MS4 to the “maximum extent practicable” to protect water quality requirements of the Clean Water Act. The stormwater management program must include six minimum control measures:

1. Public education and outreach
2. Public participation/involvement
3. Illicit discharge detection and elimination
4. Construction site runoff control
5. Post-construction runoff control
6. Pollution prevention/good housekeeping

The City of Belton is regulated and permitted through the Water Pollution Control Branch of the Missouri Department of Natural Resources. The implementation of the stormwater management program began in March 2003 with a five year permit cycle. The SWMP document was updated in March 2008 at the time of the first permit renewal. The following report details the City’s approach to stormwater management for the next five year permit cycle beginning in June 2013.

CURRENT PROGRESS SUMMARY

The City of Belton has made great progress in implementing the requirements of the NPDES Phase II MS4 Permit. The City remains in support of the Mid-America Regional Council (MARC), whose focus is public education and outreach, which are Minimum Control Measures (MCM) #1 and #2. The City utilizes resources provided by MARC primarily to address these MCMs. The City continues to develop and enhance its public education and outreach initiatives. Staff developed and published a stormwater quality web page to educate the public on stormwater runoff pollution. In the previous five-year cycle, the City adopted an illicit discharge ordinance and a program to detect and eliminate illicit discharges. The City has long had in place proper regulatory mechanisms concerning construction runoff control. Belton continues to evaluate the implications of a post-construction runoff program and will take an aggressive approach in the next five-year permit cycle to adopt and implement this program. Finally, the City has made significant improvements in employee training and good-housekeeping practices. This has been an emphasis of the Public Works Department in 2012 and 2013. Efforts include educational presentations to the entire Public Works staff, and the development of Stormwater Pollution Prevention Plans at municipal facilities with a potential for stormwater runoff pollution.

Belton reported in 2008 that a Stormwater Master Plan was funded as part of a 2006 Stormwater Bond Issue, and the City can report that the Stormwater Master Plan was completed at the end of 2012. This includes a comprehensive inventory of the City's stormwater infrastructure in GIS, an evaluation and condition rating of every structure, and the development of approximately 30 stormwater projects in the City to improve the City's stormwater infrastructure.

Finally, the City has successfully implemented Cartegraph, an electronic work order system. This software has been connected with the City's GIS database and streamlines inspections and maintenance activities to the stormwater system. Condition ratings of every stormwater structure is included in Cartegraph, and is updated based on inspection and maintenance activities.

MCM #1: Public Education and Outreach on Stormwater Impacts

4.2.1.1 Permit Requirement

4.2.1.1.1 Target Pollutant Sources

The public education program focuses on individual behaviors and activities that protect stormwater quality. Therefore, the target pollutant sources of the public education are illicit discharges from residential and commercial properties, including motor oil, lawn chemicals, domestic sewage, garbage and yard wastes. In addition, the public education program incorporates requirements of MCM #4 and MCM #5. Target pollutant sources to address these MCMs are sediment from exposed land during construction (MCM #4) and pollutants from rooftops, sidewalks, driveways, parking lots and roadways (MCM #5).

4.2.1.1.2 Target Audiences

Target audiences who are likely to have significant stormwater impacts have been identified and prioritized in order. The target audiences are:

1. Residents
2. Developers
3. Contractors
4. Elected Officials
5. City Staff
6. Consultants (Design Engineers)

4.2.1.1.3 Plan to Inform Public to Reduce Stormwater Pollution

The City currently informs individuals and households of steps they can take to reduce stormwater pollution through numerous media. Staff has developed a stormwater quality webpage that includes brochures from MARC. These brochures discuss Do-It-Yourself Projects, as well as proper approaches to common household activities, such as the use of lawn chemicals, vehicle washing and pet waste disposal.

Hard copies of these brochures are available at the front desk of City Hall, and are distributed at public meetings and open houses. Educational presentations at City Council meetings will be periodically provided as another medium to provide the public with this information.

4.2.1.1.4 Plan to Inform Public to Become Involved in SWMP

The City is currently developing several new initiatives to engage the public in stormwater quality activities. These include an Adopt-a-Stream program and a stormwater stenciling program. When these programs are fully developed, staff will provide information on the City's website, provide presentations at City Council meetings, and hold public open houses to invite volunteers to participate in these programs.

4.2.1.1.5 Outreach Strategy

The City currently informs individuals and households about steps they can take to reduce stormwater pollution through numerous media. Staff has developed a stormwater quality webpage that includes brochures from MARC. These brochures discuss Do-It-Yourself Projects, as well as proper approaches to common household activities, such as the use of lawn chemicals, vehicle washing and pet waste disposal.

In addition, the Public Works Committee (PWC) works to assist staff with new initiatives, including storm water management. Members of the PWC include residents of the City, and the PWC will be closely involved in new stormwater initiatives and educating the public on stormwater quality.

4.2.1.1.6 Plan to Evaluate Success

The adopt-a-stream program will include a tracking component to measure the participation level in the program of residents. The stormwater stenciling program will be easily tracked using the City's work order software Cartegraph. The City's goal is to have 75% of area inlets and curb inlets stenciled to inform the public that those structures discharge to receiving waters by the end of the five-year permit cycle (2018).

Attendance at public events and activities will be measured and tracked annually to evaluate the growth of the program and its effectiveness.

MCM #2: Public Involvement and Participation

4.2.2.1 Permit Requirement

4.2.2.1.1 Involving the Public in Developing the Submittal

The City has conducted several public meetings and assembled a Water Quality Stakeholder Group to discuss the development of the SWMP. The Water Quality Stakeholder Group includes members of the public and elected officials. A presentation was given to City Council and public comments received before the final submittal of the SWMP.

4.2.2.1.2 Target Audiences to Involve in Program

Target audiences who are likely to have significant stormwater impacts have been identified and prioritized in order. The target audiences are:

1. Residents
2. Contractors
3. Developers
4. Elected Officials
5. City Staff
6. Consultants (Design Engineers)

4.2.2.1.3 Types of Public Involvement Activities

The City has assembled a Water Quality Stakeholder Group to discuss the development of the SWMP and the implementation of the SWMP over the five year permit cycle. The Water Quality Stakeholder Group includes members of the public and elected officials. The City will consult with these groups as it develops the Adopt-a-Stream and stormwater stenciling programs. Identifying and working with citizen volunteers will be a major component of these two programs.

4.2.2.1.4 Plan to Actively Involve Public in Development of Program

The City will consult with the Public Works Committee and Water Quality Stakeholder Group as it develops the Adopt-a-Stream and stormwater stenciling programs. Announcements on the City's web page, social media, government television and other media to reach the public will be utilized to solicit volunteers for the adopt-a-stream and stenciling programs, and to further engage the public in the SWMP.

4.2.2.1.5 Method for Evaluating Success

The Adopt-a-Stream program will include a tracking component to measure the participation level in the program of residents. The stormwater stenciling program will be easily tracked using the City's work order software Cartegraph. The City's goal is to have 75% of area inlets and curb inlets stenciled by the end of the five-year permit cycle (2018). Attendance at public events and activities will be measured and tracked annually to evaluate the growth of the program and its effectiveness.

MCM #3: Illicit Discharge Detection and Elimination

4.2.3.1 Permit Requirement

4.2.3.1.1 Map

A storm sewer map showing the location of all outfalls and the names and location of all receiving waters of the state that receive discharges from those outfalls is available upon request. The City's GIS database of the storm sewer network was used to develop the map. Locations of outfalls have been verified with field surveys. The map will be reviewed annually by Engineering and GIS staff and will be updated as needed.

4.2.3.1.2 Enforcement

An illicit discharge ordinance was approved by the Belton City Council in December 2012 and represents the regulatory mechanism used to prohibit illicit discharges into the MS4. The ordinance was adopted as Article V in Chapter 11 – Health and Sanitation, of the City's Code of Ordinances. This article is provided in the Appendix.

4.2.3.1.3 Methods to Detect

4.2.3.1.3.1 Identify Priority Areas

The City remains vigilant in its approach to identifying and removing illicit connections to the City's MS4. After numerous construction inspections of public improvement and private development projects, as well as building inspections of redevelopment and renovation, no known illicit connections to the City's MS4 have been discovered.

In addition, the City is developing a private Infiltration/Inflow (I/I) abatement program for private sanitary sewer connections, which will identify and eliminate illicit connections to the City's sanitary sewers, such as sump drains. This will prevent the risk of sanitary sewer overflows in significant storm events. The private I/I abatement program will also aid in identifying any private illicit connections to the City's MS4.

4.2.3.1.3.2 Trace the Source

In cases of illicit discharge detection in flow discharges, visual tracing and/or dye testing will be used to trace the source. In cases of non-flowing discharges, storm drain access points upstream of the illicit discharge will be inspected for staining or other evidence of contamination, as well as dye testing to identify those storm drain access points that drain to the location of the illicit discharge.

In addition, previous inspections of the structure or outfall will be consulted to establish a history of any contamination. The stormwater infrastructure in GIS will also be used to identify tributary areas to the location of the illicit discharge.

4.2.3.1.3.3 Removal

Removal of the illicit discharge requires several steps. The first is to identify who is financially responsible for removal. This is typically either a private property owner or the City. In cases of imminent and substantial danger due to the illicit discharge, access to the storm drain will be suspended.

If it is determined that the City is financially responsible for removing the illicit discharge, the City will repair and correct the cause of the discharge. If a private property owner is responsible, the illicit discharge ordinance identifies this act as a nuisance, and penalties and procedures under the Chapter 14 – Nuisances in the City’s Code of Ordinances will be followed.

4.2.3.1.3.4 Ensure Appropriate Enforcement Procedures

Appropriate enforcement procedures are in place through the City’s illicit discharge ordinance and through Chapter 14 – Nuisance. Both are included in the City’s Code Ordinances. The Penalties section of Chapter 14 (Section 14-2) identifies fines and other penalties for discharging prohibited substances into the City’s MS4.

4.2.3.1.3.5 Plan to Inform Public of Hazards

Information on the City’s policy for illicit discharges is incorporated into the Public Education (MCM #1) and Public Involvement (MCM #2) programs. Information provided to the public through brochures, public meetings and the City’s stormwater quality web page include information specifically concerning illicit discharges and improper disposal of waste.

One of the specific substances identified as an illicit discharge in the City’s ordinance is “any garbage, rubbish, or other waste.” Therefore, the City’s development of an Adopt-a-Stream program, discussed in MCM #2, ties in directly to requirements of the illicit discharge ordinance by informing and engaging the public into the removal of illicit discharges in City streams and creeks.

In addition, illicit discharges are incorporated into the City’s training program. Information is provided to all Public Works Employees at periodic department meetings to refresh staff on the illicit discharge ordinance and the policies and procedures to trace, remove and enforce illicit discharges.

4.2.3.1.3.6 Program Evaluation

Illicit discharges will be tracked through Cartegraph using annual outfall inspections and inspections of public structures and pipes. The number of illicit discharges discovered each year will be tracked to identify the effectiveness of public education and enforcement of the illicit discharge ordinance.

4.2.3.1.4 Non-stormwater Discharges

Non-stormwater discharges provided in the permit have specifically been identified as acceptable and not a violation of the illicit discharge ordinance. The non-stormwater discharge section provides a list of 23 acceptable discharges, with the following provision: “unless identified by the city or MDNR as a significant source of pollutants to surface water.”

4.2.3.1.5 Incidental Non-stormwater Discharges

The list of non-stormwater discharges provided in section 4.2.3.1.4 of the permit have specifically been identified as acceptable and not a violation of the illicit discharge ordinance. The non-stormwater discharge section provides a list of 23 acceptable discharges, with the following provision: “unless identified by the city or MDNR as a significant source of pollutants to surface water.”

4.2.3.1.6 Inventory for Industries and Commercial Enterprises

The provisions of the illicit discharge ordinance apply to all individuals, companies and corporations in the City's boundaries. As defined in the illicit discharge ordinance, the ordinance applies to any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

Illicit discharge inspections account for the entire public stormwater system, and procedures to identify and track an illicit discharge apply to all industries and commercial enterprises. If the source of an illicit discharge is found to be from an industry or commercial enterprise, the City has the authority to inspect and enforce the violation on these properties.

MCM #4: Construction Site Stormwater Runoff Control

4.2.4.1 Permit Requirement

4.2.4.1.1 Regulatory Mechanism

The ordinance to reduce pollutants in any stormwater runoff from construction activities to the City's MS4 has been adopted and implemented as Section 36-110.j of the City's Unified Development Code (UDC).

4.2.4.1.1.1 Best Management Practices (BMPs)

The ordinance includes requirements for an erosion and sediment control plan that includes the following:

A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; final grading and landscaping; and removal of temporary erosion control devices. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary erosion and sediment measures, installation of storm drainage, paving of streets and parking areas, and establishment of permanent vegetation.

4.2.4.1.1.2 Sanctions to Ensure Compliance

Per Section 36-110.j of the UDC, revocation of the site development permit and the issuance of a stop work order are allowed if the requirements of the erosion and sediment control specifications are not met.

"In the event that any person holding a site development permit pursuant to this chapter violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site ... the director may suspend or revoke the site development permit and issue a stop work order."

In addition, fines and penalties are included in the erosion and sediment control ordinance.

"Any violation of any provision of this section by any person, partnership, corporation, or other entity shall be punishable by a fine of not more than \$100.00 per violation per day not to exceed \$500.00 and/or 90 days in jail."

4.2.4.1.1.3 Plan and Scheduled Implementation

Section 36-110.j of the UDC is provided in the Appendix.

4.2.4.1.2 Requirements for Construction Site Operators

Requirements for construction site operators to control construction-site waste that may cause adverse impacts to water quality is addressed in the City's general prohibition against dumping, Section 11-105 of the City Code of Ordinances:

Prohibited. No person shall dump or otherwise deposit or cause, permit, suffer or allow the dumping or depositing of any garbage, rubbish, yard waste, litter or any other offensive or disagreeable thing in any public place, public building or market, or on or along any sidewalk, street, alley, boulevard, highway, right-of-way, viaduct, tunnel, park, parkway, or upon any private property or in any refuse container located thereon without the consent of the owner of the property, nor shall any person dump or deposit or cause, permit, suffer or allow the dumping or depositing of garbage or household refuse in any city litter can or basket upon any street.

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4.2.4.1.3 Site Plan Review

Engineering staff reviews development plans at all stages of design prior to issuance of a building permit. Best Management Practices, including an erosion and sediment control plan, are required to be included in the pre-construction site plans and plans are reviewed to ensure this requirement is met.

4.2.4.1.4 Receipt & Consideration of Public Comment

Several resources are available for the City to receive public concerns related to stormwater pollution control on active construction sites. These concerns can be received via written correspondence, phone, e-mail or the Citizen Tracker feature on the City's website. Information on construction site runoff control and the resources available for the City to receive public comment will be provided to the public through open houses, public meetings and similar venues.

In addition, preliminary and final plats are required to be presented at Planning Commission meetings for approval. These meetings are open to the public and feedback on the plats can be provided to staff after they are presented. Final plats are also required to be presented at City Council meetings, which are also open to the public.

4.2.4.1.5 Site Inspection

The City continues to inspect sites and enforce control measures. City inspection staff follows DNR guidelines for storm water management and inspection compliance. The City's land disturbance permit also requires contractors to follow DNR guidelines regarding regular inspections of their projects.

The Engineering Division's Construction Inspector is responsible for active construction site inspection for public and private construction. Contractors are required to fill out stormwater pollution prevention inspection forms every week or after every 0.5 inch of rainfall, and submit the completed inspection form to the Construction Inspector. For capital improvement projects, the contractor also submits this form to the City's Project Manager. Electronic copies of the inspection forms are stored in the project folder and organized by date for tracking purposes. The forms include a specific section that asks if issues identified from the previous week's inspection have been resolved.

The City's Construction Inspector has received education on construction site runoff control through four sediment and erosion control workshops over the last permitting cycle. Names, dates and locations of the workshops are provided below:

- Protecting Urban Soil and Water: 2010 - Fort Osage, Missouri
- Erosion and Sediment Control at Construction Sites: July 27, 2010 - Claycomo, Missouri

- Protecting Urban Soil and Water: February 2, 2012 - Lee's Summit, Missouri
- Johnson County Storm Water Management Program: March 31, 2009 – Olathe, Kansas

The City's Construction Inspector will continue to receive training and attend education workshops in the next five year permit cycle.

4.2.4.1.6 Plan to Ensure Compliance

The City ensures compliance with the requirements of the erosion and sediment control ordinance through frequent site inspections and vigilant tracking and follow up of these inspections. Stop work orders, revocation of the site development permit, fines and penalties are all

4.2.4.1.7 Method for Evaluating Success

The City will continue to evaluate the effectiveness of the inspection program by quantifying the frequency of issues identified on inspection forms and the promptness of contractors' responses to correct those issues. The number and frequency of public comments and concerns will also be tracked to evaluate the success of the City's approach to construction site runoff control. Under the current aggressive approach to construction site runoff control, the City had few difficulties in effectively implementing this program.

MCM #5: Post-Construction Stormwater Management in New Development and Redevelopment

4.2.5.1 Permit Requirement

4.2.5.1.1 Overview

The City is in the process of developing a strategy, including an ordinance, to specifically address post-construction runoff in new development and redevelopment. The City is taking an aggressive approach to develop this strategy. The City expects to have a program developed and ordinance adopted by year two (June 2015) of the five-year permit cycle.

Staff has assembled a Water Quality Stakeholder Group, consisting of members of the public, elected officials, local developers, engineering consultants and engineering staff from outside municipalities to develop the post-construction ordinance. Staff has gathered sample post-construction ordinances from other communities and has consulted with design engineers in the region to help educate staff on structural and non-structural BMPs and effective methods to implement a post-construction water quality program. At the time of this submittal, this process is ongoing.

4.2.5.1.2 Ordinance

The City is in the process of developing an ordinance to address post-construction runoff in new development and redevelopment. The City is taking an aggressive approach to develop this ordinance. The City expects to have this ordinance adopted by year two (June 2015) of the five-year permit cycle.

4.2.5.1.3 Long-Term Operation & Maintenance

Existing language in the City's Unified Development Code details maintenance and inspection requirements for owners of private detention facilities. While this code only currently applies to detention facilities, the language will be expanded to apply to all stormwater facilities, including water quality BMPs. These code changes will be incorporated into the development of the post-construction ordinance.

4.2.5.1.4 Priority Areas

There are no areas currently identified as a priority for the post-construction water quality program. Priority areas will be considered in the development of this program.

4.2.5.1.5 Non-Structural Best Management Practices (BMPs)

4.2.5.1.5.1 Policies & Ordinances

Chapter 32 – Stormwater Management and Flood Protection includes extensive language regarding stream buffers. Chapter 22 – Landscaping and Screening requires a landscaped area that must be maintained as permeable and uncovered surface. The percent of lots that must be a landscaped area is based on lot use, and is a minimum of 20% for any land use.

Other policies and ordinances to address specific concerns of this permit requirement will be considered in conjunction with the development of the post-construction water quality program.

4.2.5.1.5.2 Infill Development

The Community Planning and Development Department is in the initial phases of a redevelopment program of North Scott Avenue. This area is a high density, commercialized zone that is in need of infill development and redevelopment projects. This area does have existing stormwater infrastructure, and part of the redevelopment program of North Scott would include the implementation of stormwater quality improvements to this infrastructure. The City is also evaluating the possibility of a similar redevelopment program on Main Street and the surrounding downtown area. This program would also incorporate improvements to the water quality performance of the existing stormwater infrastructure.

The City's policies on impact fees, which include Transportation, Water and Sanitary Sewer Impact fees, apply to new development but do not apply to redevelopment. Therefore, this policy encourages redevelopment of existing buildings or property by not assessing impact fees.

4.2.5.1.5.3 Education

The City has taken several steps to educate developers about project designs that minimize water quality impacts. The City's Community Planning and Development Department holds an annual developer open house for all developers in the region to interact with staff and learn about new policies and initiatives. A presentation on post-construction BMPs and the City's permit regulations was provided at the 2013 developer open house.

For more information on the City's approach to educating the public on water quality issues, please see previous sections regarding Minimum Control Measures #1 - Public Education and #2 - Public Participation.

4.2.5.1.5.4 Other Non-Structural Measures

Policies and ordinances to address specific concerns of this permit requirement will be considered in conjunction with the development of the post-construction water quality program.

4.2.5.1.6 Structural BMPs

4.2.5.1.6.1 Structural BMP Practices

The adoption of one or several design guidance documents that specify preferred or required structural BMPs will be included in the development and eventual adoption of a post-construction water quality program. The City is considering adoption of the MARC/APWA BMP Manual, which is a commonly used design guide in this region. Further analysis and research is required before the City commits to a set of preferred structural BMPs.

4.2.5.1.6.2 Redevelopment practices

Policies and practices to address specific concerns of this permit requirement will be considered in conjunction with the development of the post-construction water quality program.

4.2.5.1.7 Method for Evaluating Success

An inventory of private stormwater quality facilities will be maintained and tracked by the Public Works Department. Structural and non-structural BMPs for each development project will be tracked and reviewed routinely to evaluate the effectiveness of the post-construction stormwater quality program. Feedback and input from developers and engineers involved with the development process will be requested and will be used to make adjustments and refinements to the program.

MCM #6: Pollution Prevention/Good Housekeeping for Municipal Operations

4.2.6.1 Permit Requirement

4.2.6.1.1 Overview

The Public Works Department has developed an operation and maintenance program to prevent and reduce pollutant runoff from municipal operations. This program impacts municipal operations at two facility sites:

- 1) Water Services and Transportation Divisions Maintenance Facility
- 2) Wastewater Treatment Facility

The Wastewater Treatment Facility is the only facility in the City that is owned and/or operated by the City and is subject to an NDPES permit for discharges. The permit number for this facility is MO-0117412.

4.2.6.1.2 Maintenance BMPs, Schedule and Inspection

Each of the two facilities included in the City's operation and maintenance program have Facility Stormwater Pollution Prevention Plans (SWPPP) on site that detail maintenance BMPs, schedules and long-term inspection procedures to reduce or eliminate pollutants to the City's MS4. Both facilities are inspected monthly for evidence of stormwater pollution and to ensure structural BMPs are functioning adequately. Inspection forms are kept with the SWPPPs at each facility.

4.2.6.1.3 Controls for Reducing Discharge of Pollutants

The Public Works Department has adopted a street sweeping policy to address the discharge of pollutants from streets, roads and highways. The Transportation Division assumes basic responsibility for sweeping public streets owned by the City. Street sweeping is completed in spring, summer and fall months and is targeted to clean streets of snow and ice control aggregate (sand), debris and leaves. In addition, controls for reducing the discharge of pollutants from streets, roads and highways are also discussed in MCM #3.

Potential sources of pollution and the associated controls for them at each facility are identified in the facility SWPPPs. BMPs, including spill containment tanks, sediment traps and berms are implemented to prevent the discharge of pollutants from maintenance and storage yards, maintenance shops, and salt/sand storage locations.

4.2.6.1.4 Controls for 4.1.5 to 4.1.8

Good housekeeping practices, including the identification of potential sources of pollution, implementation of structural and non-structural BMPs, and frequent maintenance and inspection to prevent solid waste from entry into waters of the state are discussed in each facility's SWPPP. These practices include:

Fueling operations, limited to equipment, occur at both the Transportation Maintenance Facility and the Wastewater Treatment Facility. Spill prevention measures are in place at each municipal facility and are itemized in the facility SWPPPs.

Paint, solvents and petroleum products are identified in the facility SWPPPs and are stored indoors so that these materials are not exposed to stormwater. A comprehensive list of these materials at each facility is provided in the SWPPPs.

4.2.6.1.5 Procedures for Proper Disposal of Waste Removed

Dredged material such as accumulated sediments, garbage and debris removed from the MS4 are transported to a dumpster at the Water Services and Transportation Maintenance Facility. The dumpster is periodically emptied as needed by a contracted garbage removal service.

4.2.6.1.6 Procedures for New Flood Management Projects

During the design phase of new flood management projects, water quality impacts are assessed for conditions during construction of the project as well as for conditions after completion of construction (long-term). These requirements are included in the scope of new flood management projects in Requests For Qualifications for design engineer services. The same design guidelines as addressed in MCM #5 apply to stormwater improvement projects.

As an example, water quality impacts were accounted for in the design of Cleveland Regional Lake, currently under construction. Sediment forebays upstream of the lake are included in the design to prevent sediment accumulation in the lake and the downstream receiving stream.

4.2.6.1.7 Training Program

Training programs for both facilities are included in the facility SWPPPs. For the Wastewater Treatment Facility, pollution prevention team members meet at least twice a year to discuss the effectiveness of and improvements to the Plan. Plant staff has in place training for MSDS once a year and SWPPP training will be incorporated into that annual session. Additionally, plant staff will hold at least once a year an informal field training "tailgate" session. Specific topics will include:

- Spill prevention and response
- Good housekeeping
- Materials management practices

At the Water Services and Transportation Maintenance Facility, team members meet at least once per year to discuss the effectiveness of and improvements to the SWPPP. Staff has in place training for MSDS once a year and SWPPP training will be incorporated into that annual session. Additionally, plant staff will hold at least once a year informal training for Spill prevention and response, good housekeeping, and materials management practices.

Engineering Division staff has presented an overview presentation on the MS4 permit to all Public Works employees. This training included information concerning MCM #3 and the ongoing roles and responsibilities of Public Works staff. This training also included information on MCM #6 and the SWPPPs at each facility. These presentations will be provided to all Public Works employees routinely.

4.2.6.1.8 Method for Evaluating Success

Maintenance, inspection and spill prevention logs are included in each facility SWPPPs. These logs will be evaluated annually to measure success of BMPs currently implemented at each facility. Periodic and unannounced site visits will be made by Engineering staff at each facility to ensure that good housekeeping practices are implemented.

Appendix

1. Illicit Discharge Ordinance – Chapter 11, Article V of the City’s Code of Ordinances
2. Construction Site Runoff Control Ordinance– Section 36-110.j of the Unified Development Code

PART II - CODE OF ORDINANCES
Chapter 11 - HEALTH AND SANITATION

ARTICLE V. - STORMWATER POLLUTION PREVENTION—ILLICIT DISCHARGES

ARTICLE V. - STORMWATER POLLUTION PREVENTION—ILLICIT DISCHARGES

Sec. 11-338. - Title.

These regulations shall hereafter be known as illicit discharge regulations.

(Ord. No. 2012-3878, § 1, 12-11-2012)

Sec. 11-339. - Purpose and findings.

- (a) The purpose of this article is to provide for the health, safety, and general welfare of the citizens of Belton, Missouri through the regulation of stormwater and nonstormwater discharges to the storm drainage system to the maximum extent possible.
- (b) The city council of the city hereby finds that pollutants may discharge into surface waters, both through inappropriate nonstormwater discharges into the municipal separate storm sewer system (MS4) or the surface waters directly, and through the wash-off and transport of pollutants found on the land and built surfaces by stormwater during rainfall events. Such discharge of pollutants may lead to increased risks of disease and harm to individuals, particularly children, who come into contact with the water; may degrade the quality of such water for human uses, such as drinking, irrigation, recreation, and industry; and may damage the natural ecosystems of rivers, streams, lakes and wetlands, leading to a decline in the diversity and abundance of plants and animals.
- (c) Further, the city council of the city hereby finds that this article will promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the storm drainage system. Such discharges are inconsistent with the provisions and goals of the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES), and other federal and state requirements for water quality and environmental preservation.
- (d) Further, the city council of the city hereby finds that a reasonable establishment of restrictions and regulations on activities within the city is necessary to eliminate or minimize such discharges of pollutants, to protect the health and safety of citizens, to preserve economic and ecological value of existing water resources within the city and within downstream communities, and to comply with the provisions of the city's responsibilities under the Clean Water Act and the NPDES program.

(Ord. No. 2012-3878, § 1, 12-11-2012)

Sec. 11-340. - Abbreviations.

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

BMP	Best management practice
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency

PART II - CODE OF ORDINANCES
Chapter 11 - HEALTH AND SANITATION

ARTICLE V. - STORMWATER POLLUTION PREVENTION—ILLICIT DISCHARGES

HHW	Household hazardous waste
MDNR	Missouri Department of Natural Resources
MS4	Municipal separate storm sewer system
NPDES	National Pollutant Discharge Elimination System
PST	Petroleum storage tank

(Ord. No. 2012-3878, § 1, 12-11-2012)

Sec. 11-341. - Definitions.

For the purposes of this article, the following definitions shall apply:

Best management practices (BMPs) means 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.

City means the City of Belton.

Clean Water Act means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Code means the Belton Code of Ordinances.

Director means the director of public works or the director's authorized representative.

Discharge means the addition or introduction, directly or indirectly, of any pollutant, stormwater, or any other substance into the MS4 or surface waters.

Domestic sewage means human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, retail and commercial establishments, factories, and institutions, that is free from industrial waste.

Extremely hazardous substance means any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification.

Fertilizer means a substance or compound that contains a plant nutrient element in a form available to plants and is used primarily for its plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.

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Hazardous household waste (HHW) means any material generated in a household (including single and multiple residences) by a consumer which, except for the exclusion provided in 40 CFR Section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

Hazardous substance means any substance listed in Table 302.4 of 40 CFR Part 302.

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

Illicit discharge means any discharge to the city's municipal separate storm sewer system (MS4) that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit.

Industrial waste means any waterborne liquid or solid substance that result from any process of industry, manufacturing, mining, production, trade, or business.

Municipal separate storm sewer system (MS4) means the system of conveyances, (including roads with drainage systems, municipal streets, private streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

NPDES means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318 and 405 of the federal Clean Water Act.

NPDES permit means for the purpose of this article, a permit issued by United States Environmental Protection Agency (EPA) or the State of Missouri 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.

Oil means any kind of oil in any form, including, but not limited to: petroleum, fuel oil, crude oil, synthetic oil, motor oil, bio-fuel, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

Pesticide means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest, or substances intended for use as a plant regulator, defoliant, or desiccant.

Petroleum product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle, boat or aircraft including motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil and #1 and #2 diesel fuel.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of the waters including changes in temperature, taste, odor, turbidity, or color of the water. Such substance or material may include, but is not limited to, dredged spoil, spoil waste, incinerator residue, sewage, pet and livestock waste, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, yard waste, hazardous household wastes, oil and petroleum products, used motor oil, antifreeze, litter, pesticides, and industrial, municipal, and agricultural waste discharged into water.

Property owner means the named property owner as indicated by the records of the Cass County, Missouri Records and Tax Administration.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 and/or surface waters.

Sanitary sewer means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and

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manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant and to which stormwater, surface water, and groundwater are not intentionally admitted.

Septic tank waste means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage means the domestic sewage and/or industrial waste that is discharged into the sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

State means the State of Missouri.

Stormwater means stormwater runoff, snow melt runoff, and surface runoff and drainage.

Surface waters means any body of water classified as "surface waters" by the State of Missouri, including streams, rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps, cavern streams, alluvial aquifers associated with these surface waters, lakes, manmade reservoirs, oxbow lakes, ponds, and wetlands, as well as any other body of water classified by the federal government as a "water of the United States".

Waste means any garbage, refuse, sludge or other discarded material which is abandoned or committed to treatment, storage or disposal, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial mining, community and agricultural activities. Waste does not include solid or dissolved materials in domestic sewage or irrigation return flows or solid or dissolved materials or industrial discharges which are point sources subject to permits under the State of Missouri. The federal definition of solid waste is found at 40 CFR 257.2.

Water quality standard means the law or regulation that consists of the beneficial designated use or uses of a water body, the numeric and narrative water quality criteria that are necessary to protect the use or uses of that particular water body, and an antidegradation statement.

(Ord. No. 2012-3878, § 1, 12-11-2012)

Sec. 11-342. - General prohibition.

- (a) No person shall release or cause to be released into the MS4, or into any surface water within the city, any discharge that is not composed entirely of stormwater that is free of pollutants, except as allowed in subsection (b).
- (b) Unless identified by the city or MDNR as a significant source of pollutants to surface water the following nonstormwater discharges are deemed acceptable and not a violation of this section:
 - (1) Water line flushing;
 - (2) Diverted stream flow;
 - (3) Rising groundwater;
 - (4) Groundwater infiltration to the storm system;
 - (5) Uncontaminated pumped groundwater;
 - (6) Contaminated groundwater if authorized by MDNR and approved by the city;
 - (7) Discharges from potable water sources;
 - (8) Foundation drains;
 - (9) Discharges from crawl space pumps;
 - (10) Air conditioning condensate;

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- (11) Landscape irrigation or lawn watering;
 - (12) Springs;
 - (13) Water from crawl space pumps;
 - (14) Footing drains;
 - (15) Individual residential car washing;
 - (16) Flows from riparian habitats and wetlands;
 - (17) Dechlorinated swimming pool discharges excluding filter backwash;
 - (18) Street wash waters (excluding street sweepings which have been removed from the street);
 - (19) Discharges or flows from emergency firefighting activities;
 - (20) Heat pump discharge waters (residential only);
 - (21) Dye testing if written notification is provided to the director prior to the time of test;
 - (22) Treated wastewater or other discharges meeting requirements of a NPDES permit; and
 - (23) Other discharges determined not to be a significant source of pollutants to waters of the state, a public health hazard or a nuisance.
- (c) Discharges specified in writing by the director or authorized representative or authorized representative as being necessary to protect public health and safety.
- (d) Notwithstanding the provisions of subsection (b) of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the director or authorized representative to be a source of a pollutant to the MS4 or to surface waters, written notice of such determination has been provided to the property owner or person responsible for such discharge, and the discharge has occurred more than ten days beyond such notice.

(Ord. No. 2012-3878, § 1, 12-11-2012)

Sec. 11-343. - Specific prohibitions and duties.

The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in section 11-342, but are provided to address specific discharges that are frequently found or are known to occur:

- (a) No person shall release or allow to be released any of the following substances into the MS4:
- (1) Any new or used, motor oil, antifreeze, petroleum product or waste;
 - (2) Any industrial waste;
 - (3) Any hazardous substance or hazardous waste, including household hazardous waste;
 - (4) Any domestic sewage or septic tank waste, grease trap or grease interceptor waste, holding tank waste, or grit trap waste;
 - (5) Any garbage, rubbish or other waste;
 - (6) Any new or used paints, including latex-based paints, oil-based paints, stains, varnish, and primers, as well as cleaning solvents and other associated products;
 - (7) Any yard wastes which have been moved or gathered by a person;

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- (8) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or discharge resulting from the cleaning of vehicles or equipment containing or used in transporting or applying such material;
- (9) Any other discharge that causes or contributes to causing the city to violate a state water quality standard, the city's NPDES stormwater permit, or any state-issued discharge permit for discharges from its MS4.
- (b) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures.
- (c) No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4. No property owner shall allow such a connection to continue in use on their property.
- (d) No person shall use pesticides, herbicides and fertilizers except in accordance with manufacturer recommendations. Pesticides, herbicides and fertilizers shall be stored transported and disposed of in a manner to prevent release to the MS4.
- (e) No person shall tamper with, destroy, vandalize, or render inoperable any BMPs which have been installed for the purpose of eliminating or minimizing pollutant discharges, nor shall any person fail to install or fail to properly maintain any BMPs which have been required by the city or by other local, state, or federal jurisdictions.

(Ord. No. 2012-3878, § 1, 12-11-2012)

Sec. 11-344. - Inspection and detection program.

The director or authorized representative is authorized to develop and implement a plan to actively detect and eliminate prohibited discharges and connections to the MS4 or surface waters within the city. Such plan may include, but is not limited to, periodic and random inspections of facilities and businesses, particularly those most associated with potentially prohibited discharges; visual surveys of exterior practices; inspection, sampling and analyses of discharges from outfalls of the MS4, particularly during dry weather periods; manhole and pipe inspections to trace discharges through the system to point of origin; education on pollution prevention; and receipt of complaints and information from the public regarding known or suspected discharges.

(Ord. No. 2012-3878, § 1, 12-11-2012)

Sec. 11-345. - Release reporting and cleanup.

- (a) Any person responsible for the release of any prohibited material that may flow, leach, enter, or otherwise be introduced into the MS4 or surface waters shall take all necessary steps to ensure the containment and cleanup of such release.
- (b) In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.
- (c) In the event of a release of nonhazardous materials, said person shall notify the director or authorized representative 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 director or authorized representative within three business days of the phone notice.

(Ord. No. 2012-3878, § 1, 12-11-2012)

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Sec. 11-346. - Enforcement; designation of officer; penalty.

(a) *Enforcement/designation of officer.*

- (1) The director or his or her appointed representative shall be designated as the public officer charged with the administration and enforcement of this article. The public officer shall authorize the investigation of violations of the article. If it is determined that a violation of this article exists, then the officer shall declare such condition a nuisance and is authorized to pursue abatement and enforcement procedures as specified in chapter 14, article 1 of the Belton Code of Ordinances.

(b) *Penalty.*

- (1) Penalties for the violation of this chapter shall be as specified in section 14-2 of the Belton Code of Ordinances.

(Ord. No. 2012-3878, § 1, 12-11-2012)

Sec. 11-347. - Severability.

If any section, subsection, paragraph, sentence, clause or phrase in this article or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article.

(Ord. No. 2012-3878, § 1, 12-11-2012)

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Sec. 36-110. - Improvement procedure.

(j) *Soil erosion and sediment control.*

(1) Introduction/purpose.

- a. The purpose of this local regulation is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by regulating land disturbance, land fill and soil storage in connection with the clearing and grading of land for construction related or other purposes and by effectively minimizing soil erosion and sedimentation during land development or any other type of land disturbance in the City of Belton. Further, it provides builders, developers and property owners with soil erosion and sedimentation control standards and regulations.
- b. Facilitation of the regulations and standards contained herein shall accomplish the following:
 1. Establish standards for soil erosion and sediment control.
 2. Minimize soil erosion and sedimentation during land development or other land disturbing activities.
 3. Minimize pollution of streams, ponds and lakes.
 4. Encourage management of natural resources.
 5. Preserve the beauty of the community and the value of land.
 6. Reduce maintenance costs of public and private improvements and services.
 7. Promote and protect the public's health, safety, comfort and welfare.

(2) Definitions.

Agricultural crop management practices means all land farming operations including plowing or tilling of land for the purpose of crop production or the harvesting of crops.

Applicant means any person requesting approval of any application pursuant to this section and the subdivision regulations.

APWA means American Public Works Association.

APWA Erosion and Sediment Control Specifications and Design Criteria means sections 2100, 2150, 3100 and 5100 of the Kansas City Metropolitan Chapter of the APWA Standards, Specifications and Design Criteria manual, adopted in 2003.

Army Corps means United States Department of the Army, Army Corps of Engineers.

Clearing means any activity which removes the vegetative surface cover including, but not limited to, root removal or top soil removal.

CPESC means Certified Professional in Erosion and Sediment Control.

Director means the director of public works of the City of Belton or his or her designee.

Drainageway means any channel that conveys surface runoff throughout the site.

Erosion means the wearing away of the land surface by the action of wind, water or gravity or a combination thereof.

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Erosion and sediment control plan means a set of plans prepared by or under the direction of a licensed professional engineer or a certified professional in erosion and sediment control indicating the specific measures and sequencing to be used to control runoff, sediment and erosion on a development site before, during and after construction and after all permanent improvements have been erected or installed. This is also sometimes referred to as the "Stormwater Pollution Prevention Plan" in the APWA Standards.

Erosion control means measures that prevent erosion.

FEMA means Federal Emergency Management Administration.

Governing body means the city council of the City of Belton.

Grading means excavation or fill of earth material, or combination thereof, including the resulting conditions thereof.

MDNR means Missouri Department of Natural Resources.

Permanent vegetation means grass, sod or ground cover sufficient to prevent erosion.

Phasing means clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Sediment means solid material moved by erosion and deposited away from its point of origin.

Sediment control means measures that prevent eroded sediment from leaving the site.

Site means a parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site development means altering terrain, vegetation and/or constructing improvements.

Site development permit means a permit issued by the director or his or her designee for the construction or alteration of ground, including improvements and structures for the control of erosion, runoff and grading.

Stabilization means the use of practices that prevent exposed soil from eroding.

Start of construction means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stream bank means the top of the natural incline bordering a stream.

Stripping means any activity by which the vegetative cover is removed or significantly disturbed, including tree removal, clearing, grubbing and storage, or removal of topsoil.

Vegetative cover means any grasses, shrubs, trees and other vegetation that protects and stabilizes soils.

Watercourse means any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water which are delineated by the director.

Waterway means a channel that directs surface runoff to a watercourse, or to the public storm drain.

- (3) Permits - Regulated activities. No person, firm or corporation may develop or disturb land, including clearing, grading, excavating, filling, storing or disposing of soil and earth materials or perform any other land disturbing activity, without first obtaining a site development permit and

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the approval of an erosion and sediment control plan by the director or his or her assignee except as noted in subsection (j)(4) of this section. The following permits shall be required:

- a. All sites one acre or more shall have a Missouri Department of Natural Resources permit and a City of Belton permit.
 - b. All subdivision and commercial lots less than one acre shall have a City of Belton permit.
- (4) Exemptions. Persons performing land disturbance activities that meet any of the criteria below are not required to apply for a site development permit pursuant to this chapter:
- a. Land disturbance activities by city departments. In those cases, the department is required to comply with the requirements of the city's general permit, if applicable, the city's adopted standards and the city's building code;
 - b. Home gardens/landscaping. Home gardening and landscaping operations on residential lots including plowing or tilling of land for the purpose of growing flowers, trees, shrubs and/or vegetables and removal of trees and/or shrubs;
 - c. Work to correct or remedy emergencies. This includes situations that pose an immediate danger to life or property, or substantial flood or fire hazards; and
 - d. Routine agricultural crop management practices;
 - e. Land disturbance activities less than or equal to 300 square feet.
- (5) Site development permit application and issuance.
- a. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, including the name and phone of the grading or earth moving contractor and shall be accompanied by an application fee if any fee has been established at the time of the submission of the application.. The council may establish application fees by resolution.
 - b. The issuance of a permit shall constitute authorization to do only that work described or shown on the approved plan. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the applicant's approved erosion and sediment control plan.

The permit shall be valid from the time that it is issued until a final certificate of occupancy or completion certificate has been issued for the site. A completion certificate will not be issued until the site is stabilized and erosion and sediment-control measures are no longer necessary. A site will be considered finally stabilized when all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover for the unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Prior to issuance of a completion certificate or occupancy permit the site will be inspected by the public works or community development director to determine if the site has been stabilized and all erosion control measures have been removed.
 - c. If the permittee sells the property before the expiration of the permit, the permit may be assigned to the new owner of the site if the assignment is approved in writing by the director.
 - d. If the permittee sells any portion of the property before the expiration of the permit, the permittee will remain responsible for that portion of the property until the new owners of the property, with respect to property covered by a permit, make all submissions required to

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obtain a new site development permit or an approved assignment of the permit or any portion thereof.

- e. Clearing and grading.
 - 1. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, unless proper permits have been obtained from MDNR, Corps of Engineer or FEMA.
 - 2. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
 - f. Areas that have been cleared and graded but will not be constructed on for more than 14 days must be stabilized with temporary vegetation or mulch. (APWA Standard 5100.7)
 - g. Review and approval.
 - 1. The director or assignee will review each application for a site development permit to determine its conformance with the provisions of this chapter. Within 30 days after receiving an application, the director shall, in writing:
 - (i) Approve the permit application;
 - (ii) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - (iii) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
 - h. Application fee. The city council may establish application fees by resolution adopted by the council. This fee shall be for the application processing and administration of this chapter.
- (6) Erosion and sediment control plan.
- a. The erosion and sediment control plan must be prepared and certified by a professional engineer or a certified professional in erosion and sediment control (CPESC) on behalf of the applicant and must outline the measures he or she will take to ensure soil and sediment is contained on the development site.
 - b. The erosion and sediment control plan for areas that are one acre or greater shall include:
 - 1. The property owner's name, address and telephone number.
 - 2. A natural resources map, at a scale no smaller than one inch equals 100 feet, identifying the location; soils; forest cover; the surrounding area's watercourses, water bodies and other significant geographic and natural features; and resources protected under other chapters of this Code.
 - 3. A one inch equals 50 feet scale map of the site showing proposed excavation, grading or filling.
 - 4. Existing and proposed contours at two foot intervals on USGS datum, clearing limits, and delineation of 100-year floodplain and floodway.
 - 5. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; final grading and landscaping; and removal of temporary erosion control devices. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary

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erosion and sediment measures, installation of storm drainage, paving of streets and parking areas, and establishment of permanent vegetation.

6. All erosion and sediment-control measures necessary to meet the objectives of this chapter throughout all phases of construction and permanently, after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 7. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 8. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
 9. Location of proposed and existing utility lines.
 10. Details of temporary drainage system to direct stormwater runoff from graded portions of the site and details of the permanent drainage plan.
 11. Temporary access routes and construction entrance.
 12. A signed and sealed estimate from the Professional Engineer or Certified Professional in Erosion and Sediment Control of the estimated cost for the work included in the plan.
 13. Any additional items indicated in the APWA Erosion and Sediment Control Specifications and Design Criteria.
 14. The signature and seal of a Professional Engineer or a Certified Professional in Erosion and Sediment Control (CPESC).
- c. Additional information or data may be required as deemed appropriate by the director. Requirements for maps, plans, reports or drawing may be waived if the director finds that the otherwise submitted information is sufficient to show that the proposed work will conform to the erosion and sediment control requirements required by this chapter.
- d. Additional erosion and sedimentation control measures may be imposed by the director.
- e. All erosion and sediment control plans shall be designed and shall meet the design criteria set forth in the most recent version of the APWA Erosion and Sediment Control Specifications and Design Criteria, as adopted by resolution by the governing body, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Belton.
- f. Grading and erosion control on individual lots and areas less than one acre:
1. Applications for areas less than one acre or individual lots shall be shown on a plot plan that contains the following:
 - (i) Property lines existing and proposed, lot and block number.
 - (ii) Location of structure.
 - (iii) Elevation on the top of the foundation, proposed and existing grading contours, property corners.
 - (iv) Location of drainage swales, inlets, and arrows showing direction of runoff.
 - (v) Location of sediment and erosion controls.
 - (vi) Any additional information required by the director.

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- (vii) All sediment and erosion controls shall be removed from the lot after vegetation has been established.
 - (viii) The application fee if any fee has been established at the time of the submission of the application. This fee shall be for the application processing and administration of this chapter.
 - (ix) No building inspections shall take place until erosion controls and a construction entrance are installed.
- (7) Security for performance of work. The director shall require the applicant to provide security equal to the estimated cost to install and maintain the approved erosion and sediment control measures for the duration of the site development permit as defined in subsection (j)(5) of this section if the land disturbance is within the watershed of a public or private lake or pond or if the erosion and sediment control plan is for an area of one acre or greater and the estimated cost to install and maintain the approved erosion and sediment control measures is \$2,000.00 or greater. The applicant has two options to secure the performance of work:
- a. *Option 1: Performance bond.* The applicant may furnish a performance bond, approved by the director of finance; or
 - b. *Option 2: Letter of credit agreement.* The applicant may enter into a letter of credit agreement with the city, whereby the applicant will submit a letter of credit from a bank approved by the director of finance.
- (8) Mud, material or debris on city streets.
- a. No activities are permitted that cause mud, soil, earth, sand, gravel, rock, stone, and concrete, building materials or other materials to be deposited on public streets. Other measures may be required in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.
 - b. If mud, material or debris is deposited on a public or private street, the responsible party shall abate the violation based on section 15-46 of the Code of Ordinances of the City of Belton, Missouri.
- (9) Inspection.
- a. By submitting a development plan or applying for a building permit, the applicant consents to inspections of the proposed development site and all work in progress. The director or designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed.
 - b. A copy of the permit and erosion and sediment control plan must be available on the site for inspection by authorized representatives of the City of Belton.
 - c. The director or designated agent shall make inspection at its discretion and shall notify the permittee wherein the work fails to comply with the erosion and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City of Belton shall be maintained at the site during the progress of the work.
 - d. The permittee or his or her agent shall make weekly inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plan. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for additional control measures. All inspections and modifications to the erosion and sediment controls shall be documented in written form and noted on the approved erosion and sediment control plan.

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- e. The permittee or his or her agent shall inspect and repair as needed all sediment and erosion controls after each rainfall event. The dates of these inspections and repairs shall be noted on the erosion and sediment control plan.
 - f. Copies of the reports on the erosion and sediment control plan shall be submitted to the public works department on monthly basis. Failure to submit this document could result in a stop work order.
 - g. In the event work does not conform to the permit or conditions of approval or to the approved plan or to any instructions of the director, notice to comply shall be given to the permittee. After a notice to comply is given, the permittee or the permittee's contractor shall be required to make the corrections within the time period determined by the director. If an imminent hazard exists, the director shall require that the corrective work begin immediately.
- (10) Coordination with other permits. When a person is developing a site, and a site development permit is required in accordance with subsections (j)(3) and (5) of this section, no other construction permits shall be issued to make improvements on that site until the person has secured the site development permit for the same site. This includes all permits issues by the director or any other city department. The city may simultaneously issue a site development permit and a grading permit.
- (11) Maintenance of control measures. The applicant shall at all times maintain all erosion and sediment control measures in good order and in compliance with the erosion and sediment control plan for the site and with the city's adopted standards, for the duration of the permit as defined in subsection (j)(5) of this section. In determining the applicant's compliance with the erosion and sediment control plan for the site, the director shall take into consideration any results the applicant has obtained through sampling.
- (12) Sampling. The applicant shall have the option of including a system of regular sampling by individuals approved to perform such sampling by the city as a part of the applicant's erosion and sediment control plan. The director may require sampling to determine the effectiveness of the erosion control plan or to obtain information to investigate complaints regarding the site. Sampling shall not be the only item reviewed to determine compliance with the erosion and sediment control plan for the site. The director may also perform sampling.
- (13) Removal of control measures. The applicant shall receive the director's approval before any structural erosion and sediment control measure identified on the plans is removed or made ineffective. Removal of erosion and sediment control measures must be performed in the manner described in the erosion and sediment control plan and in accordance with the city's adopted standards. When determining whether an erosion and sediment control measures may be removed or made ineffective, the director shall take into consideration testing results furnished by the applicant.
- (14) Action against the security. The director may take action against the security if the applicant fails to install or maintain the erosion and sediment control measures in accordance with the erosion and sediment control plan for the site and the city's adopted standards for the duration of the permit as defined in subsection (j)(5) of this section. The director will provide the applicant with ten days' written notice before any action is taken against the security, and if during that ten-day period the applicant bring control measures into compliance with the plan, no action shall be taken against the security.
- (15) Enforcement and penalties.
- a. *Stop work order; revocation of permit.*

- UNIFIED DEVELOPMENT CODE
Chapter 36 - SUBDIVISION REGULATIONS

ARTICLE V. - PUBLIC IMPROVEMENTS

1. In the event that any person holding a site development permit pursuant to this chapter violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the director may suspend or revoke the site development permit and issue a stop work order.
 2. For the purposes of this subsection, a stop work order is issued by posting a copy of the stop work order on the site of the land disturbance activity in reasonable proximity to a location where the land disturbance activity is taking place. A copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage prepaid, to the address listed by the permittee on the permit; faxed to the number listed on the permit; or e-mailed to the e-mail address listed on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as the owner of the property on records filed with Cass County, Missouri.
 3. A permittee or property owner shall have the right to appeal the issuance of the stop work order within five working days of the issuance of the stop work order. The city manager shall hold a hearing on the appeal of the stop work order and render a decision on the appeal.
 4. No person is permitted to continue or permit the continuance of work in an area covered by a stop work order, except work required to correct deficiencies with respect to an erosion or sediment-control measure.
 5. Ten working days after posting a stop work order or upon issuance of a decision by the city manager if an appeal is filed, the director, if the conditions specified in the stop work order have not been satisfied, may issue a notice to the permittee, or property owner, of the City of Belton's intent to perform work necessary to comply with this chapter. The City of Belton may go on the land and commence work after 14 working days from issuing the notice of intent. The costs incurred by the City of Belton to perform this work shall be paid by the property owner or permittee.
- b. *Violation and penalties.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this section. Any violation of any provision of this section by any person, partnership, corporation, or other entity shall be punishable by a fine of not more than \$100.00 per violation per day not to exceed \$500.00 and/or 90 days in jail. Each day during which any such violation is committed, continued, or permitted, shall constitute a separate offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this section shall be required to bear the expense of such restoration. The City of Belton reserves the right to revoke the building permit for serious and/or repeated violations and/or may place a lien on the property to pay for the city's costs in completing the work to remove the violation as provided in this subsection (j)(15) and court costs.
- (16) Severability. The provisions of this section shall be deemed to be severable, and the invalidity of any portion of this section shall not affect the validity of the remainder.