

UNITED STATES OF AMERICA  
STATE OF LOUISIANA  
PARISH OF ASCENSION

**ORDINANCE**

**TO AMEND THE ASCENSION PARISH CODE OF ORDINANCES,  
CHAPTER 18, POLITICAL SUBDIVISIONS – AUTONOMOUS BOARDS,  
COMMISSIONS AND AUTHORITIES**

**PURPOSE:** To amend the Ascension Parish Code of Ordinances, Chapter 18 Political Subdivisions, Autonomous Boards, Commissions and Authorities, Article XI. – Consolidated Utilities Districts, Division 2. General Sewage Ordinance, Subdivision 2. General Prohibitions, to add Section 18-116.11 – Storm Water Management

**WHEREAS:** Ascension Parish is a local governmental subdivision as defined by Article VI, Section 44 of the Louisiana Constitution of 1974, and

**WHEREAS:** Parish of Ascension is the governing and responsible body over Political Subdivisions – Autonomous Boards, Commissions and Authorities, and

**WHEREAS:** The Ascension Parish Code of Ordinances, Chapter 18, Division 2., General Sewage Ordinance, was adopted on November 6, 2014.

**NOW THEREFORE, BE IT ORDAINED** by the Ascension Parish Governing Authority that the Code of Ordinances of Ascension Parish, Chapter 18, Political Subdivisions, Autonomous Boards, Commissions and Authorities, Article XI. – Consolidated Utilities Districts, Division 2. General Sewage Ordinance, Subdivision 2. General Prohibitions, be amended to add Section 18-116.11 – Storm Water Management, as more fully described in Exhibit A attached hereto and made a part hereof.

**EFFECTIVE DATE:** This ordinance shall be in full effect as permitted by law.

This ordinance having been submitted to a vote, the vote thereon was as follows:

Yeas: Alvin Thomas, Joel Robert, Travis Turner, Dempsey Lambert, Teri Casso, Chase Melancon,  
Dal Waguespack, John Cagnolatti, Michael Mason

Nays: None

Not Voting: None

Absent: Corey Orgeron, Aaron Lawler

This ordinance was passed on this 4<sup>th</sup> day of November, 2021.

/Cinnamon McKey  
Secretary

/s/ Clint Cointment  
Parish President

(Exhibit A can be viewed upon request in the Ascension Parish Council Secretary's Office)

### **EXHIBIT A**

(Deletions are in ~~striketrough~~, additions are underlined.)

## **Section 18-116.11 - STORMWATER MANAGEMENT**

### **1. PURPOSE/INTENT**

The purposes and objectives of this Ordinance are to provide for the health, safety and general welfare of the citizens of Ascension Parish by establishing policies and procedures for the permitting, monitoring, and/or enforcement regarding Illicit Discharge Detection and Elimination, Construction Site Runoff Control, and Post-Construction Runoff Control. In doing so, the ordinance will allow the Parish to:

- a. Comply with the Ascension Parish MS4 Permit, as well as all federal, state, and local regulations applicable to stormwater and non-stormwater discharges.
- b. Manage stormwater impacts at their source and prevent contaminated stormwater and non-stormwater discharges into the MS4, drainage infrastructure, conveyances, and waterways within the Parish.
- c. Provide for proper operations and maintenance of all permanent and non-permanent stormwater management BMPs that are implemented within the Parish.
- d. Provide review procedures and performance standards for stormwater planning and

management.

e. Facilitate compliance with federal and state water quality standards, limitations, and permits by owners and operators of commercial and industrial activities and construction sites within the Parish.

f. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

## **2. DEFINITIONS**

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

*Ascension Parish Stormwater Manager.* The Director of the Stormwater program and/or his/her designee for the Parish of Ascension

*Authorized Enforcement Agency:* employees or designees of the director of the Parish agency designated to enforce this ordinance.

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

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

*Construction Activity.* Any and all activities subject to LPDES construction permits. LPDES stormwater phase II permits will be required for 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.

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

*Illegal Discharge.* Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

*Illicit Connections.* An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

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

*Louisiana Pollutant Discharge Elimination System (LPDES).* stormwater discharge permit means a permit issued by the State of Louisiana, under authority delegated pursuant to 33 USC § 1342(b), that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Municipal separate storm sewer system (MS4)* The roadside drainage systems, catch basins, curbs, gutters, ditches, manmade channels, or storm drains used for collecting and/or conveying stormwater in the parish.

*National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:* Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Non-Storm Water Discharge.* Any discharge to the storm drain system that is not composed entirely of storm water.

*Person.* means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

*Parish.* shall mean Ascension Parish in the State of Louisiana

*Pollutant.* Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution;

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 malodorous matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly or privately-owned 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, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

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

### **3. APPLICABILITY**

This ordinance shall apply to all water entering the storm drain system, including any conduits, ditches, streams, bayous and/or waterways within Ascension Parish, generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### **4. RESPONSIBILITY FOR ADMINISTRATION**

The Ascension Parish Government's Stormwater manager and/or his/her designee shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

### **5. SEVERABILITY**

The provisions of this ordinance are hereby declared severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or

circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

## **6. ULTIMATE RESPONSIBILITY**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

## **7. DISCHARGE PROHIBITIONS**

### **7.1 Prohibition of Illegal Discharges**

a. No entity shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

b. No person shall connect an interior drain or any other source of wastewater to the MS4, drainage infrastructure, conveyances, or waterways of the Parish, or allow such a connection to continue.

c. Any person that causes a spill, release, or other discharge of a prohibited substance or other pollutant in the Parish is solely responsible for the cleanup and removal of the substance. Where the person that caused the spill, release, or discharge to the Parish is unknown, the owner of the property on which the spill, release, or discharge occurred is responsible for the cleanup or removal of the substance at his or her own expense.

d. Sanitary sewer overflows to the MS4, drainage infrastructure, conveyances, or waterways of the Parish shall be prevented. In the event of an overflow the owner, operator, or person otherwise having control of the sanitary sewer, shall remove all sewage to the maximum extent practical.

e. Items that are stored for collection, disposal, recycling or reuse shall be stored in a manner that prevents contamination of stormwater. Drums shall be covered and/or in secondary containment where required, closed, not leaking, and in good condition.

f. Spills and leaks of hazardous substances or pollutants shall be cleaned up immediately after the spill occurs or the leak is detected. Any absorbent material used for clean-up must be disposed of properly and disposed of in accordance with solid waste regulations. Surface soil contaminated by the spill or leak must be removed or otherwise protected from contact with stormwater.

g. Drip pans, absorbent mats, or equivalent controls shall be used to collect and properly dispose of leaking fluids from motor vehicles that are parked outside during maintenance and repairs or

while waiting for repairs at commercial repair facilities.

h. Used engines, transmissions, radiators, and other vehicle components that have automotive fluids in, or on them, shall be stored in a manner that prevents pollutants from contaminating stormwater runoff.

i. Any person or establishment that causes a spill, release, or other discharge of any prohibited substance or other pollutant to the MS4, drainage infrastructure, conveyances, or waterways of the Parish is solely responsible for notifying the appropriate agency and/or permit authorities of the unauthorized release.

j. Trash, litter, grass clippings, leaves, and other debris shall not be discarded in drainage ditches or drainage inlets. Such material shall be disposed of as solid waste and shall not be allowed to enter the MS4, drainage infrastructure, conveyances, or waterways of the Parish.

k. No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4, drainage infrastructure, conveyances, or waterways of the Parish: Examples include but are not limited to the following:

1. Any used motor oil, antifreeze, hydraulic fluid, fuel, or other motor vehicle fluid;

2. Any industrial or hazardous waste, including household hazardous waste;

3. Any untreated sanitary sewage or septic tank waste;

4. Any grease trap waste, or grit trap waste;

5. Any trash or other debris material;

6. Any untreated wastewater from a commercial car wash facility; or from any washing or cleaning of any commercial or public service vehicle, including heavy equipment;

7. Any contaminated wastewater or wash water from commercial cleaning, power, or pressure wash processes or wash racks;

8. Any wastewater from the clean-up following a release of hazardous waste or pollutants;

9. Any discharge from a commercial or industrial cooling tower, condenser, compressor, or boiler unless the discharge is in compliance with an LPDES or NPDES permit;

10. Any concrete, mortar, ceramic, or asphalt base material;

11. Any discharge or wash down water from a commercial animal, fowl, or livestock containment area;

12. Any unpermitted stormwater discharge associated with a commercial or industrial activity;

13. Any substance or material that will damage, block, or clog the MS4, drainage infrastructure, conveyances, or waterways of the Parish;

14. Any construction debris or other waste building material resulting from construction or demolition;

15. Any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, filling, or other construction activities;

16. Any direct discharge of pesticide, herbicide, and/or fertilizer;

17. Any discharge that causes or contributes to a violation of a water quality standard.

18. The following restrictions apply to discharges associated with discharges from pools, hot tubs, spas, and filter backwash, which is a rinsate resulting from the cleaning of equipment, vehicles, tools, containers, cartridges, filters, etc.:

a. For uncontaminated discharge that cannot be retained on site for irrigation or other uses, a gradual, metered discharge is required;

b. Discharge shall be dechlorinated with no detectable concentration of Total Residual Chlorine, prior to discharge;

c. Discharge shall not drain or back-up onto adjacent properties;

d. Discharge shall not cause erosion or sediment transport;

e. Discharge shall not cause an accumulation of water in roadways or along curbs and shall not cause adverse impacts to drainage infrastructure, waterways, roadways, or adjacent properties

#### 7.2 Exceptions to Discharge Prohibitions

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

a. The following discharges are exempt from discharge prohibitions established by this ordinance:

1. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.



2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

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

4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

### 7.3 Prohibition of Illicit Connections

a. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

c. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

## **8. SUSPENSION OF MS4 ACCESS**

### 8.1 Suspension due to Illicit Discharges in Emergency Situations

The Ascension Parish Government's Stormwater manager and/or his/her designee, may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

### 8.2 Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The

violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

## **9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

Any person applying for a building permit or land clearing permit, as described in Section 9.3 of this ordinance and on the parish website under Planning and Development/Stormwater, for a project involving the disturbance of one acre or more, or that is part of a development involving the disturbance of one acre or more, shall certify that (a) a site specific SWPPP has been developed for the site and any land clearing, grading, excavation, or other land disturbance activities at the site shall be in accordance with such SWPPP, and (b) all state LPDES permit requirements related to stormwater discharges associated with construction activities will be met. Refer to current specific LPDES permit for site applicability and other requirements.

### **9.1 Discharges from Construction Activities**

a. No development shall degrade water quality, adversely affect the MS4, drainage infrastructure, conveyances, or waterways.

b. All construction projects involving site work of any kind, including but not limited to subdivision development, minor subdivision development, residential construction, commercial construction, and roadway construction shall comply with the stormwater requirements of this ordinance.

c. All appropriate Parish permits shall be obtained before the commencement of construction.

d. All operators of construction sites shall use appropriate BMPs to control discharge to waterways and conveyances of the Parish. Pollutants such as silt, sediment, mud, clay, and other construction contaminant materials associated with site work of any kind shall be controlled to the maximum extent practical.

e. The land developer shall pay all costs associated with the installation of drainage systems within any tract of land being exploited by said developer. These costs shall include those associated with any existing system or systems which must be modified to provide sufficient drainage for the tract of land being developed, including any modifications required to protect from flooding any abutting land affected by the installation of a drainage system to serve the new subdivision.

#### **9.1.1 Construction Activity Requirements**

The following requirements shall be implemented and maintained during the course of

construction activities:

a. Existing vegetation shall be preserved, where feasible, and disturbed portions of the site shall be stabilized immediately upon the temporary or permanent cessation of construction activities. In no case shall disturbed soil remain destabilized for more than 14 days after cessation of any construction activity.

b. Structural BMPs shall be utilized, where feasible, to divert flow away from exposed soil, store stormwater, or otherwise reduce runoff and the discharge of pollutants from the construction site.

c. Installation, inspection, and maintenance of erosion and sediment BMPs shall be consistent with the effective operating conditions on the site. Operators are responsible for the installation and maintenance of stormwater BMPs until warranty obligations are met and/or occupancy certificates are issued.

1. As required by LDEQ permits, operators shall be responsible for overseeing self-inspections of all BMPs at construction sites as noted in the LDEQ permit.

2. Based on the results of the inspections, BMPs shall be maintained, revised, repaired, or replaced as necessary but prior to a future storm event.

3. The SWPPP or Stormwater Site Plan shall be updated with any BMP revisions.

4. Any BMP modifications shall be recorded in the SWPPP and/or Stormwater Site Plan within (7) calendar days and implemented on site as soon as is practical.

5. The owner, contractor, and/or operator of a construction site is responsible for compliance with the requirements of this ordinance.

6. Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing any best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the parish to violate a water quality standard or the parish's LPDES permit for discharges from the MS4.

7. The Parish may hold occupancy certificates related to a site until approval of the final stormwater inspection with a determination that any required stormwater controls are in place.

8. Upon final stabilization of the construction site, the owner, or the owner's duly authorized representative, shall submit written certification to the parish that the site has been finally stabilized. The parish may withhold an occupancy or use permit for any premises constructed on

the site until certification of final stabilization has been filed and the parish has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

d. The SWPPP, which shall include the Stormwater Site Plan, and stormwater self-inspection and BMP maintenance reports shall be available on site for inspections.

1. In accordance with LDEQ requirements, an NOI and SWPPP is required for large construction projects on 5 or more acres. This requirement includes any lot or parcel that is part of a larger common plan of development.

2. In accordance with LDEQ requirements, a SWPPP is required (but not an NOI) for all construction projects 1 acre or greater, but less than 5 acres, if not part of a larger common plan of development.

e. A stabilized construction entrance/exit pad shall be utilized to minimize the tracking of mud, clay, sediment, and other construction materials onto roadways and streets.

f. The discharge of construction or building materials, including cement, concrete, lime, mortar, slurries, and paints is prohibited. On-site containment or off-site disposal is required.

g. Good housekeeping measures, such as covered storage, storm drain protection, secondary containment, etc., shall be employed to prevent, contain, and clean up spills of paints, solvents, fuel, sewage, and any hazardous substances and pollutants associated with construction.

h. Proper waste disposal, such as covered waste containers and concrete disposal bins, shall be employed to manage construction materials, construction debris, paints, solvents, chemicals and construction waste, etc. shall be utilized to prevent stormwater contamination.

i. On phased subdivision developments, site disturbance shall be phased, when applicable, to limit soil erosion and sediment excursion. Final stabilization shall be accomplished prior to commencement of the next phase of development.

j. Other sediment and stormwater related control measures as appropriate and ordered by the Ascension Parish Stormwater Manager and his/her designee.

9.1.2 Erosion and Sediment Control Plan (see Appendix V-Drainage, Paragraph 17-509 of the Unified Land Development Code)

a. The erosion and sediment control plan shall include the following:

1. A natural resources map identifying soils, forest cover, and resources protected under other chapters of this Code.

2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure and buildings and 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 erosion and sediment control measures, and establishment of permanent vegetation.

3. All erosion and sediment control measures necessary to meet the objectives of this regulation throughout all phases of construction and after completion of site development. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

4. 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.

5. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

b. Modifications to the plan shall be processed and approved or disapproved in the same manner as section 17-502, may be authorized the Parish by written authorization to the permittee, and shall include:

1. Major amendments of the erosion and sediment control plan submitted to the parish.

2. Field modifications of a minor nature.

#### 9.2 Post Construction Stormwater Requirements

Permanent Stormwater BMPs shall include both structural and non-structural BMPs.

a. Structural BMPS shall include, but are not limited to, retention/detention ponds, stormwater diversion structures, and filtration devices.

1. Erosion, sedimentation, and pollutants shall be controlled after completion of the development process in accordance with the BMPs for Louisiana Coastal Zone manuals and/or current LDEQ and EPA guidelines for structural BMPs.

2. Structural stormwater controls for residential and commercial development shall continue to meet the performance standards as stipulated in the original design and approved by the Parish in accordance with this ordinance.

b. Non-structural BMPs may include, but are not limited to buffer zones, riparian buffers, and/or green space. Non-structural BMPs such as buffer zones, riparian buffers, and green space areas

shall be established in accordance with all applicable state, federal, and local requirements to prevent water quality impacts to waterways and wetlands.

### 9.3 Land Clearing Permit

Persons engaging in construction activities that result in the disturbance of one acre or more, or that are part of a development involving the disturbance of one acre or more, that are not required to obtain a building permit but intend to perform clearing, grading, excavation, and/or land disturbance activities on one or more acres, shall (a) obtain a land clearing permit from the planning and zoning department prior to the commencement of such activities, and (b) comply with section 17-509, unless otherwise exempt under section 9.3.1. The land clearing permit application may require the submittal of such site, drainage, grading, and erosion plans as deemed necessary by the department of planning and zoning. A land clearing permit is required for the following nonexclusive activities:

1. Clearing, grading, excavating, cutting, filling, draining, or paving of lots, parcels, or other areas;
2. Altering, rerouting, deepening, widening, obstructing, or changing in any way an existing drainage system or feature;
3. Development for residential, commercial, institutional, industrial (if applicable), utility or other activities; and
4. Commencing any other development or excavation which may significantly increase or decrease the rate and/or quantity of surface water runoff, degrade the quality of waters of the state or adversely affect any sinkhole, water course, or water body.

Each application for a land clearing permit shall include 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. The land clearing permit is valid for a period of one year from the date of issuance, subject to extension by the department of planning and zoning.

#### 9.3.1 Exemptions to Land Clearing Permit Requirement

The following described activities shall not require a land clearing permit in order to perform clearing, excavation, and/or land disturbance activities:

1. Utility or public works improvements.
2. Excavation in connection with a building, swimming pool, retaining wall, or other structure authorized by a valid building permit;

3. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

4. Septic repair and/or alteration.

5. Cemetery graves.

6. Temporary stockpiling or storing of materials provided that such operations do not affect adjacent properties.

7. Accepted agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations, tree cutting, logging operations leaving the stump and root mat intact, and cultivated sod operation.

8. Minor landscaping and sprinkler installation.

#### 9.3.2 Land Clearing Permit Fees

The fee for the land clearing permit is intended to assist the parish in recovering some of the expenses associated with the permitting process. These costs consist primarily of administration, inspection, and enforcement activities and shall be approved and set by the parish council. The fee schedule for land clearing permits is as follows:

Areas equal to one acre: \$150.00

Areas greater than one acre: \$150.00, plus \$50.00 per additional acre or portion thereof.

#### 9.4 Dirt Pits and Ponds Permit

##### 9.4.1 Construction, operation or expansion of dirt pits and ponds require a permit

a. All dirt pits and/or ponds sought to be constructed within Ascension Parish, Louisiana, shall be required to submit an application to the Parish Permit Office and pay the fee set for this permit by the Ascension Parish Government section 9.4.9 herein. No new excavation shall begin until a permit is issued.

b. The permit application required by this ordinance shall require the following information, to wit:

1. The landowner or landowners' full names, physical and mailing address and telephone number.

2. The property description for the location of the dirt pit and/or pond.

3. The official name or designation of the roadway providing access to the site of the dirt pit and/or pond.

4. The anticipated size of the dirt pit and/or pond including both its anticipated depth and surface area.

5. The anticipated starting date for operations and the anticipated completion date for operations and the site.

6. The contractor/miner/excavator's complete name. If the contractor/miner/excavator is a partnership, corporation or limited liability company, there shall be included with the application the names of each owner, stockholder, partner and/or member except in the case of publicly traded stock corporations. Along with each name, there shall also be included the contractor, miner, excavator and in the case of a partnership, corporation or limited liability company, the owner, stockholder, partner and/or member's physical and mailing address and telephone number.

#### 9.4.2 Permit Posting

The original permit or a copy thereof must be posted by the applicant at the entrance site of the dirt pit and/or pond where the applicant accesses the site from a public roadway.

#### 9.4.3 Damage to public roads

a. The dirt pit and/or pond's landowners and the contractor/miner/excavator shall be jointly, severally and in solido, responsible for obtaining and constructing access onto a public roadway. If the public roadway is surfaced, there must be an apron connecting the applicant's private roadway to the public roadway constructed in a manner that will prevent damage to the roadway. Any damages to the public roadway at this entrance shall be paid for by the landowner and/or the contractor/miner/excavator, jointly and severally.

b. The contractor/miner/excavator shall be responsible to make sure operations at the dirt pit/pond construction do not impact road safety and to remove any dirt or clay that is spilled or tracked onto the public roadway.

#### 9.4.4 Notification of change in ownership

If at any time there is a change in ownership as to the landowner and/or the contractor/miner/excavator, the current owner shall notify new owner of this article.

#### 9.4.5 Permit holder to provide access to parish inspectors

As a condition of the granting of a permit to undertake dirt pit/pond operations, the applicant and the landowner shall grant to the parish government's inspectors and/or compliance officers complete access to the site for regular inspections, compliance enforcement, posting violation and issuing "STOP WORK" orders at all reasonable times.

#### 9.4.6 Compliance enforcement

In the event that the permit holder/holders fail to comply with the requirements of this article the



Ascension Parish Government, in addition to any other remedies provided for herein or by other general law, shall be entitled to “STOP ALL WORK” at the site and suspend the dirt pit/pond operations permit.

#### 9.4.7 Special regulations

a. Requirements for ponds of one acre or less in area on a single-family residential home site. An application shall be submitted and fees paid in order to obtain an permit. The pond must be dug in a manner that will allow for it to hold water. For safety reasons, the edge of the pond shall be sloped at a minimum ratio of 3:1. The edge of the pond can be no closer than 30 feet from a neighboring property line. During construction of the one acre or less size pond, if legitimate complaints arise, the parish government may require watering in order to control dust.

b. Requirements for dirt pits and/or ponds more than one acre but no more than five acres in area. An application shall be submitted along with the items set forth herein below in this paragraph before a permit may be issued pursuant to this article. The applicant must present a plan for access to a state highway or to a parish roadway. A water truck may be required to control dust. If the site is constructed with the intention to create a pond, such pond shall be constructed in a manner that will allow it to hold water and at the completion of the job, for safety reasons, the edges of the pond shall be sloped at a minimum ratio of 3:1. The edge of any such dirt pit and/or pond can be no closer than 30 feet from a neighboring property line. Furthermore, to protect neighboring properties from damages to water wells, sewer systems and foundations, no such dirt pit or pond shall be located any closer than 200 feet from a neighboring property owner’s existing residential house structure. If at any time the pit becomes abandoned, there shall be no pool of water or pond unless the edges of the pool or pond are sloped at a minimum ration of 3:1. A permit for this size operation shall be for a one-year term and must be renewed yearly thereafter during the operation. Prior to expanding the site to include excavation of more than five acres, the contractor/miner/excavator must apply for and obtain the permit required by subsection © of this section.

c. Requirements for dirt pits and/or ponds more than five acres in area. This will be considered as a commercial site and as such, the permit application must be reviewed and recommended for approval by the permit office, reviewed and recommended for approval by the Ascension Parish Director of Planning and Zoning and then and only then be submitted to the Ascension Parish Council for final approval of the permit, by resolution and which approval shall not be

unreasonably withheld. Prior to placing this permit application on the Ascension Parish Councilagenda, the applicant shall first have written approval from the building official and from the Ascension Parish Director of Planning and Zoning. Once a permit is issued, the following requirements must be upheld. A water truck must be maintained on the site and must be used daily to control dust except in the event of substantial periods of rain. If the site is constructed with the intention to create a pond, at completion of the job, such pond shall be constructed in a manner that will allow it to hold water and for safety reasons, the edges of the pond shall be sloped at a minimum ratio of 3:1. At all times, the edges of any such dirt pit and/or pond can be no closer than 30 feet from a neighboring property line. Furthermore, to protect neighboring properties from damages to water wells, sewer systems and foundations, no such dirt pit or pond shall be located any closer than 200 feet from a neighboring property owner's existing residential house structure. If at any time the pit becomes abandoned, there shall be no pool of water or pond unless the edges of the pool or pond are sloped at a minimum ration of 3:1. A permit for this size operation shall be for a one-year term and must be renewed yearly thereafter during the operation of the dirt pit. In addition to the other requirements for a permit, the applicant shall also submit along with the permit application the following, to-wit:

1. Site plan that includes the legal description and survey of the entire property
2. A diagram of the proposed dirt pit or pond at completion
3. A letter of approval from the Ascension Parish Director of Planning and Zoning
4. A letter of approval from the Ascension Parish Building Official
5. A resolution of the Ascension Parish Council granting the permit

#### 9.4.8 Existing dirt pits and/or ponds

Dirt pits that are currently operating, meaning dirt has been removed from the site for commercial purposes, as of the effective date of this chapter, will be exempt from all requirements of this article, excepting that these existing sites shall be required to submit an application to the permit office and receive an exempt permit. This exempt permit shall be kept on site. The application shall contain the following information: Name of landowner, mailing address and phone number, name and phone number of contractor/excavators, location of pit (access road), total acreage of site (total on deed, even if plans do not include the use of all acreage), and total anticipated size of pit. This information will be for permit office use only, but will be available to the public as required by law.

#### 9.4.9 Permit Fees

Permit fees are set by the parish government as follows:

- a. For ponds of one acre or less on a single residential home site; the permit fee shall be set at a one-time fee of \$50.00.
- b. For dirt pits and/or ponds more than one acre but no more than five acres; the permit fee shall be \$100.00 per year during each year of operations or construction.
- c. For dirt pits and/or ponds more than five acres; the permit fee shall be \$20.00 per acre (total proposed acres on plan), per year during each year of operation of construction.

### **10. MONITORING OF DISCHARGES**

#### 10.1 Applicability

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

#### 10.2 Access to Facilities

- a. The Ascension Parish Government Stormwater Manager and/or his/her designee shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- b. Facility operators shall allow the Ascension Parish Government Stormwater Manager and/or his/her designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c. The Ascension Parish Government Stormwater Manager and/or his/her designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- d. The Ascension Parish Government Stormwater Manager and/or his/her designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by

the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Ascension Parish Government Stormwater Manager and/or his/her designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.

f. Unreasonable delays in allowing the Ascension Parish Government Stormwater Manager and/or his/her designee access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

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

## **11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

The Stormwater Program Manager or his/her designee may adopt requirements identifying best management practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the state. The owner or operator of a commercial or industrial establishment within the Parish shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the state through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge or that has an illicit connection may be required to implement, at such person's sole expense, additional structural and non-structural BMPs to properly address such illicit discharge and/or illicit connection. Any BMPs adopted by the stormwater manager or his designee pursuant to this

section shall be incorporated in any stormwater pollution prevention plan developed by a discharger within the parish in order to comply with the requirements of any applicable LPDES permit issued to such discharger.

## **12. WATERCOURSE PROTECTION**

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

## **13. NOTIFICATION OF SPILLS**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or other waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. 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.

In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Ascension Parish Government Stormwater Manager and/or his/her designee within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for a minimum of three years.

## **14. STORMWATER MANAGEMENT ACCOUNT**

All funds collected pursuant to this Ordinance shall be deposited into the Stormwater Management Account to be used for the purposes of enforcement, maintenance and other such uses as deemed appropriate by the Stormwater Manager. The funds of the Stormwater Management Account shall not be commingled with other funds of the Parish of Ascension.

## **15. ENFORCEMENT**

### **15.1 Notice of Violation**

Whenever the Ascension Parish Government Stormwater Manager and/or his/her designee finds that a person, business or corporate entity has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written Notice of Violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- e. Payment of a fine to cover administrative and remediation costs; and
- f. The implementation of source control or treatment BMPs.

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

### **15.2 Appeal of Notice of Violation**

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within fifteen (15) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the Parish authority or their designee shall be final.

### **15.3 Enforcement Measures after Notice of Violation/Appeal**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within fifteen (15) days of the decision of the Parish authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow

the government agency or designated contractor to enter upon the premises for the purposes setforth above.

#### **15.4 Cost of Abatement of the Violation**

Within fifteen (15) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within fifteen (15) days. If the amount due is not paid within a timely manner as determined by the decision of the Parish authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the Parish by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 5% percent per annum shall be assessed on the balance beginning on the 15th day following the notice of the violation.

#### **16. INJUNCTIVE RELIEF**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### **17. COMPENSATORY ACTION**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, waterway cleanup, etc.

#### **18. VIOLATIONS DEEMED A PUBLIC NUISANCE**

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

#### **19. CRIMINAL PROSECUTION**

It shall be unlawful for any person to violate or fail to comply with any provisions of this code and

any such person in violation of any provisions of this ordinance shall be punishable by a fine of \$500.00 dollars per violation per day or imprisonment for a period of time not to exceed 30 days or both such fine and imprisonment within the discretion of the court.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

## **20. CITIZEN PARTICIPATION**

All citizens are encouraged to report to the parish any spills, releases, illicit discharges, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the state, and any other violation of this article of which they become aware. All citizen reports received by telephone, in writing, and in person will be kept on file for a period of three years. When necessary, complaints will be referred to any appropriate local, state, or federal agencies.

## **21. REMEDIES NOT EXCLUSIVE**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

*ADMINISTRATIVE COMMENT: As a designated Small Municipal Separate Storm Sewer System (MS4), Ascension Parish is required by DEQ to have an ordinance in place that addresses three specific minimum control measures aimed at improving water quality: Illicit Discharge Detection and Elimination, Construction Site Runoff Control, and Post-Construction Runoff Control. The ordinance addresses each of these measures by establishing requirements and permitting procedures related to stormwater and non-stormwater discharges.*