

ORDINANCE NO. **BG2007 - 36**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 21 (STREETS
AND SIDEWALKS) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES RELATED TO
THE REGULATION OF STORMWATER
DISCHARGES

WHEREAS, in order to comply with the National Pollutant Discharge Elimination System (NPDES) Phase II stormwater regulations, the City of Bowling Green adopted a comprehensive ordinance regarding stormwater discharges; and,

WHEREAS, the Public Works Department recommends amending Chapter 21 (Streets and Sidewalks), Subchapter 21-2 (Stormwater) of the Code of Ordinances to remove most of the detailed technical language which is contained in the City of Bowling Green Stormwater Best Management Practices Manual, especially regarding site construction and post-construction regulations; and,

WHEREAS, the Public Works Department is further recommending amendments to Chapter 21 to ensure compliance with the State and Federal requirements; and,

WHEREAS, it is in the best interests of the City to adopt the recommended changes to Chapter 21, Subchapter 21-2.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 21 (Streets and Sidewalks), Subchapter 21-2 (Storm Water) is hereby amended as follows:

21-2 STORM WATER.

21-2.01 Definitions as used in this Subchapter:

The terms as used in this Subchapter are further defined in the City of Bowling Green Stormwater Best Management Practices Manual.

~~“Authorized Enforcement Agency” shall mean the Bowling Green Public Works~~

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Department, City Engineer (or designated subordinates):

~~“Best Management Practice (BMP)” shall mean a measure that is implemented to protect water quality and reduce the potential for pollution associated with storm water runoff. These could include 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 storm water, receiving waters, any natural drainage crevice, karst feature, ditch, known subterranean water channel, closed systems or catch basins, conveyance or the MS4. 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.~~

~~“Blue Line Streams” shall mean streams that are represented on the most recent version of the United States Department of the Interior Geological Survey 1:24,000 USGS quadrangle maps.~~

~~“Certified Contractor” shall mean a person who has received Erosion Prevention and Sediment Control (EPSC) training and is licensed by the City of Bowling Green to inspect and maintain erosion prevention and sediment control practices.~~

~~“Channel” shall mean a natural or constructed/manmade watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.~~

~~“Clean Water Act (CWA)” shall mean those Federal regulations (33 U.S.C. — 1251 et seq. and any subsequent amendments thereto) that prohibit the discharge of pollutants to waters of the United States unless such discharge is in accordance with an approved National Pollutant Discharge Elimination System (NPDES) permit.~~

~~“Clearing” shall mean any activity that removes vegetative surface cover.~~

~~“Construction Activity” shall mean any activities subject to NPDES construction permits~~

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~~issued by the United States Environmental Protection Agency (USEPA) or the Kentucky Division of Water (KDOW). Currently these include construction projects resulting in land disturbance of one (1) acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.~~

~~“Conveyance” shall include, but not be limited to, any of the following: blue line streams, channel, drainage basin, drainage way, drainage/dry well, ephemeral stream, flood plain, karst feature, public storm drain, storm drainage system, waterbody, watercourse or waterway.~~

~~“Critical Area” shall mean a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure or other conditions.~~

~~“Critical Flood Area” shall mean a watershed that has a FEMA Zone “A,” or “AE” within the site or a location of historical flooding of roads or structures.~~

~~“Detention” shall mean the temporary delay of storm runoff prior to discharge into receiving waters.~~

~~“Developer” shall mean any individual, firm, corporation, limited liability company, association, partnership, trust or other business entity involved in commencing proceedings to affect development of land for developers or others.~~

~~“Drainage Basin” shall mean a storage area to collect storm water.~~

~~“Drainage Way” shall mean any channel that conveys surface runoff throughout the site.~~

~~“Drainage/Dry Well” shall mean a bored, drilled, driven, dug, or naturally occurring shaft or hole with a depth greater than the largest surface dimension; used to drain surface fluid, primarily storm water runoff, into a subsurface formation.~~

~~“Ephemeral Stream” shall mean a stream or part of a stream that flows only in direct response to precipitation or snowmelt. Its channel is above the water table at all times.~~

~~“Erosion” shall mean the wearing away of land surface by the action of wind, water,~~

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~~gravity, ice, or any combination of those forces.~~

~~“Erosion Prevention Sediment Control Plan (EPSC)” shall mean a set of plans prepared by or under the direction of a licensed professional engineer detailing the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.~~

~~“Excavation” shall mean any portion of land surface or area from which earth has been removed or will be removed; the depth below original ground surface to remaining surface.~~

~~“Existing Grade” shall mean the slope or elevation of existing ground surface prior to cutting or filling.~~

~~“Fill” shall mean the portion of land surface to area to which soil, rock, or other materials have been or will be added; height above original ground surface after the material has been or will be added.~~

~~“Finished Grade” shall mean the final slope or elevation of the ground surface after cutting or filling.~~

~~“Flood Plain” shall mean the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water, which has been or may be covered temporarily by floodwater. For purposes of this Section, the flood plain is defined as the area encompassed by a 100-year storm having a one percent chance of being equaled or exceeded in any given year.~~

~~“Grading” shall mean any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.~~

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

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~~managed.~~

~~“Illegal Discharge” shall mean any direct or indirect non-storm water discharge to the MS4, or conveyance, except as exempted in paragraph number 5 of Section 21-2.04 hereinbelow.~~

~~“Illicit Connections” shall mean any of the following:~~

~~a. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 or conveyance. This includes, but is not limited to, any conveyances which allow any non-storm water discharge, including sewage, process wastewater and wash water to enter the MS4 or conveyance.~~

~~b. Any connections to the MS4 or conveyance, regardless of whether said connection had been previously allowed, permitted or approved by the City of Bowling Green or any drain or connection from a commercial or industrial land use to the MS4 or conveyance which has not been documented in plans, maps or equivalent records and approved by the authorized enforcement agency.~~

~~“Impervious Surface” shall mean a term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.~~

~~“Industrial Activity” shall mean activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).~~

~~“Karst Feature” shall mean any cave, sinkhole, sinking stream, bluehole, crevice, spring, lost river, karst window or any other geologic feature associated with karst terrain.~~

~~“Kentucky Division of Water (KYDOW) General Permit (KGP)” shall mean an agreement between the regulating authority and the Permittee, which specifies conservation practices that shall be implemented in the construction of activities specified in the terms and conditions of the general permit.~~

~~“Land Disturbance” shall mean the purposeful act of clearing, grubbing, excavating, or grading; disrupting ground surface by or for construction activities, including construction access/road,~~

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~~staging, and storage sites producing significant areas of exposed soil and soil piles.~~

~~“MS4” (Municipal Separate Storm Sewer System) shall mean any physical inlet, natural or manmade, conveyance, storage basins or outfalls in which storm water is induced, conveyed, stored or discharged.~~

~~“National Pollutant Discharge Elimination Systems (NPDES)” shall mean EPA’s program to control the discharge of pollutants to waters of the United States. NPDES is a part of the Federal CWA, which requires point and non-point source dischargers to obtain permits. These permits are referred to as NPDES permits.~~

~~“Non-Storm Water Discharge” shall mean any discharge to the MS4 or any conveyance that is not composed entirely of naturally occurring storm water.~~

~~“Notice of Intent (NOI)” shall mean a formal notice to the EPA or a state agency having delegated NPDES authority that a construction project seeking coverage under a General Permit is about to begin.~~

~~“Notice of Termination (NOT)” shall mean a formal notice to the KYDOW having delegated NPDES authority that a construction project is complete and seeking release for the EPSC and the State General Permit.~~

~~“Overland Flow” shall mean surface runoff flowing over the land surface towards the MS4 or a conveyance.~~

~~“Perimeter Control” shall mean a barrier that prevents sediment from leaving a site by filtering sediment laden runoff or diverting it to a sediment trap or basin.~~

~~“Permit Phasing” shall mean clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next commences.~~

~~“Permittee” shall mean the “Person Responsible for the Land Disturbing Activity.”~~

~~“Person” shall mean any individual, association, organization, partnership, firm,~~

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corporation or other entity recognized by law.

~~“Pollutant” shall mean anything that causes or contributes to a violation of applicable water quality standards. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil or other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects and accumulations, sediment and detergents so that same may cause or contribute to pollution. Pollutants may also include, but are not limited to, floatables, pesticides, herbicides, and fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure, and noxious or offensive matter of any kind.~~

~~“Premises” shall mean any building, lot, parcel of land, easement or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.~~

~~“Public Storm Drain” shall mean the drain system provided by and maintained by the City of Bowling Green that is designed to help convey naturally occurring storm water runoff. It also provides inlets for water to travel to holding areas attempting to remove excessive water from streets and other areas.~~

~~“Sediment” shall mean solid material, both mineral and organic, that in suspension is being transported or has been moved from its site of origin by air, water, or gravity as a product of erosion.~~

~~“Sediment Control” shall mean measures that prevent eroded soil or other material from leaving the site.~~

~~“Site” shall mean a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil.~~

~~“Site Development Permit” shall mean a permit issued by the City of Bowling Green for the construction or alteration of ground improvements and structures for the control of erosion, runoff,~~

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~~and grading.~~

~~“Stabilization” shall mean the use of practices that prevent exposed soil from eroding or establishment of vegetative cover (80% coverage or better).~~

~~“Start of Construction” shall mean the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, 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.~~

~~“Storm Drainage System” shall mean drainage facilities by which storm water is collected and/or conveyed, including but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, drain wells, karst feature or other conveyance.~~

~~“Storm Water” shall mean any surface flow, runoff, ponding or drainage from any form of precipitation.~~

~~“Storm Water Management Plan (SWMP)” shall mean a plan that is based on hydrologic and hydraulic calculations to determine flood stage and required improvement to minimize impacts by development.~~

~~“Storm Water Pollution Prevention Plan (SWPPP)” shall mean a plan required by storm water regulations or permits that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. This is synonymous with the term “BMP Plan” used in the KYDOW General Permit.~~

~~“Temporary Protection” shall mean short-term stabilization of erosive sediment producing areas.~~

~~“Utility General Permit” shall mean the agreement between the MS4 Municipality and the~~

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~~local municipal separate storm sewer system utilities stating that Phase II regulations shall be applied and implemented.~~

~~“Vegetative Protection” shall mean stabilization of erosive or sediment producing areas by covering the soil with any of the following materials: permanent seeding for long term vegetative cover, short term seeding for temporary vegetative cover, sodding, producing areas covered with a turf of perennial sod-forming grass, tree planting, or other planting.~~

~~“Wastewater” shall mean any water or other liquid, other than naturally occurring storm water discharged from premises.~~

~~“Watercourse” shall mean any body of water or conveyance, including but not limited to lakes, ponds, rivers, creeks, streams, karst features, drainage basins or bodies of water delineated by the City of Bowling Green.~~

~~“Waterway” shall mean a channel that directs surface runoff to a watercourse or conveyance.~~

~~“Watershed” shall mean the land area from which surface runoff drains into a stream channel, system of stream channels or karst feature.~~

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21-2.03 Construction Site Stormwater Run-Off Control Management ~~Erosion Prevention and Sediment Control.~~

a. Purpose. The Clean Water Act, EPA and KYDOW established Phase II regulations and mandated Erosion Protection and Sediment Control (EPSC) procedures for construction in the Commonwealth of Kentucky. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers, ditches, sinkholes and drywells. Streets and roads with sediment deposits are slick and

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hazardous to the public. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat. The purpose of the following regulations is to safeguard persons, protect property and prevent damage to the environment. These regulations also promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth or land in the City. Any construction that involves the movement or excavation of soil shall be conducted in a manner as to prevent erosion off-site or into drainage structures. If deemed necessary by the City Engineer or Planning Commission's Engineer, an ~~Erosion Control Plan (ECP)~~ Prevention and Sediment Control Plan (EPSC) may be required.

b. Permits Required, Exceptions, Requirements and Fees. Permits are required to be obtained from the City of Bowling Green for all site construction projects and/or land disturbances as set out ~~hereinbelow~~ in the City of Bowling Green Stormwater Best Management Practices (BMP) Manual. The developer shall also coordinate with the KYDOW and the U.S. Army Corps of Engineers to determine whether permits are required from those agencies before construction begins. Each developer shall submit an application to the City on a form provided by the City. Each permit application shall include a statement that any land clearing, construction or development involving the movement of earth shall be in accordance with the EPSC Plan and that a certified contractor shall be responsible for implementing and maintaining all aspects of the plan. No permit shall be required from the City for emergency activity that is immediately necessary for the protection of life, property or natural resources or for existing nursery and agricultural operations conducted as a permitted main or accessory use. All permit applications shall include the appropriate erosion review and inspection permit fee of \$35.00 which is in addition to the fees required for all activities requiring a land excavation, grading, paving, swimming pool, building and all other types of construction permits required from the City and an erosion review and inspection permit fee of \$75.00 which is in addition

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to the fees required for all activities requiring a land excavation, grading, paving, swimming pool, building and all other types of related permits required from the City for construction permits requiring a NOI. The permits required to be obtained from the City and the items required for each permit type are: contained in the City of Bowling Green Stormwater BMP Manual.

~~1. — Plot Plan. Plot plans are required with improvements meeting the following criteria:~~

~~a) — Permanent structure greater than 750 square feet; and,~~
~~b) — Increased impervious less than 3400 square feet; and,~~
~~e) — Average drive slope does not exceed a twelve percent (12%) up slope or five percent (5%) down slope within 10 feet of back of sidewalk; or the average drive slope does not exceed a ten percent (10%) up slope or twelve percent (12%) down slope within 15 feet of back of curb or edge of pavement when no sidewalk is present or required.~~

~~d) — Site is not in a critical flood area.~~
~~e) — Items required to be submitted to the City with the plot plan are the items specified in the Bowling Green/Warren County Subdivision Regulations Appendix “E,” and standard EPSC notes as listed in the Bowling Green Storm Water Manual.~~

~~2. — Grading and Drainage Plan (GDP). GDPs are required for improvements meeting the following criteria:~~

~~a) — An increase in impervious area greater than 3400 square feet and site disturbance less than one acre and which is not part of a Storm Water Master Plan (SWMP); or,~~

~~b) — Construction is greater than 750 square feet and is less than 3400 square feet increase in impervious areas and lot slope exceeds limit; or,~~

~~e) — Construction is greater than 750 square feet and is less than a 3400 square feet increase in impervious areas, slope does not exceed limits and site is located in a critical flood area~~

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~~and is part of a master SWMP.~~

~~d) Items required to be submitted to the City with the grading and drainage plan are the items specified in the Bowling Green/Warren County Subdivision Regulations Appendix "E," including items identified as optional and standard erosion and sediment controls notes as listed in the Bowling Green Storm Water Manual.~~

~~3. Storm Water Management Plan (SWMP). SWMP is required with improvements that meet the following criteria:~~

~~a) Increase in impervious area by 3400 square feet; and,~~

~~b) Project is not part of a master SWMP or the project changes the scope of a previous SMWP.~~

~~e) Items required to be submitted to the City with the SWMP are the items specified in the Bowling Green/Warren County Subdivision Regulations Appendix "B."~~

~~4. KYDOW General Permit (KGP). KGP is required for improvements involving site disturbances greater than one (1) acre. Plans for grading, stripping, excavating and filling work shall be maintained on site throughout the duration of the work. The developer shall contact the City after EPSC measures have been installed to request a Preconstruction Inspection. The permit shall be issued and site construction may commence upon completion of the Preconstruction Inspection and approval of the EPSC measures. Items required to be submitted to the City are the EPSC plan and the NOI.~~

~~5. Utility General Permit. Utility companies shall apply for a general permit from the City for land disturbance operations. This permit shall be renewable every three (3) years.~~

c. Review and Issuance of Permit.

1. The City of Bowling Green will review each permit application to determine its conformance with the provisions of this Section. Approval indicates that minimum requirements or

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intent are met and does not imply a guarantee of performance. Based on the review of the permit application, the City of Bowling Green will:

a) Approve the permit application;

b) Approve the permit application subject to such conditions as may be necessary to meet the requirements/intent of the objectives of this Section, and issue the permit subject to these conditions; or,

c) Deny the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

2. The City of Bowling Green reserves the right to inspect the site prior to any construction activity in furtherance of the review process.

3. The City of Bowling Green's approval of the permit is for general compliance with local requirements and the KYDOW general permit. The designer is ultimately responsible for the details of design of the EPSC plan, with the property owner being responsible for implementation.

d. Right of Entry. The City of Bowling Green or its designated agent may enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports required by this Subchapter.

e. General Requirements for Construction Site Stormwater Run-Off Control Management. Requirements for the design, maintenance and a menu of Best Management Practices (BMPs) are located in the Construction Site Stormwater Run-Off Control section of the City of Bowling Green Stormwater BMP Manual. The regulations set forth in the City of Bowling Green Stormwater BMP Manual shall be the standard of practice for site construction within the City of Bowling Green.

~~d. Erosion Prevention and Sediment Control (EPSC) Plan.~~

~~1. The EPSC plan shall include the following:~~

~~a) A natural resources map identifying soil types, forest cover, topography,~~

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~~receiving stream and other natural features of concern. This map should be to scale equivalent to balance of submittal.~~

~~b) A schedule of events for the construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary EPSC measures and establishment of permanent vegetation.~~

~~e) All EPSC measures necessary shall be shown on the plan by location and referred to by a legend for all phases of construction. Depending upon the complexity of the project, the drafting of intermediate plans may be required for the close of winter season. Multiple EPSC plan sheets may be necessary to best convey requirements for each phase.~~

~~d) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and type and quantity of mulching for both temporary and permanent vegetative control measures.~~

~~e) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.~~

~~2. Modifications to the plan shall be processed and accepted or denied in the same manner as the review and issuance of the original permit application and may be authorized by the City of Bowling Green by written authorization to the permittee, and shall include:~~

~~a) Major amendments of the EPSC plan require an engineer's signature and shall be submitted to the City of Bowling Green for acceptance prior to completion.~~

~~b) Field modifications of a minor nature shall require an engineer's signature and shall be noted and dated on the EPSC record drawings and available for review and acceptance by the City of Bowling Green within 14 calendar days after changes have been made in the field.~~

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~~e. Design Requirements:~~

~~1. Any permitted land disturbance operation shall meet the design criteria set forth in the most recent version of the City of Bowling Green Storm Water Manual and shall be adequate to prevent erosion and control sediment from the site to the satisfaction of the City of Bowling Green. Cut and fill slopes shall be no greater than 3:1, except as approved by the City of Bowling Green to meet other community or environmental objectives.~~

~~2. Clearing and grading of natural resources such as forests and wetlands, and other natural features of concern shall not be permitted, except when in compliance with all sections of this Section as well as any other regional, state and federal regulation. Clearing techniques that retain natural vegetation, drainage patterns and buffers along streams as described by the City of Bowling Green Storm Water Manual shall be used to the satisfaction of the City of Bowling Green.~~

~~3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.~~

~~4. Phasing shall be required on all sites disturbing greater than 50 acres with the size of each phase to be established at plan review and as approved by the City of Bowling Green.~~

~~5. Erosion Prevention BMP requirements:~~

~~a) Soil stabilization shall be completed within fourteen days of final grade work. If an area is left inactive for twenty one days or more, the area shall have temporary stabilization.~~

~~b) If seeding or other vegetative erosion prevention methods are used, vegetation shall become established within three weeks. If a satisfactory stand of vegetation is not established, the City of Bowling Green may require the site to be reseeded or a non-vegetative option employed.~~

~~e) Special techniques such as rip rap, turf reinforcement, armoring, and other~~

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~~methods that meet the design criteria outlined in the City of Bowling Green Storm Water Manual on steep slopes or in drainage ways shall be used to ensure stabilization.~~

~~d) Soil stockpiles must be stabilized or covered and/or have sediment control measures in place to control sediment movement. Stockpiles shall have temporary vegetation established if it is going to be left 21 days or more.~~

~~e) During the winter months at the close of the Construction Season, when no construction is going on the entire site must be stabilized, using a heavy mulch layer or other methods that do not require germination to control sediment and prevent erosion.~~

~~f) Minimize clearing and grading to the smallest possible area. Preserve existing vegetation and trees to the maximum extent possible.~~

~~g) Areas to be left undisturbed during construction shall be noted clearly and delineated on the plans.~~

~~h) Vegetative buffer strips in combination with other perimeter controls shall be used for the protection of adjacent properties, watercourses, and rights of way.~~

~~i) Measures shall be implemented to control sedimentation deposits into drainage structures and features, receiving water bodies, natural karst features, roads, right-of-ways, and adjacent properties.~~

~~6. Sediment Control BMP requirements:~~

~~a) Dust control techniques shall be employed to prevent the blowing of dust by air movements during land disturbance, demolition, and other construction activities.~~

~~b) Diversion of upland runoff past disturbed slopes shall be implemented when necessary.~~

~~e) Settling basins, sediment traps, tanks and/or perimeter controls shall be implemented as required by the City of Bowling Green Storm Water Manual to control sediment.~~

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~~d) Effective debris and trash management shall be required.~~

~~7. Waterway, watercourse, ephemeral stream, and public storm drain protection requirements shall include the following:~~

~~a) A temporary stream crossing installed and approved by the Kentucky Division of Water, City of Bowling Green, and City County Planning Commission if a watercourse will be crossed regularly during construction.~~

~~b) Stabilization of the watercourse channel before, during and after any in-channel work.~~

~~e) Design of all on-site storm water conveyance channels in accordance with criteria outlined in the City of Bowling Green Storm Water Manual.~~

~~d) Stabilization adequate to prevent erosion located at the inlets and outlets of all pipes and paved channels.~~

~~8. Construction site access requirements designed to minimize the deposit of sediment or other materials on public streets and rights of way shall include:~~

~~a) Continuous access via a stabilized rock entrance, constructed in accordance with the City of Bowling Green Storm Water Manual.~~

~~b) A tire wash rack may also be required by the City of Bowling Green.~~

~~f. Inspection.~~

~~1. The City of Bowling Green or its designated agent shall make inspections as deemed necessary to ensure the EPSC measures are being properly implemented and maintained during construction. If minimum requirements for the EPSC are not met, the permittee shall be notified and enforcement actions shall be taken.~~

~~2. The permittee or his/her agent shall make regular inspections of all control measures to determine the overall effectiveness of the EPSC plan and the need for additional control~~

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~~measures. The frequency of these inspections shall be once every seven (7) calendar days and before and after storm events of a half-inch (1/2) of precipitation or more. All inspections shall be documented in written form and kept on the construction site. Reports should be available for the City, State or Federal Inspectors to review upon request during a site inspection.~~

~~3. The City of Bowling Green or its designated agent may enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports required by this subsection.~~

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21-2.05 Post Construction Water Quality.

~~a. The City of Bowling Green reserves the right to request a Water Quality Management Plan (WQMP) at the discretion of the City Engineer or designee based on potential storm water quality impacts. Such WQMP's shall call for best management practices (BMP's).~~

~~b. The property owner shall be responsible for the operation and maintenance of installed BMP's.~~

~~c. Design. All storm water BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure, while maintaining required function. The design performance requirement shall accommodate a 80% total suspended solid removal of particles from 2 mm (very coarse sand) to 0.125 mm (very fine sand). Additionally, BMPs shall be designed to remove targeted pollutants based on land use and typical pollutant for the land use.~~

~~d. Maintenance Agreements. Maintenance of all storm water quality devices shall require a formal maintenance agreement between the City of Bowling Green and property owner. This agreement shall be recorded in the Warren County Clerk's office prior to final plan approval. As part of the agreement, operation and maintenance shall be required sufficient to maintain proper function and water quality at the discharge point. The agreement shall also include requirements for periodic~~

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~~inspection to ensure proper performance of the facility between scheduled cleanouts. The property owner shall be required to pay a fifty dollar (\$50.00) fee to cover the City's administrative expenses including the cost of filing of the maintenance agreement.~~

~~e. Operations and Maintenance Requirements. Operation and maintenance of all storm water quality devices shall be the responsibility of the property owner. Operation shall include, but is not limited to, the following: start up, ensuring device is used for intended purpose and record keeping. Maintenance shall include, but is not limited to, cleaning, pumping, disposal and record keeping.~~

~~f. Inspection Requirements. The property owner or his/her agent shall be responsible for routine inspection of storm water infrastructure to ensure its proper operation and required maintenance activities occur.~~

~~g. Right of Entry. The City of Bowling Green and its agents shall have the right of entry to inspect, observe, test or perform any other related activity to the operation, maintenance, and function of the storm water infrastructure.~~

~~h. Records of Installation and Maintenance Activities. Parties responsible for the operation and maintenance of a storm water management facility shall maintain records of the installation and of all maintenance and repairs. These records shall be made available upon request by the City of Bowling Green during inspection of the facility and at other reasonable times upon request. Furthermore, an annual Water Quality BMP report shall be submitted to the City of Bowling Green for review. The report is subject to an audit as a performance validation measure.~~

a. Purpose. To fully comply with federally mandated stormwater regulations, the City is required to address runoff from post construction areas. Post construction stormwater management in areas undergoing new development or redevelopment is necessary because runoff from these areas has been shown to significantly affect receiving water bodies. Many studies indicate that prior planning and design for the minimization of pollutants in post construction stormwater discharges is the most

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cost effective approach to stormwater quality management.

b. Applicability. For construction meeting the criteria herein below, review and approval is required prior to commencement of construction:

1. Disturb more than one (1) acre.

2. Hotspot land uses as defined below:

a) Automotive fueling facilities;

b) Automotive maintenance and repair facilities;

c) Restaurants with grease collection and disposal; and,

d) Other land uses as determined to have a high potential of pollutant discharge

into the MS4 as determined by the City Engineer.

c. Review and Issuance of Permit.

1. For projects requiring post construction, plans shall be submitted as part of the application process (e.g. building permit, detailed development plan or subdivision). The plans shall conform to the design criteria set forth in the City of Bowling Green Stormwater BMP Manual. Based on the review of the permit application, the City of Bowling Green will:

a) Approve the permit application;

b) Approve the permit application subject to such conditions as may be necessary to meet the requirements/intents of the objectives of the Subchapter, and issue the permit subject to these conditions; or,

c) Deny the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

2. The City of Bowling Green reserves the right to inspect the site prior to any construction activity in furtherance of the review process.

3. The City of Bowling Green's approval of the permit is for general compliance

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with local requirements and the KYDOW general permit. The designer is ultimately responsible for the details of design, with the property owner being responsible for implementation.

d. Maintenance. The property owner shall be responsible for all maintenance and record keeping as detailed in the Maintenance Agreement set forth in the City of Bowling Green Stormwater BMP Manual.

e. Right of Entry. The City of Bowling Green and its agents shall have right of entry to inspect, observe, test or perform any related activity to the operation, maintenance and function of the stormwater infrastructure.

f. General Requirements for Post Construction Stormwater Control. Requirements for design, maintenance and a menu of BMPs are located in the Post Construction section of the City of Bowling Green Stormwater BMP Manual. The regulations set forth in the City of Bowling Green Stormwater BMP Manual shall be the standard practice for post construction compliance in the City of Bowling Green.

...

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on _____, 2007, and given final reading on _____, 2007, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

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ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 07/18/2007, 7:30 a.m.