

1 **Section 1.** Chapter 29 of the City of Little Rock Code of Ordinances, codified Little Rock, Ark., Rev.
2 Code (1988), is hereby amended by to add a new Article VII titled “Industrial Stormwater Discharge
3 Monitoring Program.” and which shall read as follows:

4 **Sec. 29-198. – Definitions.**

5 The following words, terms, and phrases, when used in this article, shall have the meanings
6 ascribed to them in this article, except where the context clearly indicates a different meaning.

7 *Best Management Practices (BMPs)* means schedules of activities, prohibitions of
8 practices, maintenance procedures, and other management practices to prevent or reduce discharge
9 of pollutants to waters of the United States. BMPs also include treatment requirements, operating
10 procedures and practices to control facility site runoff, spillage or leaks, sludge or waste disposal,
11 or drainage from raw material storage. All industrial facilities and high-risk facilities are required
12 to implement appropriate structural and nonstructural BMPs to prevent the discharge of pollutants
13 to the municipal separate storm sewer system (MS4), at their own expense. BMPs described in the
14 facility’s Permit shall be part of the industrial facility’s Storm Water Pollution Prevention Plan
15 (SWPPP), unless the facility has adequate justification in their SWPPP explaining why the BMP
16 does not apply to the facility’s stormwater discharges.

17 *City* means the City of Little Rock, Arkansas.

18 *Contiguous zone* means the entire zone established by the United States under article 24 of
19 the Convention of the Territorial Sea and the Contiguous Zone.

20 *Control measure* means any BMPs or other method(s) used to prevent or reduce the
21 discharge of pollutants to the waters of the United States.

22 *Discharge* when used without qualification includes a discharge of a pollutant, or a
23 discharge of pollutants. A discharge may occur by spilling, leaking, emitting, or any other process
24 that enables the material to escape its container and enter the environment.

25 *Discharge of a pollutant* means:

26 (1) Any addition of any pollutant or combination of pollutants to waters of the United States
27 from any point source, or

28 (2) Any addition of any pollutant or combination of pollutants to the waters of the
29 contiguous zone or the ocean from any point source other than a vessel or other floating craft which
30 is being used as a means of transportation.

31 This definition includes additions of pollutants into waters of the United States from:
32 surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other
33 conveyances owned by a State, municipality, or other person which do not lead to a treatment

1 works; and discharges through pipes, sewers, or other conveyances, leading into privately owned
2 treatment works. This term does not include an addition of pollutants by any indirect discharger.

3 *Director of Public Works* means the duly appointed Director of the Public Works
4 Department of the City of Little Rock or his or her designated representative.

5 *Division of Environmental Quality (DEQ)* means a branch of the Arkansas Department of
6 Energy and Environment (ADEE).

7 *Environmental Protection Agency or EPA* means the United States Environmental
8 Protection Agency or, where appropriate, the term may also be used as a designation for the
9 administrator or other duly authorized official of the EPA.

10 *Hazardous materials and hazardous waste* mean any materials, waste, or combination of
11 wastes of a solid, liquid, contained gaseous, or semisolid form which, because of its quantity,
12 concentration, or physical, chemical, or infectious characteristics, may:

13 (1) Cause or significantly contribute to an increase in mortality or an increase in serious
14 irreversible or incapacitating reversible illness; or

15 (2) Pose a substantial present or potential hazard to human health or the environment when
16 improperly treated, stored, transported, or disposed of, or otherwise improperly managed.

17 Hazardous waste includes, but is not limited to, those which are radioactive, toxic,
18 corrosive, flammable, irritants, or strong sensitizers, or those which generate pressure through
19 decomposition, heat, or other means.

20 *High-risk facility* means a facility that uses or stores hazardous materials.

21 *Illicit discharge* means a discharge to an MS4 that is not composed entirely of stormwater.
22 Exceptions for illicit discharges are set forth in section 29-45.

23 *Indirect discharger* means an industrial facility whose waste flows into a publicly owned
24 treatment works (POTW).

25 *Industrial materials or industrial activities* include but are not limited to: material handling
26 equipment or activities; industrial machinery; raw materials; industrial production and processes;
27 and intermediate products, by-products, final products, and waste products.

28 *Industrial facility or facility* means any entity which has obtained coverage under the
29 Industrial General Stormwater Discharge Permit (IGP) or the Industrial Individual Stormwater
30 Discharge Permit.

31 *Industrial General Stormwater Discharge Permit (IGP) ARR000000* is a permit issued by
32 DEQ that authorizes stormwater discharges associated with industrial activities that enter the
33 Waters of the United States or the MS4.

1 *Individual Industrial Stormwater Discharge Permit* means a stormwater discharge permit
2 issued by DEQ which reflects the facility's unique permit conditions and limits.

3 *Industrial waste* means liquid waste from industrial manufacturing processes, trade, or
4 business, as distinct from sanitary sewage.

5 *Material handling activities* include the storage, loading and unloading, transportation, or
6 conveyance of any raw material, intermediate product, final product or waste product.

7 *Measurable storm event* means a rainfall event with greater than 0.1 inch of rainfall and
8 occurs at least 72 hours (3 days) from the previous measurable (greater than 0.1 inch) rainfall event.

9 *Municipal Separate Storm Sewer System (MS4)* means a conveyance or system of
10 conveyances (including roads, streets, curbs and gutters, drainage systems, catch basins, ditches
11 and any man-made channels or storm drains) owned or operated by a municipality, designed or
12 used for collecting or conveying stormwater, which is neither a publicly owned treatment facility
13 nor a combined sewer system.

14 *MS4 Permit* means the permit issued by DEQ to the City of Little Rock and the Arkansas
15 Department of Transportation for their stormwater discharges to the MS4 and the waters of the
16 United States.

17 *National Pollution Discharge Elimination System (NPDES) permit* means a permit issued
18 by the EPA pursuant to Section 402 of the Clean Water Act (33 U.S.C. Sec. 1342). This includes
19 the Industrial General Stormwater Discharge Permit (IGP) ARR000000 and the Individual
20 Industrial Stormwater Discharge Permit.

21 *Notice of Intent (NOI)* means a document submitted to DEQ for industrial facilities that
22 intend to seek coverage for stormwater discharges under either the Industrial General Stormwater
23 Discharge Permit (IGP) or the Individual Industrial Stormwater Discharge Permit.

24 *Notice of Coverage (NOC)* means a document issued by DEQ that demonstrates IGP
25 coverage. If the NOC has not been received by the facility within ten (10) business days after the
26 date the NOI is deemed complete by DEQ, the NOI may be posted at the facility until the NOC is
27 received.

28 *No Exposure* means that all industrial materials and activities are protected by a storm-
29 resistant shelter to prevent exposure to rain, snow, snowmelt, and runoff.

30 *Permit* means the Industrial General Stormwater Discharge Permit (IGP) ARR000000 or
31 the Individual Industrial Stormwater Discharge Permit.

32 *Person* means any individual, partnership, co-partnership, firm, company, corporation,
33 association, joint stock company, trust, estate, governmental entity, or any other legal entity, or

1 their legal representatives, agents, or assigns. This definition includes all federal, state, and local
2 governmental entities.

3 *Point source* means any discernible, confined, and discrete conveyance, including but not
4 limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock,
5 concentrated animal feeding operation, landfill leachate collection system, vessel or other floating
6 craft from which pollutants are or may be discharged. This term does not include return flows from
7 irrigated agriculture or agricultural storm water runoff.

8 *Pollutant* means dredged spoil, solid waste, incinerator residue, filter backwash, sewage,
9 garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials,
10 heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and
11 agricultural waste discharged into water.

12 *Qualified Personnel* means those individuals who are knowledgeable in the principles and
13 practices of industrial stormwater controls and pollution prevention and who possess the education
14 and ability to assess conditions at the industrial facility that could impact stormwater quality, and
15 the effectiveness of BMPs selected and installed to meet the requirements of the permit.

16 *Standard Industrial Classification (SIC) Code* means a four-digit numerical code assigned
17 by the U.S. government to categorize industries by their business activities.

18 *Stormwater runoff* is rain or snowmelt that flows over land and is not absorbed by the soil.

19 *Stormwater Discharge Associated with Industrial Activity* and *stormwater discharge*
20 means the discharge from any conveyance which is used for collecting and conveying stormwater
21 and which is directly related to manufacturing, processing or raw materials storage areas at an
22 industrial facility. The term does not include discharges from facilities or activities excluded from
23 the NPDES program. For the categories of industries identified in subparagraphs (i) through (xi) of
24 this definition, the term includes, but is not limited to, stormwater discharges from industrial facility
25 yards; immediate access roads and rail lines used or traveled by carriers of raw materials,
26 manufactured products, waste material, or by-products used or created by the facility; material
27 handling sites; refuse sites; sites used for the application or disposal of process waste waters (as
28 defined at 40 C.F.R. 401); sites used for the storage and maintenance of material handling
29 equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas;
30 manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate
31 and finished products; and areas where industrial activity has taken place in the past and significant
32 materials remain and are exposed to stormwater. For the purposes of this paragraph, material
33 handling activities include the storage, loading and unloading, transportation, or conveyance of any
34 raw material, intermediate product, finished product, by-product, or waste product. The term

1 excludes areas located on facility lands separate from the facility’s industrial activities, such as
2 office buildings and accompanying parking lots as long as the drainage from the excluded areas is
3 not mixed with stormwater drained from the above-described regulated areas. Industrial facilities
4 include those facilities designated under 40 C.F.R. 122.26 (a)(1)(v) [including industrial facilities
5 that are federally, State, or municipally owned or operated that meet the description of the facilities
6 listed in subparagraphs (i) - (xi)].

7 The following categories of facilities are considered to be engaging in “industrial activity”
8 for purposes of this definition:

- 9 (i) Facilities subject to stormwater effluent limitations guidelines, new source performance
10 standards, or toxic pollutant effluent standards under 40 C.F.R. Subchapter N (except facilities
11 with toxic pollutant effluent standards which are exempted under subparagraph (xi) of this
12 definition). The phrase toxic pollutant effluent standards refers to standards codified at 40 C.F.R.
13 129 which apply only to manufacturers of six (6) specific pesticide products that are defined as
14 toxic pollutants. The phrase does not apply to facilities subject to effluent limitation guidelines
15 for toxics under 40 C.F.R. Subchapter N;
- 16 (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and
17 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;
- 18 (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry)
19 including active or inactive mining operations [except for areas of coal mining operations that
20 meet the definition of a reclamation area under 40 C.F.R. 434.11(l)] and oil and gas exploration,
21 production, processing, or treatment operations, or transmission facilities that discharge
22 stormwater contaminated by contact with or that has come into contact with, any overburden, raw
23 material, intermediate products, finished products, by-products, or waste products located on the
24 site of such operations. Inactive mining operations are mining sites that are not being actively
25 mined, but which have an identifiable Operator;
- 26 (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under
27 interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act
28 (RCRA).
- 29 (v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste
30 that is received from any of the facilities described under this subsection) including those that are
31 subject to Subtitle D of RCRA;
- 32 (vi) Facilities involved in the recycling of materials, including junkyards, battery reclaimers, salvage
33 yards, and automobile junkyards, including but not limited to those classified as Standard
34 Industrial Classification 5015 and 5093;

- 1 (vii) Steam electric power generating facilities, including coal handling sites;
- 2 (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-
3 4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning
4 operations, or airport deicing operations. Only those portions of the facility that are either
5 involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting,
6 fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are
7 otherwise identified under subparagraphs (i) - (vii) or (ix) - (xi) of this definition are associated
8 with industrial activity;
- 9 (ix) Treatment works that treat domestic sewage or any other sewage sludge or wastewater treatment
10 device or system, used in the storage, treatment, recycling, and reclamation of municipal or
11 domestic sewage, including land dedicated to the disposal of sewage sludge that are located
12 within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have
13 an approved pretreatment program under 40 C.F.R. 403. Not included are farmlands, domestic
14 gardens, or lands used for sludge management where sludge is beneficially reused and which are
15 not physically located in the confines of the facility, or areas that are in compliance with 40 C.F.R.
16 405;
- 17 (x) Construction activity including clearing, grading and excavation, except operations that result in
18 the disturbance of less than five (5) acres of total land area. Construction activity also includes
19 the disturbance of less than five (5) acres of total land area that is a part of a larger common plan
20 of development or sale if the larger common plan will ultimately disturb five (5) acres or more;
21 and
- 22 (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283,
23 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225.

24 *Stormwater Pollution Prevention Plan (SWPPP / SWP3)* means a site-specific, written
25 document, prepared by an industrial facility, and approved by DEQ, that identifies potential sources
26 of stormwater pollutants and describes BMPs to reduce pollutants in stormwater discharges and
27 eliminate water quality problems associated with stormwater discharges and daily runoff from the
28 site. The SWPPP includes a site plan and identification of facility activities that could cause
29 pollutants in stormwater and outlines preventative measures or practices to control pollutants in
30 stormwater discharges, commonly known as BMPs. Reduction of pollutants is often achieved by
31 controlling the volume of stormwater runoff (e.g., taking steps to allow stormwater to infiltrate into
32 the soil). SWPPPs are a component of the Permit.

33 *Stormwater Pollution Prevention Team* means the person or group of persons responsible
34 for the development, modification, and implementation of the facility's SWPPP. Each member of

1 the stormwater pollution prevention team shall have ready access to either an electronic or paper
2 copy of the applicable Permit, the most updated copy of the SWPPP, and other relevant documents
3 or information that must be kept with the SWPPP.

4 *Waters of the United States or waters of the U.S.* means the term as it is defined in 40 CFR
5 120.2.

6
7 **Sec. 29-199. – Purpose.**

8 The purpose of the Industrial Stormwater Discharge Monitoring Program is to verify and
9 ensure that industrial facilities comply with Permit requirements and the City of Little Rock Codes
10 and Ordinances.

11 The Department of Public Works is responsible for updating the procedures and practices
12 of the Industrial Stormwater Discharge Monitoring Program on a continuing basis to conform with
13 the requirements of the City’s MS4 Permit.

14 **Sec. 29-200. – Applicability.**

15 This article applies to all facilities located within the corporate city limits that have
16 stormwater discharges associated with industrial activity.

17 Any facility subject to compliance with any state or federally issued industrial stormwater
18 discharge permit shall comply with the issued Permit conditions and requirements. Facilities with
19 newly issued or modified Permits shall provide a copy of such Permit to the Director of Public
20 Works no more than thirty (30) days after issuance, and prior to any stormwater discharge to the
21 MS4. Industrial facilities with an existing Permit are required to furnish to the Director of Public
22 Works any information requested to determine Permit compliance.

23 **Sec. 29-201. – Good housekeeping practices.**

24 It shall be unlawful for any industrial facility to discharge pollutants from any commercial
25 area to the MS4. Industrial facilities shall employ good housekeeping practices to prevent debris,
26 including, but not limited to, cigarette butts, paper, bottles, cans, and plastic, from entering the MS4
27 from surrounding areas, which include parking lots, loading zones, sidewalks, trash cans and
28 dumpster sites.

29 **Sec. 29-202. –Additional Sampling.**

30 The Director of Public Works may require industrial facilities to perform additional
31 sampling and monitoring as necessary to verify Permit compliance. When the Director of Public
32 Works requires a sample from a possible illicit discharge or measurable storm event, samples shall
33 be obtained in the manner required by the applicable Permit(s) of the facility. The facility's
34 sampling and monitoring equipment shall be maintained by the facility at its own expense and shall

1 at all times be in safe and proper operating condition. It is prohibited for any person to interfere in
2 any way with the proper sampling and monitoring operations of any equipment or device. To ensure
3 accuracy, all devices used to measure stormwater flow and quality shall be calibrated by a certified
4 technician. Calibration and maintenance records and monitoring data shall be made available to the
5 Director of Public Works upon request.

6 **Sec. 29-203. – Industrial illicit discharges.**

7 The Director of Public Works is authorized to investigate complaints of violations of this
8 article, including but not limited to possible illicit discharges to the MS4 and possible violations of
9 the City's MS4 Permit. Sources of illicit discharges include, but are not limited to, discharges of
10 sanitary wastewater, septic tank discharges, car wash wastewaters, improper oil disposals, radiator
11 flushing disposals, laundry wastewaters, spills from roadway accidents and improper disposal of
12 auto and household toxics. Exceptions from illicit discharges are set forth in Section 29-45.

13 Any person aware of any discharge from an industrial facility of a substance which, if
14 otherwise disposed of would be considered hazardous waste under this article or 40 C.F.R. 261
15 shall notify the Director of Public Works, the EPA Regional Waste Management Division Director,
16 and DEQ within five (5) days in writing of the discharge. Such notification shall include the name
17 of the hazardous waste, the EPA hazardous waste number, and the type of discharge (i.e.,
18 continuous, batch, or other). Notification shall not relieve the facility of any expense, loss, damage,
19 or other liability which may be incurred as a result of damage to the natural resources, persons or
20 property; nor shall such notification relieve the facility of any fines, civil penalties, or other liability
21 which may be imposed. If the illicit discharges from the facility may cause imminent and
22 substantial threat to human health or the environment, the facility shall immediately notify the
23 Director of Public Works in writing. This notification does not relieve the facility of its obligations
24 to perform corrective actions.

25 Within five (5) business days of any illicit discharge, including any reportable release or
26 spill, industrial facilities shall submit a detailed written report describing the cause of the discharge
27 and the preventative measures taken by the facility relative to the discharge.

28 **Sec. 29-204. – No Exposure Exclusion.**

29 An industrial facility may request a No Exposure Exclusion (NEE) under 40 C.F.R. §
30 122.26(g) by submitting a No Exposure Certificate (NEC) to DEQ. The NEE conditions are met
31 when all industrial materials and activities are protected by a storm resistant shelter to prevent
32 exposure to rain, snow, snowmelt, and runoff and applies to the entire industrial facility. Facilities
33 with an NEE are exempt from preparing a SWPPP.

1 Industrial facilities with an NEE shall submit a copy to the Director of Public Works. Any
2 facility operating under an NEE shall be subject to periodic facility inspections not less than once
3 per the term of the City’s MS4 Permit.

4 **Sec. 29-205. – Notice of industrial facility inspection.**

5 The City’s MS4 Permit requires that all industrial facilities, including NEE facilities, are
6 subject to site inspections no less than once over the term of the City’s MS4 Permit to verify the
7 facility’s Permit compliance. The Director of Public Works will notify each industrial facility of
8 routine facility inspections and will issue a document submittal request to the facility prior to the
9 intended inspection date. A Notice of Inspection will be provided to the facility at least seven (7)
10 calendar days prior to the scheduled inspection date.

11 In the event the Director of Public Works reasonably believes that discharges from any
12 facility may cause imminent and substantial threat to human health or the environment, the Director
13 has the right to inspect the facility without prior notice.

14 **Sec. 29-206. – Document submittal prior to industrial facility inspection.**

15 Industrial facilities shall submit all requested documents and information within thirty (30)
16 days of the date of the request, or as determined by the Director of Public Works. All submittals
17 shall be in a digital file format. New NOIs and recertification NOIs for IGP holders, Permit
18 Applications and Renewal Packages for Individual Permit holders shall be submitted to the Director
19 of Public Works at the same time they are submitted to DEQ. Failure to submit documents, or
20 incomplete or late submissions that delay site inspections, may result in a referral to DEQ.

21 **Sec. 29-207. – Right of entry.**

22 As provided by the Permit, the Director of Public Works has the right to access any and all
23 parts of the facility’s premises as may be necessary for the purpose of inspecting, observing,
24 measuring, sampling, testing and copying of records, as often as may be necessary, to determine
25 the facility’s Permit compliance. The facility shall allow authorized personnel under the authority
26 of the Director of Public Works immediate entry to the facility for the purposes of this article.

27 Denial of access to a permitted facility is a violation of the facility’s Permit and of this
28 article. If the Director of Public Works reasonably believes there are unsafe or hazardous conditions
29 within the facility, and has been denied entry to the facility, the Director shall have the authority to
30 call upon the Little Rock Police Department for aid and assistance in securing warrants for the right
31 to enter and inspect such premises.

32 **Sec. 29-208. – Industrial facility inspection.**

33 The Director of Public Works has the right to perform inspections at any industrial facility
34 or any other premises which is or may be the source of a stormwater discharge associated with

1 industrial activity, or the source of a discharge from a high-risk facility, or the source of an illicit
2 discharge, into the MS4. The Director of Public Works has the authority to inspect, sample,
3 photograph, videotape, examine and copy any and all records that are required to document Permit
4 compliance. The Director of Public Works also has the right to request monitoring and sampling
5 records from any facility.

6 When an industrial facility is notified of a site inspection, a representative from the
7 facility's Pollution Prevention Team shall meet with the Director of Public Works, prior to and
8 during the inspection. The Director of Public Works will document findings of the inspection in a
9 Summary of Findings. The Director of Public Works retains the right to visit an industrial facility
10 as many times as deemed necessary to complete the inspection of the facility for Permit compliance
11 and to ensure Permit violations are fully addressed.

12 **Sec. 29-209. – Summary of Findings.**

13 Whenever the Director of Public Works conducts an inspection of an industrial facility, the
14 findings of the inspection will be recorded. The Summary of Findings and a copy of the inspection
15 report will be provided to the facility. The facility shall maintain the Summary of Findings and the
16 inspection report in accordance with Permit document retention policies.

17 **Sec. 29-210. – Corrective Action Plan.**

18 Whenever the Director of Public Works determines that a discharge of pollutant(s) to the
19 MS4 has the potential to negatively impact water quality or public safety, the industrial facility
20 responsible for the discharge is required to mitigate or terminate the discharge of such pollutants to
21 the MS4. The Director of Public Works has the authority to request corrective actions to remedy
22 any acts determined to be non-compliant or in violation of the facility's Permit, specific to the
23 occurrence and violation.

24 The Summary of Findings may require the industrial facility to prepare, submit, and
25 implement a Corrective Action Plan (CAP) within a timeframe appropriate to the severity of any
26 non-compliance issue(s) or stormwater discharge violation(s) found as a result of the inspection.
27 The CAP shall be submitted to the Director of Public Works within thirty (30) calendar days of the
28 date of the Summary of Findings, unless otherwise stated.

29 The proposed actions listed in the CAP shall be measurable, timely, accountable, and
30 divided into specific steps with details of implementation. The CAP shall include a schedule
31 containing progress increments, or milestones, in the form of dates of completion of activities for
32 phased corrective actions.

33 When there is an immediate threat to the public health, safety and welfare, the Director of
34 Public Works may require immediate corrective actions be implemented by the facility, followed

1 by the submittal of a CAP to document corrective measures. The CAP shall also identify proposed
2 changes that will prevent recurrence of Permit violation(s).

3 The Director of Public Works may request industrial facilities submit periodic Compliance
4 Progress Reports at least every thirty (30) calendar days while the facility is under the CAP. An
5 industrial facility may also be required to submit periodic Compliance Progress Reports and
6 discharge monitoring reports when the inspection by the Director of Public Works determines that
7 water quality standards are not met; or effluent limitations have been exceeded, and long-term
8 remedial action is required for mitigation. All periodic Compliance Progress Reports shall be
9 signed, dated and certified by a duly authorized representative of the facility.

10 The CAP shall be completed within six (6) months of the date of submission to the Director
11 of Public Works. Failure to timely complete the CAP may result in a referral to DEQ.

12 **Sec. 29-211. – Record retention.**

13 Every industrial facility shall retain all records and information required to be submitted
14 under this article and shall make such records available for inspection and copying. The facility
15 shall retain such records according to the requirements contained in the Permit.

16 **Sec. 29-212. – Enforcement.**

17 It shall be unlawful for any person or facility to violate or fail to comply with any of the
18 requirements of this article. Any person or facility who violates the provisions of this article may
19 be referred to DEQ for enforcement action. Failure to submit documents, or incomplete or late
20 submissions that may delay site inspections, may also result in a referral to DEQ.

21 **Sec. 29-213. – Industrial Stormwater Discharge Inspection Fees**

22 To offset the administrative costs for the monitoring and inspection of industrial facilities
23 and the costs to assure compliance with this article, the board of directors shall establish an
24 appropriate fee schedule and may review and adjust such fees periodically to offset applicable costs.

25 **Sec. 29-214. – Penalty.**

26 Any person convicted of a violation of any of the provisions of this article shall be punished
27 as provided in Section 1-9.

28 **Section 2. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or word
29 of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication
30 shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the
31 portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

32 **Section 3. Repealer.** All ordinances and resolutions, and parts thereof, which are in conflict with any
33 provision of this ordinance are hereby repealed to the extent of such conflict.

1 **Section 4. *Emergency.*** Because of the need to protect the citizens of Little Rock, Arkansas from
2 pollutants discharged from industrial facilities into the City’s Municipal Separate Storm Sewer System, and
3 because state and federal regulations and other laws demand compliance with certain standards, the
4 regulation of stormwater discharges from industrial facilities is essential to protect the public health, safety
5 and welfare, an emergency is declared to exist and this ordinance shall be in full force and effect from and
6 after the date of this adoption.

7

8 **PASSED:**

9

10 **ATTEST:**

APPROVED:

11

12 _____
13 **Allison Segars, Acting City Clerk**

_____ **Frank Scott, Jr., Mayor**

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15 **APPROVED AS TO LEGAL FORM:**

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18 **Thomas M. Carpenter, City Attorney**

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