ORDINANCE NO. _____

AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 29, ARTICLE VII, § 29-198 AND § 29-213 OF THE REVISED CODE OF ORDINANCES (1988) OF THE CITY OF LITTLE ROCK, ARKANSAS, TO UPDATE THE DEFINITIONS AND INDUSTRIAL STORMWATER DISCHARGE INSPECTION FEES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Little Rock ("City") has established the conditions of its industrial stormwater discharge monitoring program as part of the City's municipal separate stormwater sewer system ("MS4") which is for publicly owned conveyance systems for stormwater permit compliance in the Little Rock, Ark., Revised Code of Ordinances ("LRC"), Chapter 29, Article VII; and,

WHEREAS, pursuant to LRC § 29-213, to offset the administrative costs of the City's monitoring and inspection of industrial facilities, as required by the City's MS4 permit, and the costs to assure compliance with the LRC, the Board of Directors shall establish an appropriate fee schedule; and,

WHEREAS, after careful calculations and rate structure considerations the Board will adopt the following rate structure as the City's Industrial Stormwater Discharge Monitoring fees; and,

WHEREAS, the following rate structure is applicable to certain industrial facilities specified by the MS4 permit of the City; and

WHEREAS, in order to clarify LRC § 29-213, the definition of "designated waterbodies" shall be added to the definitions section of Article VII, Chapter 29, *i.e.,* Section 29-128; and

WHEREAS, in order to clarify LRC Chapter 29, the definition of "designated waterbodies", "hazardous waste permit" and "waterbody" have been added to the definitions section in LRC § 29-198; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 2. Section 29-198 of the Little Rock, Ark., Revised Code of Ordinances (1988) is amended to add the following definitions:

Designated waterbodies are defined by the relevant sections of the Industrial General Permit ("IGP") and includes the following receiving streams:

a. An impaired waterbody (a Clean Water Act, § 303(d), codified at 33 U.S.C. § 1313(D), listed stream);

b. A waterbody with a Total Maximum Daily Loads ("TMDL");

c. An Extraordinary Resource Water ("ERW");

d. Natural and Scenic Waterways ("NSW"); and

e. An Ecologically Sensitive Waterbody ("ESW").

Hazardous Waste Permit is a permit required by any facility who treats and disposes of hazardous waste or stores these wastes longer than 90 days. Arkansas Pollution Control and Ecology Commission Regulation 23 (Arkansas Hazardous Waste Management Code) sets the operational standards for these permits and the procedure for obtaining them.

Waterbody means any significant, distinct accumulation of water, whether flowing (*i.e.,* streams, rivers, creeks, canals) or standing (*e.g.,* lakes, ponds, wetlands) and, regardless of whether its bed is natural or constructed, if it is defined by banks or shores. A waterbody is defined by its designated uses, which include fish propagation, recreation, and supply.

Section 2. Section 29-213 of the Little Rock, Ark., Revised Code of Ordinances (1988) is hereby amended to read as follows:

(a) To offset the administrative costs for the monitoring and inspection of industrial facilities and the costs to assure compliance with this article, the Board of Directors shall establish an appropriate fee schedule and may review and adjust such fees periodically to offset applicable costs.

(b) Each facility shall be responsible of the following:

(1) Timely payment of inspection fees due to the City.

(2) Provision of all information required for computation of the amount of the inspection fee due.

(c) Industrial stormwater discharge inspection fees are based on the calendar year from January 1st to December 31st.

(d) The following rates shall be effective starting January 1, 2027, and shall be subject to periodic reviews. Every facility identified by and notified by the City shall be liable to pay its inspection fee on or before January 1st of each year. All revenue collected shall be used entirely in support of the City's Industrial Stormwater Discharge Monitoring Program.

(e) The rate structure shall be as follows, effective January 1, 2027:

Base fee for all facilities		$1,000.00
Additional charges based on facility area	Up to 10 acres	$100.00
	More than 10 acres up to 20 acres	$150.00
	More than 20 acres up to 30 acres	$200.00
	More than 30 acres up to 50 acres	$400.00
	Areas over 50 acres	$500.00

Additional charges based on distance to waterbodies	Any of the facility outfall(s) which lies within one (1) mile of a non-designated stream ("designated stream" is defined by the IGP)	$100.00
	Any of the facility outfall(s) which lies within five (5) water miles of a designated stream (as defined by the IGP)	$100.00
Additional charges based on number of outfalls	Facilities with one (1) outfall location	$150.00
	Additional charges for each outfall over one (1)	$100.00
Additional charges based on special permit conditions	Hazardous Waste Permit	$100.00
	Above and underground storage tanks	$100.00

(1) Distances to waterbodies are measured in stream miles along the flow line of a stream or perpendicular to ridge lines of topographic features. The following fees are independent of the number of outfalls a facility may have.

(2) If any part of any one of a facility's outfalls lies within one (1) mile of the verified distance to any of the non-designated waterbodies listed in the IGP, an additional One Hundred and 00/100 Dollar ($100.00) fee applies.

(3) If any of a facility's outfalls lie within five (5) stream miles of verified distance to any of the designated waterbodies listed in the IGP, an additional One Hundred and 00/100 Dollar ($100.00) fee applies.

(4) Facilities who report their number of outfalls to DEQ shall have an additional fee assessed, the amount of which is based on the number of outfalls.

(i) All facilities with at least one (1) outfall shall pay a One Hundred Fifty and 00/100 Dollar ($150.00) base fee.

(ii) For any additional outfalls, a One Hundred and 00/100 Dollar ($100.00) surcharge per outfall shall be assessed.

(5) Special Permit Conditions

(i) If a facility has a Hazardous Waste Permit, an additional One Hundred and 00/100 Dollar ($100.00) surcharge shall be assessed. This surcharge shall be independent of the number of outfalls the facility operates.

(ii) If a facility has above or underground storage tanks, an additional One Hundred and 00/100 Dollar ($100.00) surcharge shall be assessed. This fee shall be

independent of the number of storage tanks a facility may have or the location of the tanks.

(f) The calculated total rate per facility shall contain an annual four per cent (4%) increase beginning with the January 1, 2027, billing period.

(g) Rates shall be evaluated on a five (5)-year term, starting from the initial introduction year of 2027.

(h) Administration and Appeals.

The Director is responsible for the administration of the Industrial Stormwater Discharge Monitoring fees ("fees").

(1) Any facility subject to the industrial stormwater discharge monitoring program may appeal to the initial fee amount assessed by the Director.

(2) In the event of an appeal, the Director shall review the following:

(i) The basis of the facility's inclusion in the Industrial Stormwater Discharge Monitoring Program.

(ii) Any allegations or claims that the affected facility may assert that the industrial stormwater discharge monitoring fee may not be legally assessed against the facility.

(iii) Whether the assessed area of the facility is true and correct and identifiable to the same contiguous industrial use and purpose.

(iv) Any other relevant factors.

(3) Such appeal shall be in writing, shall designate all the objections and claims against the amount assessed, and shall be signed by the representative of the-facility.

(4) Such appeal must be submitted to the Director no later than thirty (30) consecutive calendar days after the bill for the industrial stormwater discharge inspection fee was issued to the facility.

(5) The Director shall provide a written response of conclusions concerning all objections and claims presented by the appellant facility.

(6) Should the appellant facility disagree or feel aggrieved by the written decision of the Director, the facility may appeal to the City of Little Rock Board of Directors.

(i) All such appeals must be submitted in writing to the Treasury Management Office within ten (10) business days from the date the Director sent the decision to the appellant.

(ii) All appeals must clearly state the grounds on which the appellant challenges the Director's decision and shall set forth all claims relied upon.

(iii) Should the appellant disagree with the Board of Director's decision, the facility may pursue all remedies available at law.

(i) Collection of Industrial Stormwater Discharge Monitoring Fees

Notices regarding the payment due date and the amount of fees due for each facility shall be included with each facility's business license renewal notices.

(j) Delinquent payments

(1) If a facility fails to remit a payment within forty-five (45) days of the due date, such payment shall be delinquent, and a penalty of ten percent (10%) of the annual fee thereof shall be added to the total outstanding balance as a late fee.

(2) If a payment is not received within the subject year, it shall be added to next year's annual fee, with the penalties named above.

Section 3. *Severability*. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the ordinance.

Section 4. *Repealer*. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

Section 5. *Emergency Clause.* *It is imperative that these industrial stormwater discharge inspection fees be established in order to protect public health, safety, and welfare. Industrial stormwater discharges, if unregulated or insufficiently monitored, pose an imminent risk of contamination to local waterways; an established fee structure will ensure that timely inspections are conducted and that costs will be recovered which are essential to protecting local waterways and maintaining regulatory compliance. An emergency is therefore declared to exist, and this ordinance shall be in full force and effect upon the date of its passage.*

PASSED: November 17, 2026

ATTEST: **APPROVED:**

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Allison Segars, City Clerk **Frank Scott, Jr., Mayor**

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney