



Rainbow City MS4

STORM WATER MANAGEMENT PROGRAM PLAN

APRIL 2022



Rainbow City, Etowah County, Alabama
NPDES Permit No. ALR040056



Prepared by
S&ME, Inc.



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1.0 Introduction

S&ME, Inc. has prepared this Storm Water Management Program Plan (SWMPP) for the Rainbow City, Alabama Urbanized Area Phase II Small Municipal Separate Storm Sewer System in accordance with S&ME Proposal No. 215660E, dated June 14, 2021.

The SWMPP is required by Part III of the Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) General Permit ALR040000 for discharges from regulated small municipal separate storm sewer systems (MS4).

1.1 Permit History

The Storm Water Phase II Final Rule issued by the United States Environmental Protection Agency (USEPA) in 1999 requires nationwide coverage of all operators of small MS4s located within the boundaries of an “urbanized area” as defined by the latest decennial Census. Based on the results of the 2010 census, the Bureau of the Census designated the *Gadsden, Alabama Urbanized Area* to include the City of Attalla, the City of Gadsden, the City of Glencoe, the City of Hokes Bluff, City of Rainbow City, the City of Southside, and portions of unincorporated Etowah County. A map outlining the approximate boundary of the 2010 *Gadsden, Alabama Urbanized Area* is included in **Appendix A** as **Figure 1**. Revised urbanized area boundaries based on the 2020 Census were not available as of April 1, 2022.

The City of Attalla, the City of Gadsden, the City of Glencoe, the City of Hokes Bluff, City of Rainbow City, the City of Southside, and Etowah County initially applied for and received a NPDES MS4 Phase II General Permit from ADEM in 2003, with the seven entities as co-permittees under authorization number ALR040009. The five-year permit expired on March 9, 2008. A Notice of Intent for renewal of the permit was submitted 180 days prior to expiration and permit coverage was administratively continued until the re-issuance of the MS4 Phase II General Permit with an effective date of February 1, 2011.

The 2011 permit expired on February 1, 2016. A Notice of Intent for renewal of the permit was submitted by each entity 180 days prior to expiration; therefore, the permit coverage was extended until the re-issuance of the MS4 Phase II General Permit in September. To assist in compliance tracking, the Gadsden-Etowah MS4 entities were each issued a separate permit, although the entities agreed to continue under a joint SWMPP and monitoring plan. The Rainbow City MS4 was authorized to discharge under authorization number ALR040056 with an effective date of October 1, 2016.

The 2016 permit expired on September 30, 2021. A Notice of Intent for renewal of the permit was submitted 180 days prior to expiration, and the MS4 Phase II General Permit was re-issued with an effective date of October 1, 2021. The current permit will expire on September 30, 2026. Under the new permitting system, the City of Rainbow City was required to prepare a separate SWMPP detailing the individual actions taken by the City to comply with the 2021 permit, as well as the joint activities shared with the remaining Gadsden-Etowah MS4 entities.

A copy of the NPDES General Permit is included in **Appendix B**.



1.2 Storm Sewer System

A Municipal Separate Storm Sewer System (MS4) is defined by 40 CFR Part 122.26(b)(8) to be a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is:

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying storm water;
- (iii) Not a combined sewer; and,
- (iv) Not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

1.3 Rainbow City MS4 Area

The Rainbow City Municipal Separate Storm Sewer System (Rainbow City MS4) is defined as the area within both the city limits and the urbanized area boundary. As defined by the 2010 Census, the *Gadsden, Alabama Urbanized Area* encompasses approximately 74.8 square miles. The Rainbow City MS4 comprises approximately 7.6 square miles (10.2%) of the 2010 *Gadsden, Alabama Urbanized Area*. Approximately 29.7% of the city is located within the MS4 boundary. A map depicting the Rainbow City urbanized area and city limits is located in **Appendix A** as **Figure 2**.

At the 2010 Census, Rainbow City had a total population of 9,602. The 2020 Census data has a total population of 10,191. Revised urbanized area boundaries based on the 2020 Census were not available as of April 1, 2022.

1.4 Hydrologic Units in the Urbanized Area

Neely Henry Lake (Coosa River) is the primary receiving water for the Rainbow City MS4. Hydrologic Hierarchy, Watersheds, and Subwatersheds are provided in the tables below.

Table 1-1 Hydrologic Hierarchy

| Type | Code | Name |
|-----------|---------|---|
| REGION | 03 | South Atlantic-Gulf |
| SUBREGION | 03-15 | Alabama River Basin |
| BASIN | 0315-01 | Coosa-Tallapoosa: Above the confluence of and including the Coosa and Tallapoosa River Basins |



| Type | Code | Name |
|----------|-----------|--------------|
| SUBBASIN | 031501-06 | Middle Coosa |

Table 1-2 Watersheds in the MS4 Area

| Watershed | 10 Digit HUC |
|-----------------------------|--------------|
| Big Wills Creek | 03150106-01 |
| Big Canoe Creek-Coosa River | 03150106-03 |

Table 1-3 Subwatersheds in the Rainbow City MS4 Area

| Subwatershed | 12 Digit HUC | Total Area (Acres) | Area within Rainbow City MS4 (Acres) |
|---------------------------------|----------------|--------------------|--------------------------------------|
| Horton Creek | 03150106-01-08 | 16,902 | 3,225 |
| Lower Big Canoe Creek | 03150106-03-06 | 33,307 | 913 |
| Coosa River-H. Neely Henry Lake | 03150106-03-09 | 46,439 | 726 |

A map showing the HUC12 subwatersheds in relation to the Rainbow City MS4 boundary is included as **Figure 3** in **Appendix A**.

1.5 Water Quality Concerns

Section 303(d) of the Clean Water Act (CWA), as amended by the Water Quality Act of 1987, and EPA's Water Quality Planning and Management Regulations (40CFR130) require states to identify waterbodies not in compliance with the water quality standards applicable to their designated use classifications. The identified waters are prioritized based on severity of the pollution. Section 303(d) then requires that total maximum daily loads (TMDLs) be determined for all pollutants causing violation of applicable water quality standards in each identified segment. The TMDL process establishes the allowable loading of pollutants, or other quantifiable parameters for a waterbody, based on the relationship between pollution sources and in-stream water quality conditions.

A map showing the impaired waterbodies and watersheds in relation to the Rainbow City MS4 is provided in **Appendix A** as **Figure 4**.

1.5.1 Impaired Waterbodies Within the MS4

Two impaired waterbodies are located within the Rainbow City MS4 boundary.



Table 1-4 Impaired Waterbodies within the MS4

| Waterbody | Impaired Segment | Type | Causes | Use |
|---------------------------------------|---------------------|--------|---|-----|
| Big Wills Creek (Neely Henry Lake) | AL03150106-0108-111 | 303(d) | Nutrients | F&W |
| Coosa River (Neely Henry Lake) | AL03150106-0309-102 | TMDL | Nutrients pH Organic Enrichment (CBOD, NBOD) | F&W |

Big Wills Creek

Big Wills Creek originates west of Mentone, Alabama, approximately 50 miles northeast of Rainbow City and flows southwest along the valley between Big Ridge and Mount Vera Ridge. The Big Wills Creek watershed encompasses approximately 366 square miles, approximately five of which are within the Rainbow City MS4 boundary.

Big Wills Creek is located outside of the Rainbow City MS4, with the exception of approximately 22 acres of the Big Wills Creek embayment that intersect the MS4 boundary.

In 2018, Big Wills Creek was identified on the 303(d) list as impaired for nutrients due to agriculture and urban runoff/storm sewers and for pathogens (E. coli) due to animal feeding operations, sewage collection system failure, and pasture grazing. The portion of Big Wills Creek within the MS4 is impaired due to nutrients.

The designated use of the impaired segment of Big Wills Creek within the Rainbow City MS4 is Fish & Wildlife.

Neely Henry Lake

Neely Henry Lake is an impoundment of the Coosa River created by Neely Henry Dam, approximately 11 miles south of downtown Rainbow City. The river flows along the southern edge of Rainbow city, with approximately 3.1 miles located along the Rainbow City MS4 boundary. Neely Henry Lake is the ultimate receiving water for all discharges from the Rainbow City MS4.

In 1996, the ADEM identified five of the six reservoirs on the Coosa River within the State of Alabama's borders as being impaired, including Neely Henry Lake. In 2008 the EPA approved TMDLs for Neely Henry Lake related to Nutrients (Total Phosphorous), pH, and Organic Enrichment/Dissolved Oxygen.

The designated use of the impaired segment of the Coosa River within the Rainbow City MS4 is Fish & Wildlife.

1.5.2 Impaired Watersheds Intersecting the MS4

In addition to the impaired waterbodies, the Rainbow City MS4 encompasses portions of watersheds for the following impaired waterbodies:



Table 1-5 Portions of Impaired Watersheds within the MS4

| Watershed | Impaired Segment | Type | Causes | Use |
|---------------------------------------|---------------------|--------|---|-----------------|
| Big Wills Creek (Neely Henry Lake) | AL03150106-0108-111 | 303(d) | Nutrients | F&W |
| Coosa River (Neely Henry Lake) | AL03150106-0309-101 | TMDL | Nutrients pH Organic Enrichment (CBOD, NBOD) | Swimming F&W |
| Coosa River (Neely Henry Lake) | AL03150106-0309-102 | TMDL | Nutrients pH Organic Enrichment (CBOD, NBOD) | F&W |

1.5.3 Priority Construction Sites

The Alabama Construction General NPDES Permit defines a Priority Construction Site as any site that discharges to a waterbody which is listed on the most recently EPA approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a Total Maximum Daily Load (TMDL) has been finalized or approved by EPA for turbidity, siltation, or sedimentation, any waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code r. 335-6-10-.09, and any waterbody assigned a special designation in accordance with ADEM Admin. Code r. 335-6-10-.10.

The Rainbow City MS4 does not currently discharge to any waterbody meeting the criteria for a Construction Priority Site.

1.5.4 Neely Henry Lake TMDL

In 2008 the EPA approved TMDLs for Neely Henry Lake related to Nutrients (Total Phosphorous), pH, and Organic Enrichment/Dissolved Oxygen. The Rainbow City MS4 directly and indirectly discharges to Neely Henry Lake; therefore, **the Rainbow City MS4 is required to achieve a 30% reduction in Total Phosphorus discharge loading.**

Sources of nutrient and organic enrichment from non-point sources within the Coosa River watershed include:

- Runoff from pastures
- Runoff from animal operations
- Direct discharge to streams due to cattle
- Improper land application of animal waste



- Failing septic systems
- Urban runoff

Point source contributors of storm water pollution within the Coosa River watershed include:

- Discharge from wastewater treatment plants
- Discharge from industrial operations

Part IV.D of the NPDES General Permit requires that the SWMPP include BMPs and control measures specifically targeted to achieve the waste load allocations prescribed in the TMDL. The SWMPP must also include monitoring provisions to document that the waste load allocations prescribed in the TMDL are being achieved.

1.6 Coordination Between Entities

1.6.1 Steering Committee

The Gadsden-Etowah Steering Committee was first established in 2011 following re-issuance of the joint permit. The intent of the steering committee was to provide for coordination between the co-permittees. When the joint permit was superseded by the separate permits in 2016, the committee continued to work together to produce and implement a joint SWMPP and monitoring program.

The Steering Committee will continue under the 2021 permit. Despite the preparation of individual SWMPPs for each entity, the Gadsden-Etowah MS4 entities remaining committee to partnership and joint implementation of the monitoring program.

Each of the seven entities provide at least one member to the Gadsden-Etowah Storm Water Steering Committee. Each entity is responsible for providing the required annual updates and monitoring data to the Steering Committee.

Table 1-6 MS4 Storm Water Steering Committee

| Entity | Contact | Phone Number | Email |
|----------------------|------------------|-----------------------|-------------------------------|
| City of Gadsden | Jeremy Ward | 256-549-4527 | jward@cityofgadsden.com |
| City of Gadsden | Heath Williamson | 256-549-4520 | hwilliamson@cityofgadsden.com |
| City of Attalla | Jason Nicholson | 256-441-9200 | jnicholson@attallacity.org |
| City of Rainbow City | Joel Garmon | 256-413-1230 | jgarmon@rbcalabama.com |
| City of Southside | Judd Rich | 256-442-9775 Ext. 103 | jrich@cityofsouthside.com |
| City of Glencoe | Todd Means | 256-492-1424 | toddmeans@cityofglencoe.net |
| City of Hokes Bluff | Lisa Johnson | 256-492-2414 | hbcity@cityofhokesbluff.net |



| Entity | Contact | Phone Number | Email |
|---------------|-------------|--------------|------------------------|
| Etowah County | Robert Nail | 256-549-5358 | rnail@etowahcounty.org |

1.6.2 *Monitoring Program*

The monitoring program initially developed in 2011 to evaluate compliance with the Neely Henry Lake TMDL consist of quarterly wet-weather monitoring in several water bodies across the Gadsden-Etowah MS4. The City of Attalla, the City of Gadsden, the City of Glencoe, the City of Hokes Bluff, City of Rainbow City, the City of Southside, and Etowah County entered into a Cooperative Agreement on March 24, 2015 to jointly ensure the quarterly monitoring was performed.

The submission of individual SWMPPs and Annual Reports for each entity will necessitate modification of the 2015 monitoring agreement. The Gadsden-Etowah Steering Committee will establish a revised cooperative agreement for the quarterly monitoring by March 31, 2023.

1.7 **Responsible Party**

The **Building Department** is responsible for the coordination and implementation of the Storm Water Management Program Plan. Coordination between City departments is established in each section of the SWMPP.

The **Storm Water Steering Committee** is responsible for the implementation of the monitoring plan.



2.0 SWMPP Development, Review, and Update

2.1 SWMPP Components

Part II of the Individual Phase II Permit requires that the Permittee develop and implement a storm water management program plan that includes the following five minimum control measures:

1. Public Education and Public Involvement
2. Illicit Discharge Detection and Elimination (IDDE)
3. Construction Site Storm Water Runoff Control
4. Post-Construction Storm Water Management in New Development and Redevelopment
5. Pollution Prevention/Good Housekeeping for Municipal Operations

Program details are outlined in the following sections.

2.2 Annual Review

The Storm Water Management Program Plan will be reviewed annually by the City as required by Part IV.B of the NPDES General Permit. The review will be performed in conjunction with the preparation of the Annual Report required by Part VI of the permit.

2.3 Updates to the SWMPP

The SWMPP may be updated following the procedures laid out in Part IV.B of the NPDES General Permit. Changes to the SWMPP adding components, controls, or requirements may be made at any time, provided ADEM is notified in writing. The changes must also be documented in the Annual Report.

Permission to make changes to the SWMPP to remove or replace components, controls, or requirements must be requested from the ADEM a minimum of 60 days prior to making the change. If the request is denied, ADEM will provide a written response giving the reason for the decision.

Rainbow City will also update their website with the most current SWMPP at the time the revisions are made.

2.4 Responsible Party

The **Building Department** is responsible for the coordination and implementation of the Storm Water Management Program Plan. Coordination between City departments is established in each section of the SWMPP.



3.0 Addressing Impairments and TMDLs

3.1 Rationale Statement

As discussed in Section 1.5, the Rainbow City MS4 currently discharges to one impaired waterbody. Part IV.D.3(a) of the NPDES General Permit requires that the SWMPP include BMPs targeted to address the impairments, achieve the waste load reductions/allocations outlined in the TMDLs, and a monitoring program to assess the effectiveness of the BMPs.

3.2 BMPs to Address Impairment

The Rainbow City MS4 will implement the following BMPs to address nutrients, pH, and organic enrichment in Neely Henry Lake and decrease phosphorous in runoff from the MS4:

- Public education on proper use and disposal of fertilizers
- Dry-weather field screening of outfalls to waterbodies within the MS4
- Training for municipal personnel on illicit discharge identification and reporting
- A construction site runoff program that includes requiring erosion and sediment controls, permitting for qualifying sites, site inspections, and enforcement
- A program to report unpermitted industrial facilities to ADEM
- Methods for the public to report illicit discharges, including sanitary sewer overflows
- A municipal Vehicle Washing Standard Operating Procedure that include a specific prohibition on phosphate-containing soaps
- Public education on the storm water impacts of using phosphate-containing soaps in vehicle washing

The implemented BMPs are discussed in detail in Sections 5 to 9 of the SWMPP.

3.3 Monitoring

The Rainbow City MS4 is required to achieve a **30% reduction in Total Phosphorus discharge loading** and must conduct monitoring to evaluate compliance with the TMDL.

As previously discussed, the Rainbow City MS4 has chosen to partner with the six other MS4 entities within the *Gadsden, Alabama Urbanized Area* to develop and implement a joint monitoring program. The Gadsden-Etowah Steering Committee is responsible for implementation of the Gadsden-Etowah Wet Weather Monitoring Program.

The intent of the proposed monitoring program is to evaluate the effectiveness of the City's BMPs in achieving the required phosphorous reduction as established in the TMDL and to generally evaluate overall water quality. Where



deviations are documented and/or expected, the collected monitoring data will be used to determine the extent and cause of the pollutant of concern.

Details of the monitoring program are provided in the Gadsden-Etowah Wet Weather Monitoring Plan. A copy of the most recent plan is included in **Appendix C**.

3.3.1 *Wet Weather Storm Water Monitoring*

Strategy 1. Wet weather monitoring

The City will implement a monitoring program to assess the effectiveness of the City's BMPs in complying with the Neely Henry Lake TMDL.

Wet-weather monitoring will be conducted at selected monitoring points throughout the *Gadsden, Alabama Urbanized Area*. Under the program, water samples will be collected and analyzed for both field and laboratory parameters. The samples will be collected following a prescribed rain event according to the schedule established in the monitoring plan.

Evaluation Criteria: The City will include in the Annual Report copies of the reports for the monitoring events conducted during the reporting period.

Strategy 2. Mapping of storm water monitoring locations

Storm water monitoring locations are identified in the *Gadsden-Etowah Wet Weather Monitoring Program* included in **Appendix C**. Monitoring points located within the Rainbow City MS4 boundaries are depicted on the City's Storm Water System Map. If additional monitoring locations are recommended as a result of the analysis of the monitoring data, the City will update the map with the revised or additional locations.

Evaluation Criteria: If additional sampling locations are added during the reporting period, the City will update the Storm Water System Map. A copy of the updated map will be provided with each Annual Report.

Strategy 3. Reporting

Field observations and analytical results will be recorded at the time of sampling. The resulting laboratory analytical reports will be retained by the City for a minimum of 3 years.

A report consolidating the results from each monitoring event will be submitted by the entity/company performing the monitoring to the members of the Gadsden-Etowah Steering Committee. Each monitoring report will be incorporated into the Annual Update of the SWMPP. Monitoring reports will be retained by the City for a minimum of 3 years.

Evaluation Criteria: The City will include in the Annual Report copies of the reports for the monitoring events conducted during the reporting period.



Strategy 4. Evaluation of monitoring data

The City will evaluate the collected monitoring data for indicators of potential illicit discharges within the City and to assess the effectiveness of the BMPs in achieving the reductions outlined in the 2008 TMDL. Each year, statistical analysis will be performed on the cumulative monitoring data to determine whether there has been a statistically significant increase (SSI) of concentrations between specific monitoring points.

Evaluation Criteria: The City will report which monitoring points appear to have relatively higher pollutant levels, and whether pollutant loads appear to be increasing or decreasing across the Gadsden-Etowah MS4s. The City will make recommendations to the Gadsden-Etowah MS4 Storm Water Steering Committee to add and/or modify monitoring points to better characterize discharges from the Gadsden-Etowah MS4s.

3.4 Responsible Parties

The **Gadsden-Etowah Steering Committee** is responsible for implementation of the Gadsden-Etowah Wet Weather Monitoring Program.



4.0 Reporting and Record-Keeping

4.1 Annual Reports

Annual reports must be submitted to ADEM using the Alabama Environmental Permitting and Compliance System (AEPACS) by **May 31 of each year**. The annual report will cover the period from April 1 through March 31 of the year prior to the submittal date and will include:

1. List of contacts and responsible parties for the preparation of the Annual Report
2. Overall evaluation of the SWMPP developments and progress for the following:
 - a. Major accomplishments
 - b. Overall program strengths/weaknesses
 - c. Future direction of the program
 - d. Overall effectiveness of the SWMPP taking into account water quality/watershed improvement
 - e. Measurable goals that were not performed and reasons why the goals were not accomplished
 - f. Evaluation of monitoring data
3. Narrative report of the minimum storm water control measures referenced in Part III.B of this permit.
 - a. Minimum control measures completed and in progress
 - b. Assessment of the controls; and
 - c. Discussion of proposed BMP revisions or any identified measurable goals that apply to the minimum storm water control measures.
4. Summary table of the storm water controls that are planned/scheduled for the next reporting cycle
5. Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the Maximum Extent Practicable (MEP).
6. Notice of reliance on another entity to satisfy some of the permit obligations
7. Results of the evaluation to determine whether discharges from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest 303(d) list, designated by ADEM as impaired, or for which a TMDL has been established or approved by EPA.
8. If monitoring is required, the monitoring results collected during the previous year.

4.2 Recordkeeping

The following records must be maintained for a period of at least three years from the date of the sample, measurement, report, or application:

- Records of monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation)



- Copies of reports required by the permit
- Records of data used to complete the Notice of Intent



5.0 Public Education and Public Involvement on Storm Water Impacts

The following sections detail the rationale statement, targeted audiences, planned activities, evaluation criteria, and the responsible party regarding the referenced control measure.

5.1 Rationale Statement

The City's goal is to have a comprehensive and effective public education and public involvement program, the intent of which is to:

1. Generate awareness of storm water pollution prevention by educating people about the storm water system and its relationship to the health of local waterways;
2. Modify behavior patterns through education and encouragement of active participation in water pollution prevention;
3. Educate the public of steps they can take to reduce pollutants in storm water runoff, such as using phosphate-free cleaners, soaps, and detergents in the home; and
4. Involve the general public by providing activities and opportunities for public participation in the storm water management program.

5.2 Target Audiences

The primary target audiences within the City are as follows:

- **General Public** (homeowners and citizens)
 - General impacts litter has on water bodies, how trash is delivered to streams via the MS4, and ways to reduce litter
 - General impacts of storm water flows into surface water from impervious surfaces
 - Source control BMPs in areas of pet waste, vehicle maintenance, landscaping and rainwater reuse
- **General Public, Businesses, Including Home-Based and Mobile Businesses**
 - BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps, and other hazardous materials
 - Impacts of illicit discharges and how to report them.
- **Homeowners, Landscapers, and Property Managers**
 - Yard care techniques that protect water quality
 - BMPs for use and storage of pesticides and fertilizers
 - BMPs from carpet cleaning and auto repair and maintenance
 - Runoff reduction techniques, which may include but not limited to site design, pervious paving, retention of forests, mature trees, and maintenance required for LID/GI
 - Storm water pond maintenance



- **Engineers, Contractors, Developers, Review Staff, and Land Use Planners**
 - Technical standards for construction site sediment and erosion control
 - Storm water treatment and flow control BMPs
 - Impacts of increased storm water flows into receiving water bodies
 - Run-off reduction techniques and low impact development (LID) and green infrastructure (GI) practices

5.3 Strategies

The City plans to implement the following strategies as part of their Public Education and Public Involvement Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

5.3.1 *Public Education on Pollution Reduction*

Strategy 1. Maintain the storm water webpage

The City provides information on the City's MS4 Program and permit on the Storm Water webpage within the Rainbow City's website. The City will maintain this webpage and provide additional educational materials each reporting period. Participation will be tracked through the number of "hits" on the webpage. The webpage will continue to be updated periodically to:

- Include general information on the MS4 permit and SWMPP;
- Discuss the storm water cycle and how common contaminants enter the storm water system;
- Provide educational materials about proper and improper use, storage, and disposal of common household chemicals;
- Provide educational materials on storm water impacts specifically related to litter, floatables, and debris
- Provide links to related storm water resources;
- Provide information on how to identify and report illicit discharges.
- Provide a calendar of upcoming community events related to storm water outreach.

The webpage can be viewed at the following link:

<https://www.rbc-alabama.com/stormwater-management/>

Target Audience: General public, engineers, developers, landscapers, business owners, land use planners, property managers, and city personnel



Evaluation Criteria: The City will report what information was added to the webpage and the number of “hits” on the webpage. This information will indicate the number of people who view the webpage and the associated educational materials.

Strategy 2. Distribute storm water educational material

The City will use available resources obtained through networking or online resources, such as those provided by the EPA, to prepare storm water education material to increase awareness of the public on storm water topics.

The City will distribute these materials to citizens and business owners by utilizing the Rainbow City social media accounts to distribute storm water messaging and educational materials. The City will post educational materials at least once per quarter.

Topics might include the following:

- Introduce the MS4 to the general public and discuss the storm water cycle and how common contaminants enter the storm water system.
- Educate households and businesses about proper and improper use, storage, and disposal of common household chemicals such as herbicides, pesticides, and fertilizers.
- Make the public aware of how the improper use of these chemicals can impact storm water quality.
- Discuss storm water impacts specifically related to litter, floatables, and debris
- Discuss how the cumulative effect of these contaminants impact the Coosa River and what individual households and businesses can do to reduce storm water pollutants.
- Provide information on how to identify and report illicit discharges.
- Provide information on additional resources pertaining to storm water, storm water pollution, and Neely Henry Lake TMDLs.
- Provide information on storm water contacts within Rainbow City and information on reporting potential storm water violations.

Target Audience: General public, businesses

Evaluation Criteria: The City will report the number of materials placed at the City-owned locations and how often the materials were replaced during the reporting period. The City will report the number of storm water topics posted on the City’s social media during the reporting period. If possible, the City will provide a summary of the engagement metrics (e.g., total likes,



shares, or comments) for the posted storm water topics. This information will indicate the number of people who viewed the educational materials.

Strategy 3. Provide information on construction site storm water impacts

The City will provide pre-printed information on how construction site runoff can impact storm water quality to individuals requesting plan review and building/development permits.

Target Audience: Engineers, developers, landscapers, land use planners, property managers, and city personnel

Evaluation Criteria: The City will report the number of permits issued during the reporting period. This information will indicate the number of people who received educational materials.

Strategy 4. Provide information on low impact/green development

The City will provide pre-printed educational information on green development to individuals requesting plan review and building/development permits. Information may include references to additional resources such as the Green Building Alliance, Low Impact Development Center, and U.S. Department of Housing and Urban Development.

The City will encourage developers and engineers to consider green infrastructure alternatives during the plan review process.

Target Audience: Engineers, developers, landscapers, land use planners, property managers, and city personnel

Evaluation Criteria: The City will report the number of permit applications reviewed during the reporting period. This information will indicate how many people received the LID/GI educational materials.

Cross-Reference: Section 8, Strategy 2

Strategy 5. Plan review and permitting

The City will educate engineers, developers, and contractors through plan review and permitting of new construction and redevelopment.

The City currently requires construction sites disturbing one acre or more of land to obtain a Land Disturbance Permit. Each application for a Land Disturbance Permit is required to be accompanied by a BMP Plan and a plan showing the post-construction strategies selected for the site.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements as well as the post-construction design requirements.



Target Audience: Engineers, developers, and contractors

Evaluation Criteria: The City will report the total number of permit applications reviewed during the reporting period.

Cross-Reference: Section 7, Strategies 3 and 4; Section 8, Strategies 4 and 5

5.3.2 *Public Input*

Strategy 6. Annual Report and SWMPP Availability

The City will provide the SWMPP and the current Annual Report for public viewing on the City's Stormwater Management webpage at the following link:

<https://www.rbcAlabama.com/stormwater-management/>

Target Audience: General public, engineers, developers, landscapers, business owners, land use planners, property managers, and city personnel

Evaluation Criteria: The City will report number of "hits" on the webpage. This information will indicate the number of people who view the webpage and the associated SWMPP and Annual Report.

Strategy 7. Seek public input

Following completion of the SWMPP and/or each year's Annual Report, a link to the document will be provided on the City's social media accounts (e.g., Facebook, Twitter, Instagram, etc.). The City will also post an announcement on the digital sign.

Stakeholders will be encouraged to provide comments, questions, or concerns regarding the implementation of the SWMPP. The City will consider the received comments and respond as needed.

Target Audience: General public, engineers, landscapers, business owners, land use planners, property managers, and city personnel

Evaluation Criteria: Participation will be tracked by the number of interactions, comments, or questions received. The City will report the number of stakeholder comments received on the SWMPP or Annual Report during the reporting period.

Strategy 8. Gadsden-Etowah MS4 Steering Committee meetings

The City will coordinate and/or participate in meetings of the Gadsden-Etowah Storm Water Steering Committee for entity updates, networking, and coordination of activities and BMP strategies.



Steering Committee meetings will be held at least once during each reporting period.

Target Audience: City personnel, adjacent MS4s

Evaluation Criteria: The City will provide meeting agendas and attendance records during the reporting period. The City will report who attended each meeting. This information will indicate the participation of the steering committee and their interest in networking and coordination of activities.

Strategy 9. Alabama Stormwater Association participation

City personnel will participate in meetings, seminars, or other events held by the Alabama Stormwater Association (ASA) when possible.

Target Audience: City personnel

Evaluation Criteria: The City will provide agendas and attendance records for ASA events attended during the reporting period. The City will report the number of Rainbow City employees who attended each ASA event.

5.3.3 Public Participation and Involvement

Strategy 10. Promote storm water events via social media

The City will utilize the Rainbow City social media accounts to promote storm water events such as *Renew Our Rivers*, *Message in a Bottle*, *Water Quality Awareness Week*, *Etowah County Water Festival*, and/or community cleanup days.

Target Audience: General public

Evaluation Criteria: The City will report the number of storm water events advertised on the Facebook page or other social media account during the reporting period.

Strategy 11. Promote Water Quality Awareness Week

The City will promote an annual *Water Quality Awareness Week* through City resources including co-sponsoring radio, television, and print advertisement with co-permittees and other stakeholders.

Target Audience: General public

Evaluation Criteria: The City will report activities associated with *Water Quality Awareness Week* and the ways in which the City promoted the event(s). This information will help measure the public awareness of the event and degree of public and City participation.



Strategy 12. Promote and participate in the Etowah County Water Festival

The *Etowah County Water Festival* is an annual event for fourth grade students from public schools in Etowah County, Alabama. The festival provides hands-on activities that teach students the importance of surface and groundwater, its role in the environment and its effect on human, animal, and plant life.

The City will promote and participate in the annual *Etowah County Water Festival* through City resources. Promotion methods may include co-sponsoring radio, television, and/or print advertisement with co-permittees and other stakeholders. City personnel will participate in the festival.

Target Audience: General public; schools

Evaluation Criteria: The City will report number of City volunteers at the event and the ways in which the City promoted and/or advertised the event. This information will indicate the City's participation and will help measure the public awareness of the event and degree of public and City participation.

Strategy 13. Public reporting system

The City provides a contact number for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution.

The City will promote the reporting number on the City's social media accounts at least once per year. The City will continue to publicize the reporting number on the City's website.

The public reporting methods will be evaluated annually to determine if additional public education is required.

The City utilizes a form to track the reports and follow up with investigations where necessary. A copy of the *Illicit Discharge Detection and Elimination Complaint Form* is included in **Appendix F**. Records of public complaints will include:

- Date, time, and description of complaint
- Location of subject complaint
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

Target Audience: General public, engineers, developers, landscapers, business owners, land use planners, property managers, and city personnel



Evaluation Criteria: The City will report the total number of inquiries received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. This information will help evaluate the effectiveness of the reporting system, as well as the public awareness and concern of storm water issues.

Cross-Reference: Section 6, Strategy 16; Section 7, Strategy 9

5.3.4 *Litter Reduction*

Strategy 14. Coordinate and promote an annual community cleanup day

The City will continue to coordinate a community cleanup day annually. City personnel will participate in the cleanup day. The City will promote the event through advertisements and/or signs. Collected debris will be disposed of at a permitted landfill.

Target Audience: General public

Evaluation Criteria: The City will report number of volunteers and the ways in which the event was promoted and/or advertised. This information will indicate the number of people who received educational materials and will help measure the public awareness of the event and degree of public participation.

Cross-Reference: Section 9, Strategy 4

Strategy 15. Promote and participate in anti-litter/cleanup events

The City will partner with Keep Etowah Beautiful, Clean Water Partnership of Alabama, and/or Alabama Power to support, sponsor, and/or promote events such as *Renew Our Rivers*, *Message in a Bottle*, and/or community cleanup days.

City personnel will participate in at least one event organized or hosted by partner organizations each reporting period.

Target Audience: General public

Evaluation Criteria: The City will report the number of partnership activities conducted during the reporting period. The City will also report the number of City employees/representatives that participated in each event.

Strategy 16. Brush and large item pickup

To reduce the amount of debris entering the MS4, the City will continue to perform brush and large item pickup throughout the year on a monthly basis. The collected debris will be disposed of at a permitted landfill.



Target Audience: General public, homeowners, landscapers, business owners

Evaluation Criteria: The City will report the number of scheduled pickups and pounds of debris collected from pickups during the reporting period. This information will help measure the effectiveness of the brush and bulk item pickup program.

Cross-Reference: Section 9, Strategy 2

Strategy 17. Recycling program

To reduce the amount of litter generated within the MS4, the City manages two drop-off recycling locations, one at the trailers behind the community center and one at Fire Station II at 1400 Riddles Bend Road. The City also distributes bins to local businesses. The materials collected include:

- Cardboard
- Plastic #1 & #2
- Newspaper
- Metals
- Aluminum

The recycling program is advertised on the City website at the following link:

<https://www.rbcAlabama.com/recycling/>

Evaluation Criteria: The City will report the total amount of material (in total tons) collected during the reporting period at the drop-off facility and at the trailers during the reporting period. This information will help measure the public awareness of the program and degree of public participation.

Cross-Reference: Section 9, Strategy 3

5.3.5 Program Evaluation

Strategy 18. Program Evaluation

As detailed above, the following information will be collected for each reporting period:

- What information was added to the webpage
- Number of "hits" on the webpage
- Number of materials placed at the City-owned locations and how often the materials were replaced
- Number of storm water topics posted on the City's social media and a summary of the engagement metrics
- Number of Land Development Permit applications reviewed and the number of permits approved



- Number of stakeholder comments received on the SWMPP or Annual Report
- Gadsden-Etowah Steering Committee meeting agendas and attendance
- ASA meeting agendas and attendance
- Number of storm water events advertised on social media
- Activities associated with *Water Quality Awareness Week* and the ways in which the City promoted the event(s)
- Number of City volunteers at the Etowah County Water Festival
- Ways in which the City promoted and/or advertised the Etowah County Water Festival
- Total number of inquiries received, the number of complaints addressed, and the number of complaints resolved
- Whether or not the received complaints contain the required information to find and address the suspected problem
- Number of volunteers at the community cleanup event and the ways in which the event was promoted and/or advertised
- Number of partnership activities conducted
- Number of City employees/representatives that participated in anti-litter/cleanup events
- Number of scheduled brush and large item pickups and pounds of debris collected from pickups
- Total amount of material (in total tons) collected at the recycling drop-off locations
- Number of litter enforcement actions
- Total amount of bulk items collected

The City will utilize the collected information to evaluate the effectiveness of the public education/public involvement program.

In general, the number of webpage hits is expected to rise as the public becomes more aware of the MS4 program. If a decline in visitors is observed, the City may re-evaluate the structure and content of the webpage.

The comments received on the Annual Report and SWMPP will be used to determine if additional educational effort is needed on certain topics. The type and tone of the comments will help assess the effectiveness of previous public education efforts.

The number of illicit discharge reports or complaints received will be evaluated to determine if additional promotion of the reporting service is needed.

5.4 Responsible Parties

The **Building Official** is responsible for overseeing, developing, and coordinating the Public Education and Public Involvement efforts. The **Building Official** is also responsible for providing content for the Storm Water Management webpage and performing plan review regarding erosion, sediment, pollution control, drainage, and flood control.

RecycleRBC is responsible for managing recycling activities within the City.



The **City Clerk** is responsible for posting storm water materials on the City's social media accounts.

The **Street Department** is responsible for performing brush pickup and large item pickup.



6.0 Illicit Discharge Detection and Elimination

6.1 Rationale Statement

The Rainbow City Illicit Discharge Detection and Elimination (IDDE) program is designed to locate, identify, and correct illicit discharges to the MS4. Program emphasis will be placed on identifying and correcting pollutant discharges which could influence compliance with the Neely Henry Lake TMDLs.

6.2 Target Audiences

The primary target audiences within the City for the IDDE program are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
- **General Public (homeowners and citizens)**
 - Potential contributors of illicit discharges from activities such as dumping paint, motor oil, or other chemicals into a storm drain
- **Local Businesses**
 - Potential contributors of illicit discharges through inadequate management practices and/or unpermitted facilities

6.3 Strategies

A brief summary of strategies that the City will implement as part of their IDDE Program is provided below. A more detailed scope of the planned activities, rationale, and implementation process is presented in the *Rainbow City Illicit Discharge Detection and Elimination Program* included in **Appendix D**. To evaluate the success of the strategies and aid in preparing the required Annual Reports, evaluation criteria have been established for each strategy.

6.3.1 Legal Authority

Strategy 1. IDDE Ordinance

Rainbow City Ordinance Number 490 was adopted on December 10, 2012 to create storm water control regulations. A copy of ordinance is provided in **Appendix E**.

Prohibit Illicit Discharges

Section 11.B prohibits non-storm water discharges into the Rainbow City storm sewer system, with the exception of those non-storm discharges explicitly exempted in Section 11.A of the ordinance.



Enforcement

Section 9 provides the City with authorization to perform inspections.

Section 11.F provides the City with the authority to enforce the requirements of Ordinance 490 and outlines the escalating enforcement procedures available. Enforcement actions include written notice of violation, compliance order, and cease and desist orders.

Section 11.G provides for penalties up to \$500.00 and/or up to 180 days in jail per violation.

Require Elimination of Illicit Discharges

Section 10.A of the ordinance establishes that deficiencies or violations of the ordinance identified during an inspection must be corrected as soon as possible, but not to exceed 5 days from the date of the inspection.

Section 11.D states that in the event of an immediate threat to public health or welfare, the City will take appropriate actions to remove or alleviate the illicit discharge.

Section 11.F establishes that persons found to be in violation of the ordinance will be served a written Notice of Violation, after which they will have 10 calendar days to submit an explanation of the violation and a plan for the correction and future prevention thereof, including specific required actions.

Evaluation Criteria: The IDDE Ordinance will be reviewed on an annual basis and updated as needed. The ordinance will be evaluated on its effectiveness in addressing identified illicit discharges and preventing repeat offenders.

The City will annually report the number of complaints received, the number of illicit discharges identified during the reporting period, and the number of resolved violations.

6.3.2 *Storm Water System Mapping*

Strategy 2. MS4 map

The City previously developed a map showing the known outfalls from the Rainbow City MS4, the waters of the State that receive discharges from these outfalls, and the structural BMPs owned, operated, or maintained by the City. A copy of the current map is located in **Appendix A as Figure 5**.

The City will continue to maintain the map of the Rainbow City MS4 area. The map will include, at a minimum:

- Latitude/longitude of all known outfalls



- Names of all waters of the State that receive discharges from the outfalls
- Locations of structural BMPs owned, operated, or maintained by the City

Proposed additions within the City, including new storm sewer and drainage conveyances, will be mapped based on the civil plans provided to the City by developers. Outfalls from proposed development will be verified after construction is complete, as part of Field Assessment Activities. The implementation process is further discussed in Section 6 of the IDDE Program.

The map will also identify the designated Priority Areas.

Evaluation Criteria: A copy of the updated map will be included with each Annual Report. The City will report the number of civil plans provided to the City and the number of verified new features or outfalls during the reporting period.

6.3.3 *Priority Areas*

Strategy 3. Identify Priority Areas

To assist with data collection and evaluation, drainage basins approximately 1 square mile in area will be delineated within the Rainbow MS4. The drainage basins are intended to divide each entity's jurisdictions into smaller, more manageable areas in order to target mapping and inspection activities. The initial delineation of the drainage basins will be implemented by April 1, 2023.

The City will identify which drainage basins are considered Priority Areas for each reporting period using the illicit discharge potential (IDP) calculation procedures detailed in Section 5 of the IDDE Program. The City will maintain records of the IDP calculations for each drainage basin.

Evaluation Criteria: The City will report the total IDP score for each drainage basin and will provide an updated map showing the identified Priority Areas. The City will report drainage basins that are newly listed or de-listed from the previous reporting year's calculations.

6.3.4 *Dry Weather Field Assessment Activities*

Strategy 4. Outfall reconnaissance inventory for new MS4 areas

Approximately 18 square miles of the Rainbow City lie outside of the 2010 Urbanized Area boundary. Should the Urbanized Area boundary change as a result of the 2020 Census, the City will implement a stream-walking program designed to identify outfalls to the MS4 within the newly-added MS4 areas. The implementation process is detailed in Section 6 of the IDDE Program in **Appendix D**.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls identified and the stream length walked during the reporting period. The City



will provide updated tables and maps that include the outfalls identified by the stream-walking program.

Strategy 5. Outfall reconnaissance inventory for previously unidentified outfalls

The City previously identified 127 outfalls within the MS4 Boundary (4 major outfalls). The most recent MS4 map is provided as **Figure 5** in **Appendix A**. The City will continue to implement a program to identify previously unknown outfalls to the MS4.

Previously unknown outfalls encountered during dry-weather inspections of known outfalls will be identified, inspected, and screened at the time of discovery. Following the initial inspection, the new outfall will be added to the MS4 outfall inventory and map.

Outfalls encountered during other field observations will be reported to the Building Department to be added to the outfall database for verification and inspection. Until verification, the outfall will be identified in the outfall inventory and on the map as a "Potential Outfall".

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls identified during the reporting period. The City will provide updated tables and maps that include the verified and inspected outfalls.

Strategy 6. Verification of potential outfalls identified during plan review

As-built drawings are required to be submitted to the Building Department following construction of post-construction storm water controls. Information provided on the as-built drawings will be verified through field observation during the final inspection.

Outfalls identified during review of the as-built drawings or from the final inspection will be added to the outfall inventory and map as "Potential Outfalls" and will be inspected during the scheduled ORI activities. The implementation process is detailed in Section 6.3 of the IDDE Program in **Appendix D**.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls verified during the reporting period. The City will provide updated tables and maps that include the verified outfalls.

Strategy 7. Dry weather screening program

ORI inspections will be conducted during dry weather conditions. Dry weather conditions are defined as a period in which no rainfall over 0.1 inch occurs in the previous 48 hours.

As required by the permit, a minimum of 15% of all known outfalls will be inspected during each reporting period and all known outfalls will be inspected in the 5-year permit cycle.

Priority Outfalls will be visually inspected at least once every three years.



The implementation process is detailed in Section 8 of the IDDE Program. Dry weather monitoring activities may be combined with outfall verification as described in Strategy 6.

Evaluation Criteria: The City will maintain records of field observations. The City will report the number of outfalls inspected during the reporting period.

Strategy 8. Suspect discharge screening

If a dry-weather flow is observed at an outfall during inspection, it will be screened to determine if it is a potential illicit discharge. The implementation process is detailed in Section 8.9 of the IDDE Program in **Appendix D**.

Evaluation Criteria: The City will maintain records of suspect discharge screening results. The City will report the number of identified dry weather flows observed during the reporting period, as well as the number of dry weather flows determined by field screening to be suspect discharges.

Strategy 9. Suspect discharge sampling

If a dry weather flow is observed, procedures for determining whether further analysis is required are specified on the ORI field sheet. If a dry weather flow has a severity index of 3 on one or more indicators in Section 4 of the Outfall Reconnaissance Inventory Field Sheet, or if field screening indicates a suspect discharge, field crews will collect samples for further analysis. The implementation process is detailed in Section 8 of the IDDE Program.

Evaluation Criteria: The City will report the number of identified dry weather flows, suspect discharges, and samples collected during the reporting period. The City will report the analysis results for the collected samples. The City will report if the suspect discharge was confirmed to be an illicit discharge and, if known, the type of illicit discharge.

6.3.5 Illicit Discharge Investigation

Strategy 10. Outfall ranking

Data from each Outfall Reconnaissance Inventory Field Sheet will be analyzed to designate the observed outfall as having obvious, suspect, possible, or unlikely discharge potential. Obvious and suspect illicit discharges will be investigated according to the schedule detailed in Section 8.12 of the IDDE Program in **Appendix D**.

Evaluation Criteria: The City will report the number of outfalls that required further investigation.

Strategy 11. Track the locations of illicit discharge complaints

The City will record the locations of reported illicit discharges to help identify areas where additional BMPs may be required.



Evaluation Criteria: The City will report the number of complaints received and added to the GIS layer. This information will be used during the Priority Area Evaluation, and to help measure the effectiveness of the reporting system.

Strategy 12. Illicit discharge investigation

Illicit discharge investigations will be performed to determine the source of a discharge problem and the responsible party. The implementation process is detailed in Section 9 of the IDDE Program located in **Appendix D**.

Evaluation Criteria: The City will report the number of illicit discharge investigations performed during the reporting period. The City will also report the number of confirmed illicit discharges, if a source was determined, and if the discharge was eliminated.

6.3.6 Corrective Actions

Strategy 13. Corrective action record keeping

When a suspect illicit discharge or illicit connection is identified, a case log detailing pertinent information will be created. Throughout the corrective action process, information related to the resolution of the illicit discharge will be documented in the case log.

Evaluation Criteria: The City will maintain records of the correction actions. The City will report the number of confirmed illicit discharges and the number of illicit discharges corrected or eliminated during the reporting period. The City will also report the number of confirmed illicit discharges where corrective action is pending.

Strategy 14. Illicit discharge elimination

Identified illicit discharges will be reported to the appropriate City department or agency for elimination. Chemical spills will be referred to the Fire Department. Discharges of sewage or potable water will be referred to the Utilities Board of Rainbow City. Illegal dumping will be referred to the Building Department for code enforcement.

Evaluation Criteria: The City will report the number of illicit discharges referred to other agencies or departments for elimination during the reporting period.

6.3.7 IDDE Public Education

Strategy 15. Distribute storm water educational material via social media

The City will provide educational materials highlighting identification and reporting of potential illicit discharges on the City's Facebook page or other social media account at least once during each reporting period. Information may include links to the City's reporting forms, information on common illicit discharges, or general pollution prevention tips.



Evaluation Criteria: The City will report how many IDDE posts were made on the City's social media accounts during the reporting period.

Strategy 16. Public reporting system

The City provides a contact number for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution.

The City will promote the reporting number on the City's social media accounts at least once per year. The City will continue to publicize the reporting number on the City's website.

The public reporting methods will be evaluated annually to determine if additional public education is required.

The City utilizes a form to track the reports and follow up with investigations where necessary. A copy of the *Illicit Discharge Detection and Elimination Complaint Form* is included in **Appendix F**. Records of public complaints will include:

- Date, time, and description of complaint
- Location of subject complaint
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

Evaluation Criteria: The City will report the total number of inquiries received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. This information will help evaluate the effectiveness of the reporting system, as well as the public awareness and concern of storm water issues.

Cross-Reference: Section 5, Strategy 13; Section 7, Strategy 9

6.3.8 *Training*

Strategy 17. Annual municipal IDDE training

Municipal workers will be trained in the identification of illicit discharges. The training session will be conducted annually during each reporting period.

Municipal workers will be notified of the procedures for reporting suspected illicit discharges to their supervisor, including the preferred method of contact and the information to be included in the report (e.g., location, date, time, observations). The supervisor will then report the discharge to the Building Department.



Evaluation Criteria: The City will provide details on the IDDE training topics presented to the municipal workers. The City will maintain attendance records and report the number of municipal workers trained during the reporting period. This information will help evaluate the municipal workers awareness of illicit discharges and storm water issues.

Cross-Reference: Section 9, Strategy 13

6.3.9 *ADEM Notification*

Strategy 18. Notify ADEM of illicit discharges from an adjacent MS4

The Rainbow City MS4 is bordered in several areas by the Gadsden MS4 and the Etowah County MS4. Should the City identify a suspect illicit discharge originating within a neighboring MS4, the City will notify the appropriate MS4 and the ADEM Water Division within 48 hours of observation of the suspect illicit discharge.

The notification to the responsible MS4 and ADEM will include the following information:

1. Location of the suspect illicit discharge, including latitude and longitude, if known
2. Type of illicit discharge, if known
3. Estimated quantity or flow rate, if known
4. Origin or suspected origin of the suspect illicit discharge, if known
5. Date and time the suspect illicit discharge was observed
6. Description of affected media, including the name of the receiving waterbody, if known
7. Corrective actions being taken within the Rainbow City MS4, if any

Evaluation Criteria: The City will report the total number of suspect illicit discharges reported to adjacent MS4s and ADEM during the reporting period. Copies of the notification reports will be included in the Annual Report.

Strategy 19. Notify ADEM of unpermitted industrial sites

As authorized by the Clean Water Act, the NPDES Permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Title 40, Part 122 of the Code of Federal Regulations (40CFR122) specifies that discharges associated with certain industrial activities must obtain an NPDES permit. ADEM currently provides for individual and general NPDES permitting.

Information pertaining to permitted facilities will be obtained from available public sources such as AEPACS and incorporated into the IDP calculations. This information will be used in



conjunction with the storm water system mapping and monitoring data to evaluate potential sources of storm water pollution and to identify unpermitted facilities.

Unpermitted facilities that require an NPDES permit will be reported to the Industrial Section of ADEM in Montgomery, Alabama by phone and/or email. Rainbow City continues to rely on ADEM for industrial NPDES permitting and enforcement.

Evaluation Criteria: The City will provide the number of unpermitted facilities reported to ADEM during the reporting period, if any. Communication records will be maintained. This information will help measure the effectiveness of the reporting and identification of unpermitted facilities.

6.4 Responsible Party

The **Building Official** is responsible for overseeing, developing, and coordinating the IDDE program in the Rainbow City regulated MS4 area.

The **City Clerk** is responsible for posting storm water materials on the City's social media accounts.

Other City departments, including the **Public Works Department**, the **Parks and Recreation Department**, the **Building Department**, the **Fire Department**, and the **Police Department**, will report illicit discharges observed during the course of their normal duties. Reports of observed or suspected illicit discharges will be made to the Building Official.

The **Utilities Board of Rainbow City** is responsible for corrective actions regarding Sanitary Sewer Overflows.

The **Fire Department** is responsible for corrective actions regarding hazardous spill response and for reporting spills over 25 gallons to ADEM.

The **Building Department** is responsible for code enforcement involving illegal dumping.



7.0 Construction Site Storm Water Runoff

7.1 Rationale Statement

The City's construction site storm water runoff control program is primarily designed to address storm water pollution due to off-site sedimentation from qualifying construction sites to the maximum extent practicable.

7.2 Target Audiences

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Potential contributors of storm water pollution through development and construction activities.
- **Engineers**
 - Responsible for designing effective best management practices to minimize off-site sedimentation from construction activities.

7.3 Strategies

The City plans to implement the following activities as part of their Construction Site Storm Water Runoff Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

7.3.1 *Legal Authority*

Strategy 1. Erosion and Sediment Control Ordinance

Rainbow City Ordinance Number 490 was adopted on December 10, 2012 to create storm water control regulations. A copy of ordinance is provided in **Appendix E**.

Require Local Permitting

Section 4.A of the ordinance requires construction sites disturbing one acre or more of land to obtain a Land Disturbance Permit.

Each application for a Land Disturbance Permit is required to be accompanied by a Construction Best Management Practices Plan (BMP Plan). Permit applications must be submitted to the Engineer Department through the online Citizen Self Service Portal. Approval of each land disturbance permit application and associated plans is provided by the City in writing.



Require Erosion and Sediment Controls

Section 8 of Ordinance 490 also states Erosion and Sediment Controls shall meet the design criteria set forth in the most recent edition of the *Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas*.

Section 6 also details the requirements for the submitted BMP Plan. The plan must include specific measures to prevent erosion and sedimentation, as well as detailed plans for the maintenance of such BMPs.

Sanctions to Ensure Compliance

Section 9 provides the City with authorization to perform inspections. Section 11 provides the City with the authority to enforce the requirements of the ordinance and outlines the escalating enforcement procedures available. Enforcement actions include written notice of violation, consent orders, show cause hearing, compliance order, and cease and desist orders. Section 11 provides for penalties up to \$500.00 and/or up to 180 days in jail per violation.

Evaluation Criteria: The ordinance will be evaluated annually on its effectiveness in addressing erosion and sediment control. The City will report the number of non-compliant construction sites identified by the City, the number of enforcement actions taken, the number of non-compliant sites reported to the ADEM, and whether the individuals or businesses responsible for identified non-compliant construction sites are repeat offenders.

7.3.2 *Training*

Strategy 2. BMP training program

City personnel tasked with plan review will undergo annual training on proper design, installation, inspection, and maintenance of on-site control measures, and on new technology and practices.

City personnel tasked with conducting BMP inspections will be certified under an ADEM-approved Qualified Credentialed Inspector (QCI) training program and will attend annual refreshers.

Evaluation Criteria: The City will provide a copy of the QCI certificates and records of awareness training received during the reporting period.

7.3.3 *Site Plan Review and Approval*

Strategy 3. Require plan submittal

Section 4 of Rainbow City Ordinance 490 requires the submittal of a BMP Plan to the City with the permit application. The plan must be submitted to the Building Department for review and approval prior to the issuance of a land disturbance permit. The Building Department reviews



each plan for compliance with the City's Ordinance and the *Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas*.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and number of plans that meet the requirements of the Alabama Construction General Permit.

Cross-Reference: Section 5, Strategy 5

Strategy 4. Sediment and erosion control plan review procedures

Prior to approval or denial of a land disturbance permit application, the City will review the provided plans. Within 30 days after receiving an application, the city will inform the applicant in writing whether the permit is approved or denied and the conditions of such approval or denial.

Plan review will ensure proposed projects adequately address the City's erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and number of plans that meet the requirements of the Alabama Construction General Permit.

Based on the results of plan reviews conducted during the reporting period, the City will evaluate the plan review criteria to determine if additional metrics are necessary or if further clarification is needed for the existing metrics.

Cross-Reference: Section 5, Strategy 5

7.3.4 Site Inspection

Strategy 5. Maintain inventory of qualifying construction sites

The City will maintain a list of active qualifying construction sites (sites one acre or larger in size or part of a common plan of development) within the MS4 boundary. Priority Construction Sites (as defined in the Alabama Construction General Permit) will be identified on the list. The inventory will include:

- Contact information for each site
- Size of the construction site
- Whether the site has submitted an NOI for coverage under the Alabama NPDES Construction General Permit



- Whether the site is a Priority Site
- Date the City approved the site plans

Evaluation Criteria: The City will include the most recent list of active qualifying construction sites with each annual report.

Strategy 6. Inspection of qualifying non-Priority sites

Qualifying construction sites will be inspected by designated City personnel at a minimum frequency of every three months until permit termination.

Building Department personnel will work together to perform the necessary inspections and implement work orders for subsequent inspections and potential enforcement when sites are non-compliant.

Inspections will be documented using the *BMP Inspection Form* located in **Appendix F** or an equivalent form. The City will maintain inspection documentation for review upon request. Inspection documentation will include the following, at a minimum:

- a. Facility type
- b. Inspection date
- c. Name and signature of inspector
- d. Location of construction project
- e. Owner/operator information (name, address, phone number, and email)
- f. Description of conditions of BMPs, including but not limited to the following:
 - Vegetation and soils
 - Inlet and outlet channels and structures
 - Embankments, slopes, and safety benches
 - Spillways, weirs, and other control structures
 - Sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures
- g. Photographic documentation of storm water BMP components

If deficiencies are noted during the inspection, the inspector will notify the **Building Department**. A copy of the inspection report will be provided to the Owner and/or permit holder.

Evaluation Criteria: The City will report the number of inspections completed, the number of non-compliant construction sites identified by the City, the number of enforcement actions taken,



the number of non-compliant sites reported to the ADEM, and whether the individuals or business responsible for identified non-compliant construction sites are repeat offenders.

Strategy 7. Inspection of Priority construction sites

The Rainbow City MS4 does not currently incorporate any waterbodies or watersheds that are impaired for siltation or turbidity; therefore, no construction sites within the Rainbow City MS4 are considered Priority Construction Sites, as defined in Part V of the 2021 Alabama Construction General Permit.

Should a waterbody or watershed within the MS4 be identified on a future 303(d) list as being impaired for siltation and/or turbidity, the City will identify construction sites within the affected watershed. The City will conduct inspections of Priority Construction Sites within the Rainbow City MS4 at a minimum frequency of once per month.

Priority Construction Site inspections will be conducted using the same method outlined in Strategy 6 and documented using the *BMP Inspection Form* located in **Appendix F** or an equivalent form.

If deficiencies are noted during the inspection, the inspector will notify the **Building Department**. A copy of the inspection report will be provided to the Owner and/or permit holder.

Evaluation Criteria: The City will report the number of BMP inspections conducted at Priority Construction Sites by City employees during the reporting period.

Strategy 8. Re-inspection of sites

If deficiencies are noted during the routine inspection and cannot be corrected at the time of the inspection, the site will be scheduled for re-inspection. The timeframe for re-inspection will be determined by the inspector based on the severity of the observed non-compliances.

Re-inspections will be conducted by the Building Department using the same method outlined in Strategy 6 and documented using the *BMP Inspection Form* located in **Appendix F** or an equivalent form.

Evaluation Criteria: The City will report the number of re-inspections conducted at deficient sites by City employees during the reporting period.

7.3.5 Public Reporting

Strategy 9. Public reporting and tracking system

The City provides a contact number for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution.



The City will promote the reporting number on the City's social media accounts at least once per year. The City will continue to publicize the reporting number on the City's website.

The public reporting methods will be evaluated annually to determine if additional public education is required.

The City utilizes a form to track the reports and follow up with investigations where necessary. A copy of the *Illicit Discharge Detection and Elimination Complaint Form* is included in **Appendix F**. Records of public complaints will include:

- Date, time, and description of complaint
- Location of subject construction sites
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

Evaluation Criteria: The City will report the total number of inquiries received, the number of complaints addressed, and the number of complaints resolved during the reporting period. The City will also report whether or not the received reports contain the required information to find and address the suspected problem. This information will help evaluate the effectiveness of the reporting system, as well as the public awareness and concern of storm water issues.

Cross-Reference: Section 5, Strategy 13; Section 6, Strategy 16

7.3.6 *Enforcement Response Plan*

Strategy 10. Written notice

In the event that the City discovers a violation of the Storm Water Control Ordinance or the Land Disturbance Permit, notification will be made. Written Notice will be sent to the property owner or permit holder under the following conditions:

- Construction sites with observed deficiencies that have resulted in a discharge of pollutants
- Construction sites that have been re-inspected following a Verbal Warning and the deficiencies noted at the time of the Verbal Warning have not been corrected

Within ten days the property owner or permit holder shall submit an explanation and a plan to remediate the violation. The plan must be approved by the Building Department. The property owner or permit holder retains all liability and responsibility for remediation.

Evaluation Criteria: The City will report the number of Written Notices issued to noncompliant construction sites during the reporting period.



Strategy 11. Consent Order

The Building Department is authorized to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement to require specific corrective actions.

Evaluation Criteria: The City will report the number of Consent Orders issued to noncompliant construction sites during the reporting period.

Strategy 12. Compliance Order

In the event a construction site continues to violate the terms of the permit or fails to respond to a Written Notice, the Building Department may issue a Compliance Order directing that remediation measures be constructed and installed.

Evaluation Criteria: The City will report the number of Compliance Orders issued to noncompliant construction sites during the reporting period.

Strategy 13. Cease and Desist Order

A Cease and Desist Order may be issued by the Building Department to the owner or operator of a noncompliant construction site under the following conditions:

- Construction sites with observed deficiencies that have resulted in a discharge of pollutants
- Construction sites that have been re-inspected following a Written Notice of violation and the deficiencies noted in the Written Notice have not been corrected

Such notice shall be in writing, shall be delivered to the owner of the property, his agent, or the person doing the work, and shall state the conditions under which work at the site may resume.

Evaluation Criteria: The City will report the number of Cease and Desist Orders issued to noncompliant construction sites during the reporting period.

Strategy 14. Enforcement tracking

The City will maintain the following information regarding enforcement actions taken at noncompliant construction sites:

- Name of owner/operator
- Location of the construction project
- Description of the violation



- Required schedule for returning to compliance
- Description of enforcement response used, including escalated responses if repeated violations occur
- Accompanying documentation of enforcement responses

Evaluation Criteria: The City will report the number of enforcement actions undertaken at noncompliant construction sites during the reporting period.

7.3.7 *ADEM Notification*

Strategy 15. Notify ADEM of unpermitted sites

The City will notify ADEM of any qualifying construction site that is not permitted under the Alabama Construction General Permit.

Evaluation Criteria: The City will report the total number of unpermitted qualifying construction sites reported to ADEM during the reporting period.

Strategy 16. Notify ADEM of non-compliant sites

Non-compliant sites where the City's enforcement actions have not resulted in compliance will be reported to ADEM. Records of each referral will be maintained and will include:

- Name of the owner/operator
- Location of construction project
- Description of violation(s)
- Required schedule for returning to compliance
- Description of enforcement response used, including escalated responses if repeat violations occur
- Accompanying documentation of enforcement responses (notices of non-compliance, notices of violations, etc.)

Evaluation Criteria: The City will report the total number of non-compliant construction sites reported to ADEM during the reporting period.

7.4 **Responsible Party**

The **Building Department** is responsible for implementing the Construction Site Storm Water Runoff Control Program.



8.0 Post-Construction Storm Water Management in New Development and Redevelopment

8.1 Rationale Statement

Post-construction runoff can significantly impact a water body by increasing the type and quantity of pollutants in storm water runoff and by increasing the volume of water delivered to the water body during storms. As runoff flows over areas altered by development, it collects sediment and chemicals such as oil, grease, pesticides, heavy metals, and nutrients. Instead of infiltrating, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff are delivered to the nearest receiving water. Both impacts can be mitigated by proper post-construction planning.

8.2 Target Audiences

The primary target audiences within the City are:

- **Developers, Contractors, and Homebuilders**
 - Responsible for development and construction activities that can impact post-construction storm water management
- **Engineers**
 - Responsible for designing post construction storm water management plans

8.3 Strategies

The City plans to implement the following activities as part of their Post-Construction Storm Water Management Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

8.3.1 *Legal Authority and Design Standards*

Strategy 1. Post construction stormwater management ordinance

Rainbow City Ordinance Number 490 was adopted on December 10, 2012 to create storm water control regulations. Ordinance 490 outlines the design, maintenance, and inspection requirements for post-construction storm water controls with the Rainbow City MS4. A copy of ordinance is provided in **Appendix E**.

Reducing Post-Construction Runoff Volume

Section 7.A requires that post-construction strategies include a combination of structural and/or non-structural BMPs designed to ensure that the volume and velocity of post-construction runoff does not significantly exceed that of pre-construction runoff.



Section 7.A specifies that the 25-year 24-hour storm be used for the design of post-construction BMPs. Section 7.A also requires that the 100-year 24-hour storm be used as the design basis for sites within a flood plain.

Reducing Pollutants from Development

Section 8.E of the ordinance requires that pollutants in storm water runoff be minimized by using appropriate BMPs.

Evaluation Criteria: The ordinance will be evaluated annually on its effectiveness in reducing storm water pollution from new development or redevelopment. The City will report the number of submitted Stormwater Management Plans and the number of plans approved or rejected during the reporting period.

The evaluation may also examine which control measures are typically utilized and if additional examples should be added to the ordinance.

Strategy 2. Encourage low-impact development/green infrastructure practices

The City will provide pre-printed educational information on green development to individuals requesting plan review and building/development permits. Information may include references to additional resources such as the Green Building Alliance, Low Impact Development Center, and U.S. Department of Housing and Urban Development.

The City will encourage developers and engineers to consider green infrastructure alternatives during the pre-design conference. The *Site Plan Checklist* issued to developers to assist them with the City's design requirements will be updated by March 31, 2023 to include the consideration of LID/GI. A copy of the current checklist is available in **Appendix F**.

Evaluation Criteria: The City will report the update of the *Site Plan Checklist* in the 2022-2023 Annual Report. The City's methods for encouraging low impact development and green infrastructure will be evaluated annually. The City will report the number of plans submitted during the reporting period that incorporated LID design elements.

Cross-Reference: Section 5, Strategy 4

Strategy 3. Evaluate obstacles to Low Impact/Green Development

The City will review and evaluate policies and ordinances related to building codes or other local regulations with the goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.

Evaluation Criteria: The City will report if obstacles are identified and provide a brief summary on how the conflicts will be resolved.



8.3.2 *Plan Review and Oversight*

Strategy 4. Require plan submittal

Section 7.A of Ordinance 490 requires that an application for a Land Disturbance Permit include a plan showing post-construction strategies. The post-construction BMPs may be incorporated into the BMP Plan or in a separate document. The plan must be submitted to the Building Department for review and approval prior to the issuance of a Land Disturbance Permit.

Evaluation Criteria: The City will report the total number of plans reviewed, the number of plans approved or rejected during the reporting period, and the number of post-construction designs approved or rejected.

Cross-Reference: Section 5, Strategy 6

Strategy 5. Plan review procedures

Prior to approval or denial of the Land Disturbance Permit, the Building Department will review post-construction measures included the BMP Plan(s) submitted by the applicant. Specific criteria for Stormwater Management Plans are provided in the storm water ordinance.

The plan will be reviewed for:

1. Compliance with the design criteria established in the ordinance
2. Compliance with the BMP standards adopted in the ordinances
3. Effectiveness of the selected BMPs
4. Details on methods selected for permanent stabilization
5. Inclusion of a long-term maintenance agreement
6. Inclusion of Low Impact Development strategies

If the reviewed plan is determined to meet the applicable criteria, the plan will be approved in writing.

Evaluation Criteria: Based on the results of plan reviews conducted during the reporting period, the City will evaluate the plan review criteria to determine if additional metrics are necessary or if further clarification is needed for the existing metrics.

Cross-Reference: Section 5, Strategy 6



Strategy 6. Require as-built certification

Section 7.D of the ordinance requires that an as-built survey be provided to the Building Department after final construction is completed. The as-built plan must show the final design specifications for all stormwater management facilities.

Evaluation Criteria: The City will report the number of as-built certifications submitted for post-construction storm water controls during the reporting period.

Strategy 7. Post-installation inspections

To ensure that post-construction BMPs are installed in accordance with the reviewed and approved plans, the City will conduct an inspection following completion of the BMP. The inspection will be conducted as part of the required final inspection, prior to the issuance of a Certificate of Occupancy. The inspection will evaluate the BMP for compliance with the approved plans.

If the inspected BMP is determined to be out of compliance, the City will require the owner to modify the BMP to meet the approved plans. Additional inspections will be conducted as necessary to determine if the required modifications have been made. A final approval will not be issued until the BMP is determined to be in compliance.

Evaluation Criteria: The City will report the number of post-construction BMPs installed and the number of final inspections conducted on post-construction BMPs during the reporting period.

8.3.3 Long-Term Operation and Maintenance

Strategy 8. Require long-term maintenance on storm water controls

Section 7 of Ordinance No. 490 requires long-term maintenance of storm water control structures. The Ordinance states the permittee must provide "*documentation allocating responsibilities for long-term operation and maintenance of Post-Construction Strategies, as it deems necessary.*" The City may also require the permittee to establish a method of funding to ensure the long-term maintenance of any post-construction BMPs.

The ordinance will be evaluated each reporting period. If changes are warranted, a new or revised ordinance will be approved and implemented.

Evaluation Criteria: The City will report the number of submitted plans that include detailed maintenance procedures, the number of maintenance agreements reviewed, the number of maintenance provisions approved or denied, and the number of enforcement actions taken.



Strategy 9. Inventory of post-construction structural controls

The City will compile an inventory of post-construction structural controls located within the Rainbow City MS4, including those owned by the City. Controls that are considered low impact or green infrastructure will be noted in the inventory. The inventory will also identify the owner/operator of each control and the construction date (if known).

The inventory will be updated annually. Structural BMPs owned or operated by Rainbow City will be identified on the map of the Rainbow City MS4.

Evaluation Criteria: The updated inventory will be provided to ADEM with each Annual Report.

Strategy 10. Annual inspections of post-construction storm water controls

The City will inspect City-owned or managed post-construction BMPs within the Rainbow City MS4 at a minimum of once per year.

Section 7.E of Ordinance 490 provides for inspections of implemented Post-Construction Strategies. The City will inspect privately-owned post-construction controls at a minimum of once per year.

Inspection and maintenance records for post-construction BMPs will be maintained for a period of five years from the date of inspection or maintenance and will be made available to ADEM upon request. Documentation of the inspections will be maintained using the *Annual Inspection Report* included in **Appendix F** and shall include, at a minimum:

- 1) Facility type
- 2) Inspection date
- 3) Name and signature of inspector
- 4) Site location
- 5) Owner information (name, address, phone number, fax, and email)
- 6) Description of the storm water BMP condition
- 7) Photographic documentation of all critical storm water BMP components
- 8) Specific maintenance items or violations that need to be corrected by the owner/operator of the storm water control or BMP
- 9) Maintenance agreements for long-term BMP operation and maintenance



Evaluation Criteria: The City will report the number of inspections performed by City personnel on post-construction BMPs during the reporting period.

8.3.4 *Enforcement and Abatement*

Strategy 11. Corrective actions for post-construction controls

Should a routine inspection of a post-construction control identify a maintenance issue, the City will perform or require necessary maintenance or repairs. Additional inspections will be conducted as necessary to determine if the required repairs have been made.

Evaluation Criteria: The City will report the number of corrective actions taken regarding deficient post-construction BMPs during the reporting period.

Strategy 12. Procedures to address non-compliant post-construction BMPs

Section 11 provides the City with the authority to enforce the requirements of the ordinance and outlines the escalating enforcement procedures available. Enforcement actions include written notice of violation, consent orders, show cause hearing, compliance order, and cease and desist orders. Section 11 provides for penalties up to \$500.00 and/or 180 days in jail per violation.

Evaluation Criteria: The City will maintain records of enforcement actions. The City will report the number of parties against which enforcement action is taken regarding deficient post-construction controls during the reporting period.

8.4 **Responsible Party**

The **Building Department** is responsible for establishing design criteria for post-construction BMPs, evaluating the storm water ordinance, reviewing submitted Stormwater Management Plans, performing inspections of City-owned post-construction BMPs, and enforcing the provisions of the storm water ordinance.



9.0 Pollution Prevention and Good Housekeeping for Municipal Operations

9.1 Rationale Statement

Rainbow City will develop and utilize BMPs designed to minimize pollution related to municipal operations and maintenance. These BMPs are intended to address storm water pollution from nutrients, sediments, petroleum products, and other common pollutants.

9.2 Target Audiences

The primary target audiences within the City are:

- **Municipal Employees**
 - Primarily responsible for identifying and reporting illicit discharges
 - Potential contributors to storm water impacts through municipal operations

9.3 Strategies

The City will implement the following activities as part of their Pollution Prevention and Good Housekeeping for Municipal Operations Program during each reporting period. To evaluate the success of the program and aid in preparing the required Annual Report, evaluation criteria have been established for each strategy.

9.3.1 *Municipal Facilities*

Strategy 1. Municipal facilities inventory

The current inventory of municipal facilities is provided in **Appendix H**. The City currently has eight municipal facilities, five of which have the potential to discharge pollutants through storm water runoff.

The City will continue to maintain the inventory listing all municipal facilities, including municipal facilities that have the potential to discharge pollutants via storm water runoff. The inventory will be updated annually.

During the annual inventory, municipal facilities will be evaluated to determine which facilities have operations with the potential to contribute pollutants to storm water runoff. The evaluation will consider the following:

- Types and amounts of chemicals stored at the facility
- Types and capacities of tanks, totes, or drums at the facility
- Outfall locations and types (e.g., ditch, culvert, pipe, etc.)



- Exterior operations at the facility (e.g., equipment washing, equipment fueling, etc.)

Evaluation Criteria: The City will provide a summary of the municipal facility inventory for the reporting period with each Annual Report, including which facilities are determined to have the potential to discharge pollutants.

9.3.2 *Litter, Floatables, and Debris Reduction*

Strategy 2. Brush and large item pickup

To reduce the amount of debris entering the MS4, the City will continue to perform brush and large item pickup throughout the year on a monthly basis. The collected debris will be disposed of at a permitted landfill.

Evaluation Criteria: The City will report the number of scheduled pickups and pounds of debris collected from pickups during the reporting period.

Cross-Reference: Section 5, Strategy 16

Strategy 3. Recycling program

To reduce the amount of litter generated within the MS4, the City manages two drop-off recycling locations, one at the trailers behind the community center and one at Fire Station II at 1400 Riddles Bend Road. The City also distributes bins to local businesses. The materials collected include:

- Cardboard
- Plastic #1 & #2
- Newspaper
- Metals
- Aluminum

The recycling program is advertised on the City website at the following link:

<https://www.rbcAlabama.com/recycling/>

Evaluation Criteria: The City will report the total amount of material (in total tons) collected during the reporting period at the drop-off facility and at the trailers during the reporting period. This information will help measure the public awareness of the program and degree of public participation.

Cross-Reference: Section 5, Strategy 17



Strategy 4. Coordinate and promote an annual community cleanup day

The City will continue to coordinate a community cleanup day annually. City personnel will participate in the cleanup day. The City will promote the event through advertisements and/or signs. Collected debris will be disposed of at a permitted landfill.

Target Audience: General public

Evaluation Criteria: The City will report number of volunteers and the ways in which the event was promoted and/or advertised. This information will indicate the number of people who received educational materials and will help measure the public awareness of the event and degree of public participation.

Cross-Reference: Section 5, Strategy 14

Strategy 5. Evaluate effectiveness of litter reduction program

To evaluate the effectiveness of the litter reduction program, the City will track the following metrics for each reporting period:

- Number of scheduled brush pickups and pounds of debris collected
- Total amount of recyclable material collected at the drop-off facility and at the trailers
- Number of volunteers who participated in the annual community cleanup day and the ways in which the event was promoted and/or advertised

The City will utilize the collected information to evaluate the effectiveness of the litter reduction program.

The City will evaluate the amount of recyclables collected over time. If there is a decrease in public participation in the recycling program, the City will evaluate the need for additional public education regarding the program or for changes to the program, such as additional hours of operation for the collection center.

The City will evaluate participation in the community cleanup event to determine if additional promotion of the event is needed.

9.3.3 Standard Operating Procedures

Strategy 6. Municipal vehicle and equipment washing SOP

Rainbow City owns and operates a variety of vehicles and equipment used in municipal operations and maintenance. These vehicles include passenger cars, trucks, vans, and equipment.

Vehicles are currently washed at the following locations:



- Street Department
- Fire Station I
- Fire Station II

The City previously developed a Vehicle Washing Standard Operating Procedure identifying storm water pollution prevention measures for vehicle washing operations.

The SOP was implemented at the appropriate municipal facilities beginning in April of 2017 and will be evaluated each year by March 31. A summary of proposed changes to the SOPs will be included in the Annual Report. A copy of the current SOP is provided in **Appendix G**

Evaluation Criteria: The Vehicle Washing SOP will be evaluated annually to determine if changes to the procedures or inspection schedule are necessary. The City will report the number of designated municipal vehicle washing areas and whether changes to the SOP were required during the reporting period.

Strategy 7. Vehicle maintenance SOP

The City previously developed a Vehicle Maintenance and Inspection Standard Operating Procedure identifying storm water pollution prevention measures for vehicle maintenance operations.

The SOP was implemented at the appropriate municipal facilities beginning in April of 2017 and will be evaluated each year by March 31. A summary of proposed changes to the SOP will be included in the Annual Report. A copy of the current SOP is provided in **Appendix G**.

Evaluation Criteria: The City will report the results of the annual evaluation of the SOP in each Annual Report.

Strategy 8. Pesticide, herbicide, and fertilizer management SOP

Pesticide, Herbicide, and Fertilizer (PHF) application within Rainbow City is currently performed by an outside contractor. Prior to entering into or renewing any additional contracts the City will require the contractor to provide the necessary certifications and licensing during the bid process.

Pesticide applications related to the Mosquito Control Program are limited to below the threshold required for coverage under a NPDES ALG870000 permit. Should City applications exceed thresholds, then the City will obtain an NPDES permit from ADEM for application practices. The City will follow ADEM regulations regarding mosquito pesticide application.

The City will develop a written Standard Operating Procedure for PHF operations by March 31, 2023. The SOP will include topics such as:



- PHF application, particularly near waterbodies
- PHF storage
- PHF disposal

The SOP will be implemented no later than March 31, 2024.

Once implemented, the SOP will be evaluated each year by March 31. A summary of proposed changes will be included in the Annual Report.

Evaluation Criteria: The City will report completion of the PHF management SOP in the 2022-2023 Annual Report. The City will report the results of the annual evaluation of the SOP in each Annual Report.

Strategy 9. Municipal vehicle fueling

The City currently operates one fueling area at the Street Department.

The City will develop a written Standard Operating Procedure for municipal vehicle fueling operations by March 31, 2023. The SOP will be implemented no later than March 31, 2024.

Once implemented, the SOP will be evaluated each year by March 31. A summary of proposed changes will be included in the Annual Report.

Evaluation Criteria: The City will report completion of the municipal vehicle fueling SOP in the 2022-2023 Annual Report. The City will report the results of the annual evaluation of the SOP in each Annual Report.

Strategy 10. Materials storage SOP

The City will develop a written Standard Operating Procedure for materials storage operations by March 31, 2023. The SOP will cover materials storage facilities and storage yards, and may include topics such as:

- Stockpile management
- Prevention of off-site sedimentation
- Spill response
- Disposal of unused materials

The SOP will be implemented no later than March 31, 2024.



Once implemented, the SOP will be evaluated each year by March 31. A summary of proposed changes will be included in the Annual Report.

Evaluation Criteria: The City will report completion of the materials storage SOP in the 2022-2023 Annual Report. The City will report the results of the annual evaluation of the SOP in each Annual Report.

9.3.4 *Inspection Program*

Strategy 11. Quarterly inspection of municipal facilities

Municipal facilities that have been determined to have the potential to discharge pollutants via stormwater runoff will be inspected for good housekeeping practices once per quarter. The *Municipal Facility Stormwater Inspection Checklist* included in **Appendix F** will be used during inspections and to track noted deficiencies.

Evaluation Criteria: The City will provide the update inventory of municipal facilities, the number of inspections performed at each facility that has the potential to discharge pollutants via stormwater runoff, and the number of noted deficiencies. This information will help measure the municipal workers awareness of storm water issues.

Strategy 12. Corrective actions at municipal facilities

If deficiencies are noted during a quarterly municipal facility inspection, the deficiencies will be addressed within 72 hours of the inspection. Should the deficiency require additional time to correct, a specific timeframe will be established for completion of corrective actions and recorded on the inspection form.

The municipal facility will be re-inspected following correction of the deficiencies, and the date of the corrective actions will be noted on the inspection form.

Evaluation Criteria: The City will provide the number of deficiencies noted during quarterly municipal facility inspections. The City will also report the number of re-inspections conducted. This information will help measure the municipal workers' awareness of storm water issues.

9.3.5 *Municipal Employee Training*

Strategy 13. Annual employee training

Appropriate City personnel will undergo annual training on good housekeeping practices, the developed SOPs, and potential threats to storm water quality. Topics may include, but are not limited to:

- Equipment washing



- Maintenance of municipal roads
- Storage and disposal of chemicals and waste materials
- Vegetation control, cutting, removal, and disposal of the cuttings
- Vehicle fleets/equipment maintenance and repair
- External building maintenance
- Materials storage facilities and storage yards

Evaluation Criteria: The City will provide details on the training topics presented to municipal workers during the reporting period. The City will report the dates municipal employees underwent training, the number of attendees, and the departments represented.

Cross-Reference: Section 6, Strategy 17

9.4 Responsible Party

The **Building Department** is responsible for conducting the municipal facility evaluations and maintaining records of the facility inspections. The Building Department is also responsible for coordinating the annual reviews of the SOPs.


RecycleRBC is responsible for managing recycling activities within the City.

The **Street Department** will be responsible for roadway maintenance and collection and disposal of the waste collected in City-owned or operated BMPs.



10.0 Agency Certification

I certify under penalty of law that this document and all attachments pertaining to Rainbow City were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

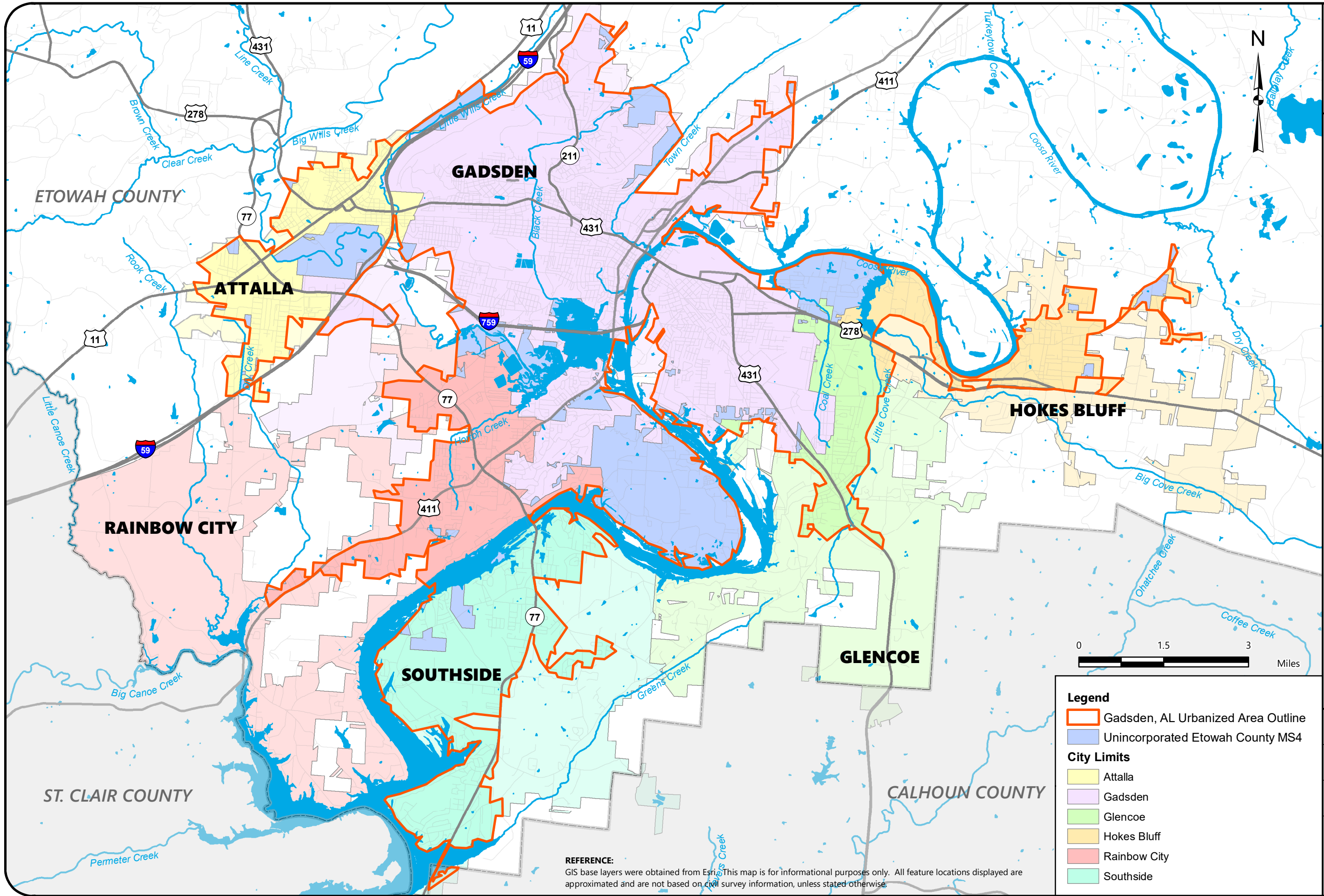


Joe Taylor, Mayor
City of Rainbow City, Alabama

3-31-22
Date

Appendices

Appendix A – Figures



GADSDEN-ETOWAH MS4 BOUNDARIES

GADSDEN ALABAMA URBANIZED AREA
PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM
NPDES GENERAL PERMIT ALR040009

SCALE:
1:100,000

DATE:
02/18/2022

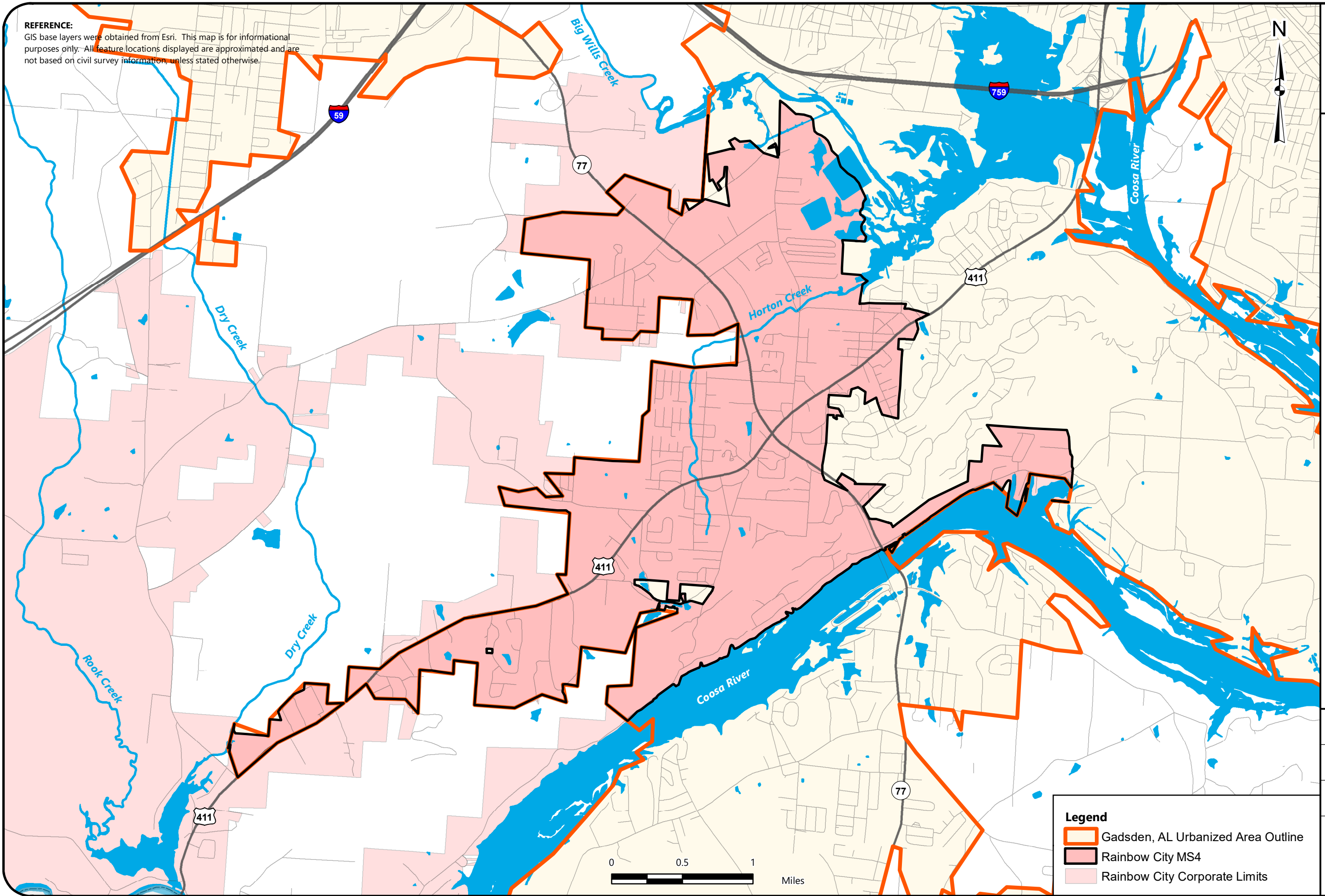
PROJECT NUMBER
215660

FIGURE NO.

1

REFERENCE:

GIS base layers were obtained from Esri. This map is for informational purposes only. All feature locations displayed are approximated and are not based on civil survey information, unless stated otherwise.



Legend

- Gadsden, AL Urbanized Area Outline
- Rainbow City MS4
- Rainbow City Corporate Limits



RAINBOW CITY MS4 BOUNDARIES

CITY OF RAINBOW CITY, ALABAMA
PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM
NPDES GENERAL PERMIT ALR040056

SCALE:
1:40,000

DATE:
02/19/2022

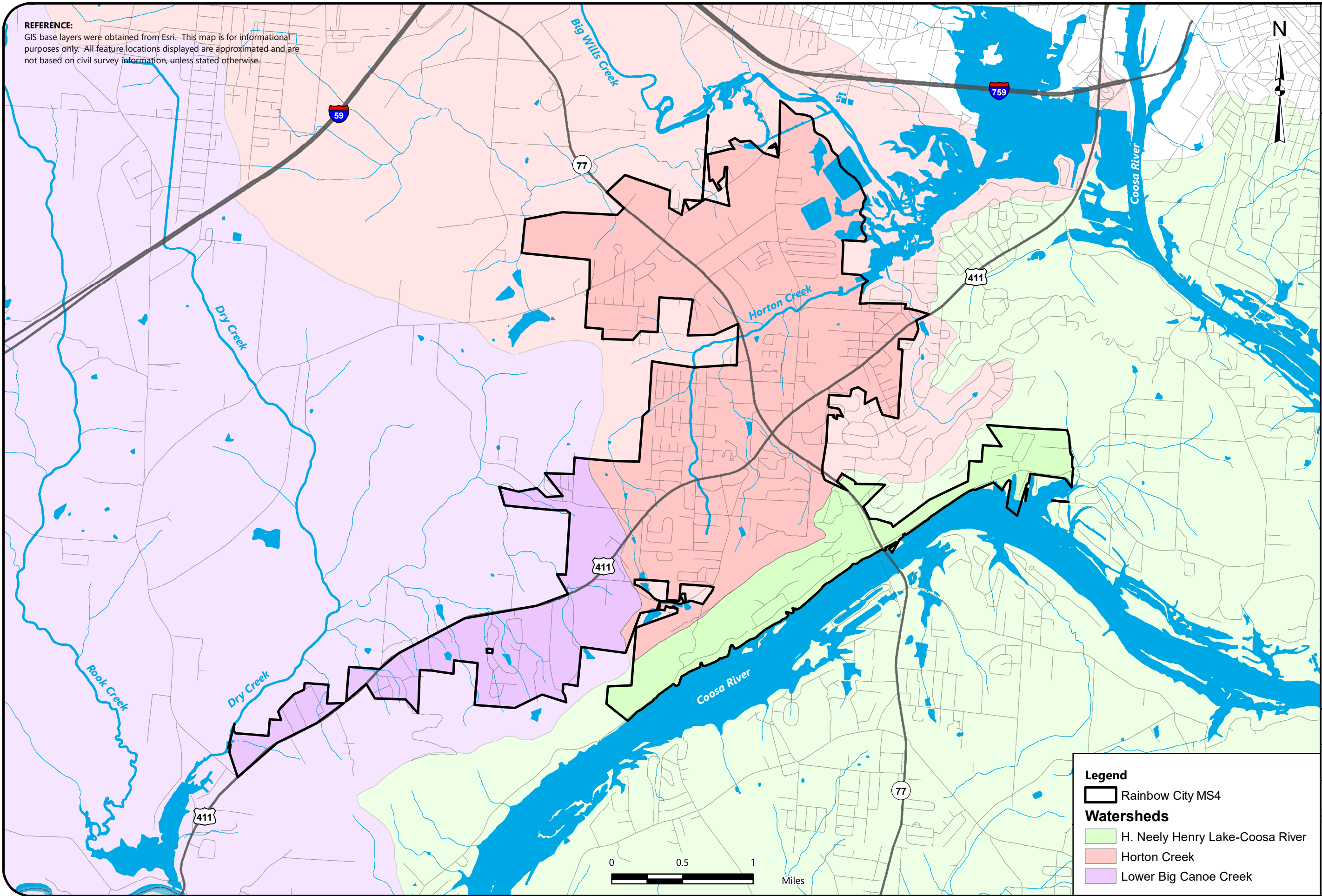
PROJECT NUMBER
215660E

FIGURE NO.

2

REFERENCE:

GIS base layers were obtained from Esri. This map is for informational purposes only. All feature locations displayed are approximated and are not based on civil survey information, unless stated otherwise.



Legend

Rainbow City MS4

Watersheds

H. Neely Henry Lake-Coosa River

Horton Creek

Lower Big Canoe Creek



RAINBOW CITY MS4 WATERSHEDS

CITY OF RAINBOW CITY, ALABAMA
PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM
NPDES GENERAL PERMIT ALR040056

SCALE:
1:40,000

DATE:
02/19/2022

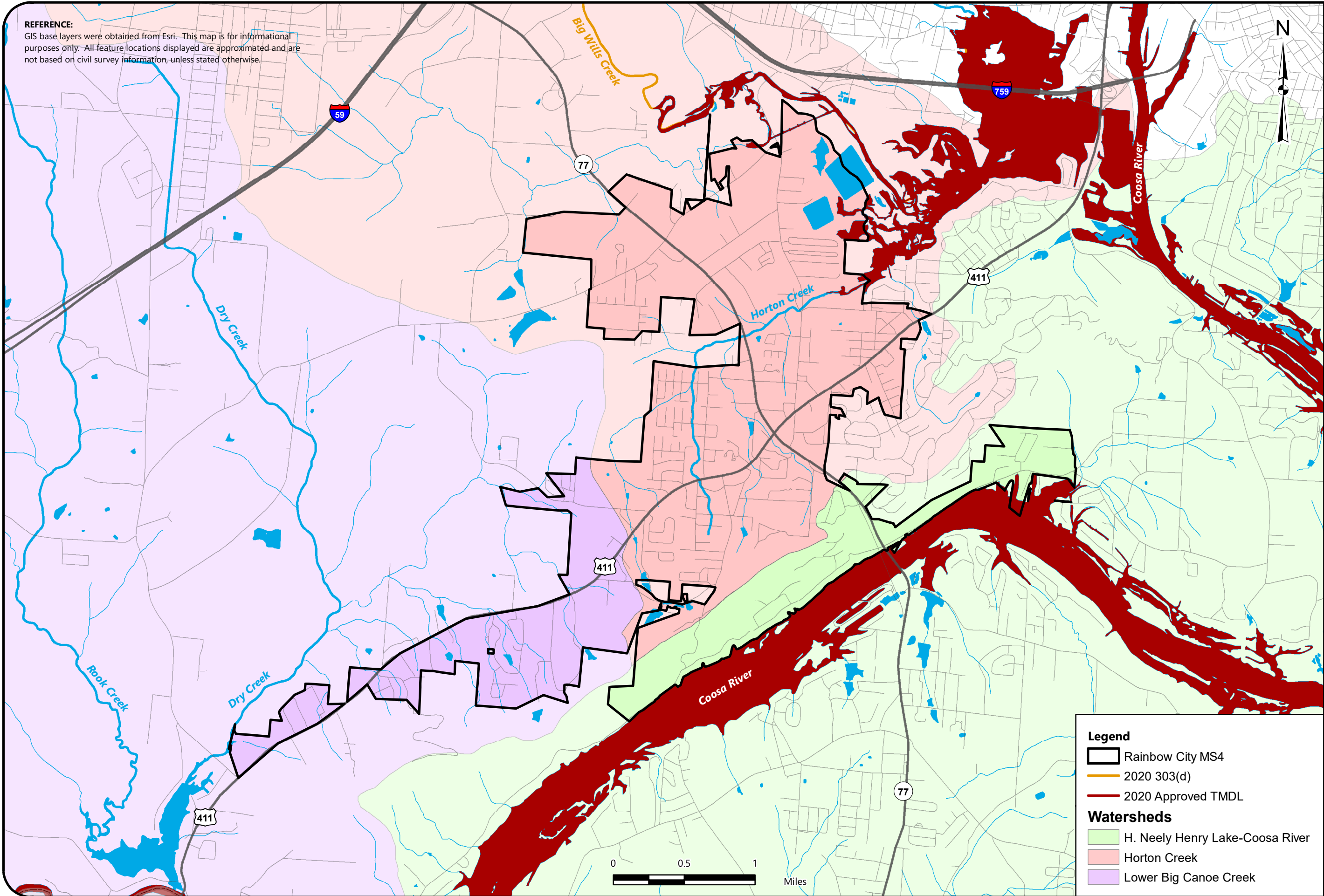
PROJECT NUMBER
215660E

FIGURE NO.

3

REFERENCE:

GIS base layers were obtained from Esri. This map is for informational purposes only. All feature locations displayed are approximated and are not based on civil survey information, unless stated otherwise.



Legend

- Rainbow City MS4
- 2020 303(d)
- 2020 Approved TMDL

Watersheds

- H. Neely Henry Lake-Coosa River
- Horton Creek
- Lower Big Canoe Creek



RAINBOW CITY MS4 IMPAIRMENTS

CITY OF RAINBOW CITY, ALABAMA
PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM
NPDES GENERAL PERMIT ALR040056

SCALE:
1:40,000

DATE:
02/19/2022

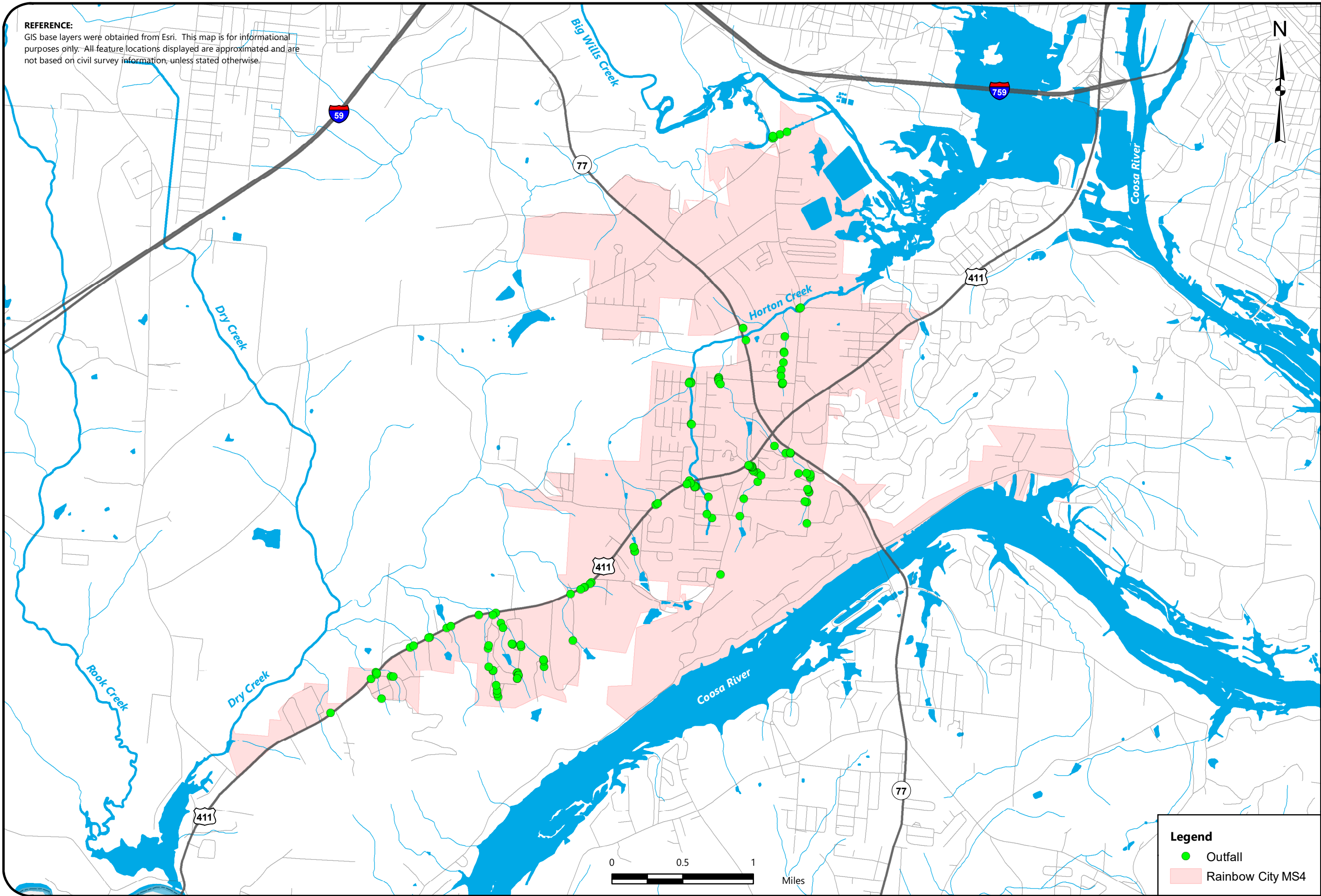
PROJECT NUMBER
215660E

FIGURE NO.

4

REFERENCE:

GIS base layers were obtained from Esri. This map is for informational purposes only. All feature locations displayed are approximated and are not based on civil survey information, unless stated otherwise.



RAINBOW CITY MS4 OUTFALLS

CITY OF RAINBOW CITY, ALABAMA
PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM
NPDES GENERAL PERMIT ALR040056

SCALE:
1:40,000

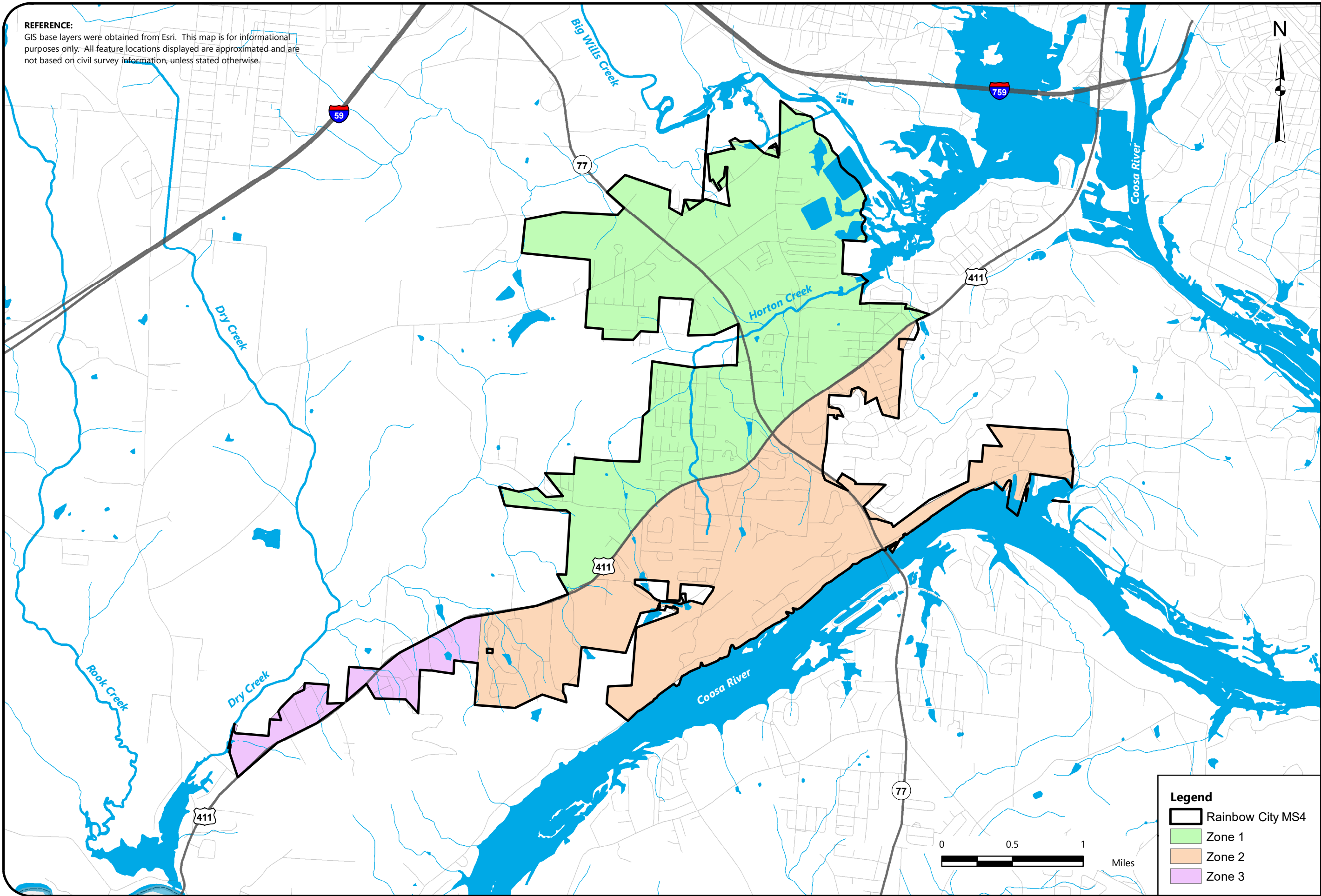
DATE:
03/30/2022

PROJECT NUMBER
215660E

FIGURE NO.

5

REFERENCE:
GIS base layers were obtained from Esri. This map is for informational purposes only. All feature locations displayed are approximated and are not based on civil survey information, unless stated otherwise.



DELINEATED ZONES FOR IDP ASSESSMENT

CITY OF RAINBOW CITY, ALABAMA
PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM
NPDES GENERAL PERMIT ALR040056

SCALE:
1:40,000

DATE:
03/30/2022

PROJECT NUMBER
215660E

FIGURE NO.

6

Appendix B – NPDES Permit

September 30, 2021

Honorable Joe Taylor
Mayor, City of Rainbow City
3700 Rainbow Drive
Rainbow City, AL 35906

RE: Small Municipal Separate Storm Sewer System (MS4) General Permit
NPDES Permit No. ALR040056
Etowah County (055)

Dear Hon. Taylor:

The Department has made a final determination to reissue General NPDES Permit No. ALR040000 for discharges from regulated small municipal separate storm sewer systems (MS4s). The reissued permit will become effective on October 1, 2021 and will expire on September 30, 2026.

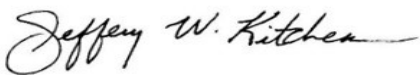
The Department notified the public of its tentative determination to reissue General NPDES Permit No. ALR040000 on July 2, 2021. Interested persons were provided the opportunity to submit comments on the Department's tentative decision through August 3, 2021. In accordance with ADEM Admin. Code r. 335-6-6-.21(7), a response to comments received during the public comment period will be available on the Department's eFile system.

Based on your request, as evidenced by the submittal of a Notice of Intent, and on the information contained in the Notice of Intent coverage under **General NPDES Permit Number ALR040056** is granted. The effective date of coverage is .

Coverage under this permit does not authorize the discharge of any pollutant or non-stormwater that is not specifically identified in the permit and by the Notice of Intent which resulted in the granting of coverage.

A copy of the General NPDES Permit under which coverage of your stormwater discharges has been granted is enclosed. If you have any questions concerning this permit, please contact Melanie Ratcliffe by email at melanie.ratcliffe@adem.alabama.gov or by phone at (334) 270-5616.

Sincerely,



Jeffery W. Kitchens, Chief
Water Division

Enclosure: Permit
File: NOI/48523



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED: STORMWATER DISCHARGES FROM REGULATED SMALL
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALR040056

RECEIVING WATERS: ALL WATERS OF THE STATE OF ALABAMA

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE: September 16, 2021

EFFECTIVE DATE: October 1, 2021

EXPIRATION DATE: September 30, 2026


Alabama Department of Environmental Management

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PART I: COVERAGE UNDER THIS GENERAL PERMIT

A. PERMIT COVERAGE

This permit covers the urbanized areas designated as a Phase II Municipal Separate Storm Sewer System (MS4) within the State of Alabama.

B. AUTHORIZED DISCHARGES

1. This permit authorizes discharges of storm water from small MS4s, as defined in 40 CFR Part 122.26(b)(16). An entity may discharge under the terms and conditions of this general permit if the entity:
 - a. Owns or operates a small MS4 within the permit area described in Section A;
 - b. Is not a "large" or "medium" MS4 as described in 40 CFR Part 122.26(b)(4) or (7);
 - c. Submits a Notice of Intent (NOI) in accordance with Part II of this General Permit; and
 - d. Either:
 - i. Is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or
 - ii. Is designated for permit authorization by the Department pursuant to 40 CFR Part 122.32(a)(2).
2. This permit authorizes the following non-storm water discharges provided that they do not cause or contribute to a violation of water quality standards and that they have been determined not to be substantial contributors of pollutants to a particular small MS4 applying for coverage under this permit and that is implementing the Storm Water Management Program (SWMP) set forth in this permit:
 - a. Water line flushing
 - b. Landscape irrigation
 - c. Diverted stream flows
 - d. Uncontaminated ground water infiltration
 - e. Uncontaminated pumped groundwater
 - f. Discharges from potable water sources
 - g. Foundation drains
 - h. Air conditioning condensate
 - i. Irrigation water (not consisting of treated, or untreated, wastewater)
 - j. Rising ground water
 - k. Springs
 - l. Water from crawl space pumps
 - m. Footing drains
 - n. Lawn watering runoff
 - o. Individual residential car washing, to include charitable carwashes
 - p. Residual street wash water
 - q. Discharge or flows from firefighting activities (including fire hydrant flushing)
 - r. Flows from riparian habitats and wetlands

- s. Dechlorinated swimming pool discharges, and
- t. Discharges authorized and in compliance with a separate NPDES permit.

C. PROHIBITED DISCHARGES

The following discharges are not authorized by this permit:

1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
 - a. In compliance with a separate NPDES permit; or
 - b. Determined by the Department not to be a significant contributor of pollutants to waters of the State;
2. Storm water discharges associated with industrial activity as defined in 40 CFR Part 122.26(b)(14)(i)-(ix) and (xi);
3. Storm water discharges associated with construction activity as defined in 40 CFR Part 122.26(b)(14)(x) or 40 CFR 122.26(b)(15) and subject to Alabama Department of Environmental Management (ADEM) Code r. 335-6-12;
4. Storm water discharges currently covered under another NPDES permit;
5. Discharges to territorial seas, contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR Part 125, Subpart M;
6. Discharges that would cause or contribute to instream exceedances of water quality standards; Your SWMPP must include a description of the Best Management Practices (BMPs) that you will be using to ensure that this will not occur. The Department may require corrective action or an application for an individual permit or alternative general permit if an MS4 is determined to cause an instream exceedance of water quality standards;
7. Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been approved or developed by EPA unless your discharge is consistent with the TMDL; This eligibility condition applies at the time you submit a NOI for coverage. If conditions change after you have permit coverage, you may remain covered by the permit provided you comply with the applicable requirements of Part V. You must incorporate any limitations, conditions and requirements applicable to your discharges, including monitoring frequency and reporting required, into your SWMPP in order to be eligible for permit coverage. For discharges not eligible for coverage under this permit, you must apply for and receive an individual or other applicable general NPDES permit prior to discharging;
8. This permit does not relieve entities that cause illicit discharges, including spills, of oils or hazardous substances, from responsibilities and liabilities under State and federal law and regulations pertaining to those discharges.
9. The discharge of sanitary wastewater through cross connections or other illicit discharges through the MS4 is prohibited.

D. OBTAINING AUTHORIZATION

1. To be authorized to discharge storm water from small MS4s, you must submit a Notice of Intent (NOI) and a description of your SWMP) in accordance with the deadlines presented in Part II of this permit.
2. You must submit the information required in Part II on the latest version of the NOI form. Your NOI must be signed and dated in accordance with Part VII of this permit.
3. No discharge under the general permit may commence until the discharger receives the Department's acknowledgement of the NOI and approval of the coverage of the discharge by the general permit. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI.
4. Where the operator changes, or where a new operator is added after submittal of an NOI under Part II, a new NOI must be submitted in accordance with Part II within thirty (30) days of the change or addition.

5. For areas extended within your MS4 by the latest census or annexed into your MS4 area after you received coverage under this general permit, the first annual report submitted after the annexation must include the updates to your SWMP, as appropriate.

E. IMPLEMENTATION

1. This permit requires implementation of the MS4 program under the State and federal NPDES Regulations. MS4s shall modify their programs if and when water quality considerations warrant greater attention or prescriptiveness in specific components of the municipal program.
2. If a small MS4 operator implements the minimum control measures in 40 CFR 122.34(b) and the discharges are determined to cause or contribute to non-attainment of an applicable water quality standard as evidenced by the State of Alabama's 303(d) list or an EPA-approved or developed TMDL, the operator must tailor its BMPs within the scope of the six minimum control measures to address the pollutants of concern and implement permit requirements outlined in Part IV.D. and Part V of this permit.
3. Existing MS4s, unless otherwise stated within this permit, shall implement each of the minimum control measures outlined in Part III.B. of this permit immediately upon the effective date of coverage. Newly designated MS4s, unless otherwise stated in this permit, shall implement the minimum control measures outlined in Part III.B. of this permit within 365 days of the effective date of coverage. However, for newly designated MS4s, where new or revised ordinances are required to implement any of the minimum control measures, such ordinances shall be enacted within 730 days from the effective date of coverage.

PART II: NOTICE OF INTENT (NOI) REQUIREMENTS

A. DEADLINES OF APPLICATIONS

1. If you are automatically designated under 40 CFR Part 122.32(a)(1) or designated by the Department, then to request recoverage, you are required to submit an NOI or an application for an individual permit and a description of your SWMP at least 90 days before the expiration of this permit.
2. If you are designated by the Department after the date of permit issuance, then you are required to submit an NOI or an application for an individual permit and a description of your SWMP within 180 days upon notification. Within six months of initial issuance, the operator of the regulated small MS4 shall submit a SWMPP to the Department for review. A SWMPP shall be submitted electronically as described in Part II.D of this permit.
3. You are not prohibited from submitting an NOI after the dates provided in Part II.A.1-2. If a NOI is submitted after the dates provided in Part II.A.1-2., your authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.
4. Within six months of the date of re-issuance of coverage under this permit, all operators of regulated small MS4s shall submit a revised SWMPP to the Department for review.

B. CONTINUATION OF THE EXPIRED GENERAL PERMIT

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the ADEM Code r. 335-6-6 and remain in force and effect if the Permittee re-applies for coverage as required under Part II of this permit. Any Permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
2. Issuance of an individual permit for your discharges; or
3. A formal permit decision by the Department not to reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

C. CONTENTS OF THE NOTICE OF INTENT (NOI)

The Notice of Intent must be signed in accordance with Part VII.G of this permit and must include the following information:

1. The correct fee pursuant to ADEM Admin. Code R.335-1, Fee Schedule D.
2. Information on the Permittee:
 - a. The name of the regulated entity, specifying the contact person and responsible official, mailing address, telephone number and email address; and
 - b. An indication of whether you are a federal, State, county, municipal or other public entity.
3. Information on the MS4:
 - a. The name of your organization, county, city, or town and the latitude/longitude of the center or the MS4 location;
 - b. The name of the major receiving water(s) and an indication of whether any of your receiving waters are included on the latest 303(d) list, included in an EPA-approved and/or EPA developed TMDL or otherwise designated by the Department as being impaired. If you have discharges to 303(d) or TMDL waters, a certification that your SWMPP complies with the requirements of Part V;

- c. If you are relying on another governmental entity, regulated under the storm water regulations (40 CFR Part 122.26 & 122.32) to satisfy one or more of your permit obligations (see Part III), the identity of that entity(ies) and the elements(s) they will be implementing. The Permittee remains responsible for compliance if the other entity fails to fully perform the permit obligation, and may be subject to enforcement action if neither the Permittee nor the other entity fully performs the permit obligation; and
 - d. Must include if you are relying on the Department for enforcement of erosion and sediment controls on qualifying construction sites in accordance with Part III.B.3.b.
4. Include a brief summary of the BMPs for the minimum control measures in Part III of this permit (i.e. a brief summary of the MS4's SWMPP), a timeframe for implementing new or additional BMPs, and the person or persons responsible for implementing or coordinating your SWMPP.

D. WHERE TO SUBMIT MS4 DOCUMENTS

The Permittee must complete and submit its NOI or individual application electronically, and a description of your SWMP as allowed under Part II.A., signed in accordance with the signatory requirements of Section VII of this permit, to the Department via the Alabama Environmental Permitting and Compliance System (AEPACS) unless the Permittee submits in writing valid justification as to why the electronic submittal cannot be utilized and the Department approves in writing the utilization of hard copy submittals. The AEPACS can be accessed at the following link: <https://adem.alabama.gov/AEPACS>. Permit requests for initial issuance and modifications of the existing permit shall all be submitted through the AEPACS.

Requests as to why AEPACS cannot be utilized shall be addressed to:

**Alabama Department of Environmental Management
Water Division
Storm Water Management Branch
Post Office Box 301463
Montgomery, Alabama 36130-1463**

PART III: STORM WATER POLLUTION PREVENTION AND MANAGEMENT PROGRAM

A. STORM WATER MANAGEMENT PROGRAM (SWMP)

1. The Permittee is required to develop, revise, implement, maintain and enforce a SWMP which shall include controls necessary to reduce the discharge of pollutants from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Parts 122.30-122.37. These requirements shall be met by the development and implementation of a SWMPP which addresses the BMPs, control techniques and systems, design and engineering methods, public participation and education, monitoring, and other appropriate provisions designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP).
2. The Permittee shall provide and maintain adequate finance, staff, equipment, and support capabilities necessary to implement the SWMPP and comply with the requirements of this permit.
3. The SWMPP must address the minimum storm water control measures referenced in Part III.B. to include the following:
 - a. A map of the Permittee's MS4 urbanized areas;
 - b. The BMPs that will be implemented for each control measure. Low impact development/green infrastructure shall be considered and actively encouraged where feasible. Information on LID/Green Infrastructure is available on the following websites: <http://www.adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf> and <https://epa.gov/nps/urban-runoff-low-impact-development>;
 - c. The measureable goals for each of the minimum controls outlined in Part III.B.;
 - d. The proposed schedule—including interim milestones, as appropriate, inspections, and the frequency of actions needed to fully implement each minimum control; and
 - e. The person and/or persons responsible for implementing or coordination the BMPs for each separate minimum control measure.
4. Unless otherwise specified in this permit, the Permittee shall be in compliance with the conditions of this permit by the effective date of coverage.

B. MINIMUM STORM WATER CONTROL MEASURES

1. Public Education and Public Involvement on Storm Water Impacts

- a. The Permittee must develop and implement a public education and outreach program to inform the public about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff to the MEP. The Permittee shall continuously implement this program in the areas served by the MS4. The Permittee shall also comply, at a minimum, with applicable State and local public notice requirements when implementing a public involvement/participation program. Each year, the Permittee shall implement a minimum of four BMPs, with two BMP emphasizing public education and two BMP emphasizing public involvement.
- b. The Permittee shall include within the SWMPP the following information:
 - i. Annually, seek and consider public input in the development, revision, and implementation of the SWMPP, that may include, but is not limited to publishing in local newspaper, posting on the Permittee's website, etc.;
 - ii. Address in its public education program, the targeted pollutant sources to include, at a minimum the land development community (i.e., construction contractors/developers);
 - iii. Specifically address the reduction of litter, floatables and debris from entering the MS4, that may include, but is not limited to:

- (1) Establishing a program to support volunteer groups for labeling storm drain inlets and catch basins with "no dumping" message; post and
 - (2) Posting signs referencing local codes that prohibit littering and illegal dumping at selected designated public access points to open channels, creeks, and other relevant waterbodies;
- iv. Inform and involve individuals and households about the steps they can take to reduce storm water pollution;
- v. Plans to inform and involve individuals and groups on how to participate in the storm water program (with activities that may include, but not limited to, local stream and lake restoration activities, storm water stenciling, advisory councils, watershed associations, committees, participation on rate structures, stewardship programs and environmental related activities, outreach on LID/GI). The target audiences and subject areas for the education program that are likely to have significant storm water impacts should include, but is not limited to, the following:
 - (1) General Public
 - (a) General impacts litter has on water bodies, how trash is delivered to streams via the MS4 and ways to reduce the litter;
 - (b) General impacts of storm water flows into surface water from impervious surface; and
 - (c) Source control BMPs in areas of pet waste, vehicle maintenance, landscaping and rain water reuse.
 - (2) General Public, Businesses, Including Home-Based and Mobile Businesses
 - (a) BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials; and
 - (b) Impacts of illicit discharges and how to report them.
 - (3) Homeowners, Landscapers, and Property Managers
 - (a) Yard care techniques that protect water quality;
 - (b) BMPs for use and storage of pesticides and fertilizers;
 - (c) BMPs for carpet cleaning and auto repair and maintenance;
 - (d) Runoff reduction techniques, which may include but not limited to site design, pervious paving, retention of forests, mature trees, and maintenance required for LID/GI; and
 - (e) Storm water pond maintenance.
 - (4) Engineers, Contractors, Developers, Review Staff and Land Use Planners
 - (a) Technical standards for construction site sediment and erosion control;
 - (b) Storm water treatment and flow control BMPs;
 - (c) Impacts of increased storm water flows into receiving water bodies; and
 - (d) Run-off reduction techniques and low impact development (LID)/green infrastructure (GI) practices that may include, but not limited to, site design, pervious pavement, alternative parking lot design, retention of forests and mature trees to assist in storm water treatment and flow control BMPs, and maintenance required for LID/GI.
- vi. Evaluate the effectiveness of the public education and public involvement program. If the Permittee determines any portion of the program (including BMPs) to be ineffective, then the Permittee shall update the SWMPP to address the ineffectiveness.

- c. The Permittee shall report each year in the annual report the following information:
 - i. A description of the method used to seek and consider input from the public in the development, revision, and implementation of the SWMPP;
 - ii. A description of the activities used to involve groups and/or individuals in the development, revision, and implementation of the SWMPP;
 - iii. A description of the targeted pollutant sources the public education and public involvement program addressed;
 - iv. A description of the individuals and groups targeted and how many groups and/or individuals participated in the programs;
 - v. A description of the activities used to address the reduction of litter, floatables and debris from entering the MS4 as required in Part III.B.1.b.iii.;
 - vi. A description of the communication mechanism(s) or advertisement(s) used to inform individuals, households, public and/or groups as well as the quantity that were distributed (i.e. number of printed brochures, copies of newspapers, workshops, public service announcements, etc.); and
 - vii. Results of the evaluation of the public education and public involvement program as required in Part III.B.1.b.vi.
- d. The Permittee shall make their SWMPP and their annual reports required under this permit available to the public when requested. The current SWMPP and the latest annual report should be posted on the Permittee's website, if available, and within 30 days of submittal of the SWMPP to the Department.

2. Illicit Discharge Detection and Elimination (IDDE) Program

- a. The Permittee shall implement an ongoing program to detect and eliminate illicit discharges into the MS4, to the maximum extent practicable. The program shall include, at a minimum, the following:
 - i. An initial map shall be provided in the SWMPP with updates, if any, provided each year in the annual report. The map shall include, at a minimum:
 - (1) The latitude/longitude of all known outfalls;
 - (2) The names of all waters of the State that receive discharges from these outfalls; and,
 - (3) Structural BMPs owned, operated, or maintained by the Permittee, if applicable.
 - ii. To the extent allowable under State law, an ordinance or other regulatory mechanism that effectively prohibits non-storm water discharges to the MS4. The ordinance or other regulatory mechanism shall be reviewed annually and updated as necessary and shall:
 - (1) Include escalating enforcement procedures and actions; and
 - (2) Require the removal of illicit discharges and the immediate cessation of improper disposal practices upon identification of responsible parties. Where the removal of illicit discharge within ten (10) working days is not possible, the ordinance shall require an expeditious schedule for removal of the discharge. In the interim, the ordinance shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.
 - iii. A dry weather screening program designed to detect and address non-storm water discharges to the MS4. This program must address, at a minimum, dry weather screening of fifteen percent (15%) of the outfalls once per year with all (100 percent) screened at least once per five years. Priority areas, as described by the Permittee in the SWMPP, will be dry weather screened on a more frequent schedule as outlined in the SWMPP. If any indication of a suspected illicit discharge, from an unidentified source, is observed during the dry weather screening, then the Permittee shall follow the screening protocol as outlined in the SWMPP.

- iv. Procedures for tracing the source of a suspect illicit discharge as outlined in the SWMPP. At a minimum, these procedures will be followed to investigate portions of the MS4 that, based on the results of the field screening or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm water.
 - v. Procedures for eliminating an illicit discharge as outlined in the SWMPP;
 - vi. Procedures to notify ADEM of a suspect illicit discharge entering the Permittee's MS4 from an adjacent MS4 as outlined in the SWMPP;
 - vii. A mechanism for the public to report illicit discharges discovered within the Permittee's MS4 and procedures for appropriate investigation of such reports;
 - viii. A training program for appropriate personnel to be trained on identification, reporting, and corrective action of illicit discharges, at a minimum of at least once per five years;
 - ix. Address the following categories of non-storm discharges or flows (i.e., illicit discharges) only if the Permittee or the Department identifies them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering run-off, individual residential car washing, flows from riparian habitats and wetlands, discharge or flows from firefighting activities (to include fire hydrant flushing); dechlorinated swimming pool discharges, and residual street wash water, discharge authorized by and in compliance with a separate NPDES permit; and
 - x. The Permittee may also develop a list of other similar occasional incidental non- storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non- storm water discharges must not be reasonably expected (based on information available to the Permittees) to be significant sources of pollutants to the municipal separate storm sewer system, because of either the nature of the discharges or conditions you have established for allowing these discharges to your MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to impaired waterbodies, BMPs on the wash water, etc.). You must document in your SWMPP any local controls or conditions placed on the discharges. The Permittee must include a provision prohibiting any individual non- storm water discharge that is determined to be contributing significant amounts of pollutants to your MS4.
- b. The Permittee shall report each year in the annual report the following information:
- i. List of outfalls observed in the annual reporting year to demonstrate that 100% of outfalls are screened at least once per five years during the dry weather screening;
 - ii. Updated MS4 map(s) as required by Part III.B.2.a.i. unless there are no changes to the map that was previously submitted. When there are no changes to the map, the annual report must state this;
 - iii. Copies of, or a link to, the IDDE ordinance or other regulatory mechanism as required by Part III.B.2.a.ii. When there are no changes to the ordinance or other regulatory mechanism, the annual report should state this;
 - iv. Date(s) of training conducted for appropriate personnel; and
 - v. The number of illicit discharges investigated, the screening results, and the summary of corrective actions taken to include dates and timeframe of response.

3. Construction Site Storm Water Runoff Control

- a. The Permittee must develop/revise, implement and enforce an ongoing program to reduce, to the maximum extent practicable, the pollutants in any storm water runoff to the MS4 from qualifying construction sites. The program shall include the following at a minimum:
 - i. Specific procedures for construction site plan (including erosion prevention and sediment controls) review and approval: The MS4 procedures must include an evaluation of plan completeness and overall BMP effectiveness;
 - ii. To the extent allowable under State law, an ordinance or other regulatory mechanism to require erosion and sediment controls, sanctions to ensure compliance, and to provide all other authorities needed to implement the requirements of Part III.B.3 of this permit. The ordinance or other regulatory mechanism shall be reviewed annually and updated as necessary;
 - iii. A training program for MS4 site inspection staff in the identification of appropriate construction BMPs (example: QCI training in accordance with ADEM Admin Code. R. 335-6-12 or the Alabama Construction Site General Permit). Applicable MS4 site inspection staff shall be trained at least once per year;
 - iv. Within 365 days of the effective date of the permit, develop and implement a construction site inspection form to include at least the items listed in Parts III.B.3.d.i.
 - v. Within 365 days of the effective date of the permit, maintain an inventory of qualifying construction sites containing relevant contact information for each construction site (i.e., tracking number and construction site contact name, address, phone number, etc.), the size of the construction site, whether the construction site has submitted for permit coverage under ADEM's Construction General Permit ALR100000, and the date the MS4 Permittee approved the site construction plan. The MS4 Permittee must make the inventory available upon the Department's request.
 - vi. Procedures for the inspection of qualifying construction sites to verify the use of appropriate erosion and sediment control practices that are consistent with the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook"). The frequency and prioritization of inspection activities shall be documented in the SWMPP. Inspection of construction sites to verify use and proper maintenance of appropriate BMPs shall be performed in accordance with the frequency specified in the table below:

| Site | Inspection Frequency |
|---|--|
| Priority Construction Sites (defined in Part VII.W.) | At a minimum, inspections must occur monthly. |
| Other sites determined by the Permittee or Permitting Authority to be a significant threat to water quality.* | |
| All qualifying construction sites not meeting the criteria specified above. | At a minimum, inspections must occur every three months. |

*In evaluating the threat to water quality, the following factors must be considered, if applicable:

- Soil erosion potential;
- Site slope;
- Project size and type;
- Sensitivity of receiving waterbodies including 303d or TMDL status;
- Proximity to receiving waterbodies;
- Non-storm water discharges;
- Past record of non-compliance by the operators of the construction site; and
- Other factors deemed relevant to the MS4.

- vii. For sites determined to have ineffective BMPs, a follow-up inspection shall be conducted and appropriately documented as outlined in Part III.B.3.d.i.
 - viii. Procedures, as outlined in the SWMPP, to notify ADEM of construction sites that do not have a NPDES permit or ineffective BMPs that are discovered during the periodic inspections. The notification must provide, at a minimum, the specific location of the construction project, the name and contact information from the owner or operator, and a summary of the site deficiencies; and
 - ix. A mechanism for the public to report complaints regarding discharges from qualifying construction sites.
- b. ADEM implements a State-wide NPDES construction storm water regulatory program. As provided by 40 CFR Part 122.35(b), the Permittee may rely on ADEM for the setting of standards for appropriate erosion controls and sediment controls for qualifying construction sites and for enforcement of such controls, and must document this in its SWMPP. If the Permittee elects not to rely on ADEM's program, then the Permittee must include the following, at a minimum, in its SWMPP:
- i. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs consistent with the Alabama Handbook for Erosion Control, Sediment Control, And Stormwater Management on Construction Sites and Urban Areas published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook");
 - ii. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - iii. Development and implementation of an enforcement strategy that includes escalating enforcement remedies to respond to issues of non-compliance;
 - iv. An enforcement tracking system designed to record instances of non-compliance and the MS4's responding actions. The enforcement case documentation should include:
 - (1) Name of owner/operator
 - (2) Location of construction project or industrial facility
 - (3) Description of violations
 - (4) Required schedule for returning to compliance
 - (5) Description of enforcement response used, including escalated responses if repeat violation occur or violations are not resolved in a timely manner;
 - (6) Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violation, etc.);
 - (7) Any referrals to different departments or agencies; and
 - (8) Date violation was resolved
 - v. The Permittee must keep records of all inspections (i.e. inspection reports) and employee training required by Part III.B.3.a.
- c. The Permittee shall include within the SWMPP the following information:
- i. Procedures for site plan reviews as required by Part III.B.3.a.i;
 - ii. A copy or link of the ordinance or other regulatory mechanism required by Part III.B.3.a.ii.;
 - iii. Plans for the training of MS4 site inspection staff as required by Part III.B.3.a.iii; and
 - iv. A copy of the construction site inspection form meeting the requirements of Part III.B.3.a.iv.

- d. The Permittee shall maintain the following information and make it available upon request:
 - i. Documentation of all inspections conducted of qualifying construction sites as required by Part III.B.3.a.vi. The inspection documentation shall include, at a minimum, the following:
 - (1) Facility type;
 - (2) Inspection date;
 - (3) Name and signature of inspector;
 - (4) Location of construction project;
 - (5) Owner/operator information (name, address, phone number, email);
 - (6) Description of the storm water BMP condition that may include, but not limited to, the quality of vegetation and soils, inlet and outlet channels and structures, embankments, slopes and safety benches, spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures; and
 - (7) Photographic documentation of any issues and/or concerns.
 - ii. Documentation of referrals of noncompliant construction sites and/or enforcement actions taken at construction sites to include, at a minimum, the following:
 - (1) Name of owner/operator
 - (2) Location of construction project;
 - (3) Description of violation;
 - (4) Required schedule for returning to compliance;
 - (5) Description of enforcement response used, including escalated responses if repeat violations occur; and
 - (6) Accompanying documentation of enforcement responses (e.g. notices of non-compliance, notices of violations, etc.).
 - iii. Records of public complaints including:
 - (1) Date, time and description of the complaint;
 - (2) Location of subject construction sites; and
 - (3) Identification of any actions taken (e.g. inspections, enforcement, corrections). Identifying information must be sufficient to cross-reference inspection and enforcement records.
- e. The Permittee shall report each year in the annual report the following information:
 - i. A description of any completed or planned revisions to the ordinance or regulatory mechanism required by Part III.B.3.a.ii. and the most recent copy, or a link to the ordinance; and
 - ii. List of all active construction sites within the MS4 to include the following summary:
 - (1) Number of construction site inspections;
 - (2) Number of non-compliant construction site referrals and/or enforcement actions and description of violations;
 - (3) Number of construction site runoff complaints received; and
 - (4) Number of MS4 staff/inspectors trained. Include copies of certifications or attendance records for those MS4 staff/inspectors.

4. Post-Construction Storm Water Management in New Development and Redevelopment

- a. Post-construction storm water management refers to the activities that take place after construction occurs, and includes structural and non-structural controls including low-impact development and green infrastructure practices to obtain permanent storm water management over the life of the property's use. These post construction controls should be considered during the initial site development planning phase.
- i. The Permittee must develop/revise, implement, and enforce a program to address storm water runoff from qualifying new development and redevelopment projects, to the maximum extent practicable. This program shall ensure that controls are in place to prevent or minimize water quality impacts. Specifically, the Permittee shall:
 - (1) Develop/revise and outline in the SWMPP procedures for the site-plan review and approval process and a required re-approval process when changes to post-construction controls are required; and
 - (2) Develop/revise and outline in the SWMPP procedures for a post-construction process to demonstrate and document that post-construction storm water measures have been installed per design specifications, which includes enforceable procedures for bringing noncompliant projects into compliance.
- ii. The Permittee must develop and implement strategies which may include a combination of structural and/or non-structural BMPs designed to ensure, to the maximum extent practicable, that the post construction runoff mimics pre-construction hydrology. A design rainfall event with an intensity up to that of a 2yr-24hr storm event shall be the basis for the design and implementation of post- construction BMPs.
- iii. Encourage and educate landowners and developers to incorporate the use of low impact development (LID)/green infrastructure where feasible. Information on low impact development (LID)/green infrastructure is available on the following websites: <http://www.adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf>; <http://epa.gov/nps/lid>. The Permittee shall include a narrative description in the SWMPP as to the means that will be taken to implement the requirement to encourage landowners and developers to incorporate the use of low impact development (LID)/green infrastructure;
- iv. To the extent allowable under State law, the Permittee must develop and institute the use of an ordinance or other regulatory mechanism to address post-construction runoff from qualifying new development and redevelopment projects. The ordinance or other regulatory mechanism shall be reviewed annually and updated as necessary;
- v. The Permittee must require adequate long-term operation and maintenance of BMPs. One or more of the following as applicable:
 - (1) The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
 - (2) Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
 - (3) Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control management practices; and/or
 - (4) Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.
- vi. The Permittee shall perform or require the performance of post-construction inspections, at a minimum of once per year, to confirm that post-construction BMP's are functioning as designed. The Permittee shall include an inspection schedule, to include inspection frequency, within the SWMPP. The Permittee shall document or require documentation of the post-construction inspection. Such documentation shall include, at a minimum:

- (1) Facility type
 - (2) Inspection date
 - (3) Name and signature of inspector
 - (4) Site location
 - (5) Owner information (name, address, phone number, fax, and email)
 - (6) Description of the storm water BMP condition that may include the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures;
 - (7) Photographic documentation of all critical storm water BMP components;
 - (8) Specific maintenance items or violations that need to be corrected by the owner/operator of the storm water control or BMP; and
 - (9) Maintenance agreements for long-term BMP operation and maintenance.
- vii. The Permittee shall maintain or require the developer/owner/operator to keep records of post-construction inspections, maintenance activities and make them available to the Department upon request and require corrective actions to poorly functioning or inadequately maintained post-construction BMP's.
- b. The Permittee shall report each year in the annual report the following information:
- i. Copies of, or link to, the ordinance or other regulatory mechanism required by Part III.B.4.a.iv.;
 - ii. A list of the post-construction structural controls installed and inspected during the permit year. The list shall include which post-construction structural controls installed are considered low impact development (LID)/green infrastructure, if applicable;
 - iii. Updated inventory of post-construction structural controls including those owned by the Permittee;
 - iv. Number of inspections performed on post-construction structural controls; and,
 - v. Summary of enforcement actions, if applicable.

5. Pollution Prevention/Good Housekeeping for Municipal Operations

- a. The Permittee shall develop, implement, and maintain a program that will prevent or reduce the discharge of pollutants in storm water run-off from municipal operations to the maximum extent practicable. The program elements shall include, at a minimum, the following:
- i. An inventory (to include name and location) of all municipal facilities. Evaluate and determine which municipal facilities have the potential to discharge pollutants via storm water runoff;
 - ii. Strategies for the implementation of BMPs to reduce litter, floatables and debris from entering the MS4 and evaluate those BMPs annually to determine their effectiveness. If a BMP is determined to be ineffective or infeasible, then an alternate BMP must be implemented. The Permittee shall also develop a plan to remove litter, floatable and debris material from the MS4, including proper disposal of waste removed from the system;
 - iii. Standard Operating Procedures (SOPs) detailing good housekeeping practices to be employed at municipal facilities (that have the potential to discharge pollutants via stormwater runoff) and during municipal operations that may include, but not limited to, the following:
 - (1) Equipment washing;
 - (2) Street sweeping;

- (3) Maintenance of municipal roads including public streets, roads, and highways, including but not limited to unpaved roads, owned, operated, or under the responsibility of the Permittee;
 - (4) Storage, use, and disposal of chemicals, Pesticide, Herbicide and Fertilizers (PHFs) and waste materials;
 - (5) Vegetation control, cutting, removal, and disposal of the cuttings;
 - (6) Vehicle fleets/equipment maintenance and repair;
 - (7) External Building maintenance; and
 - (8) Materials storage facilities and storage yards.
- iv. A program for inspecting municipal facilities for good housekeeping practices, including BMPs. The program shall include checklists and procedures for correcting noted deficiencies;
- v. A training program for municipal facility staff in good housekeeping practices as outlined in the SOP developed pursuant to Part III.B.5.a.iii; and
- b. The Permittee shall include within the SWMPP the following information:
 - i. The inventory of municipal facilities required by Part III.B.5.a.i;
 - ii. Evaluate and include a discussion of how effectiveness is measured for Part III.B.5.a.ii;
 - iii. Schedule for developing the SOP of good housekeeping practices required by Part III.B.5.a.iii;
 - iv. An inspection plan and schedule to include inspection frequency, checklists, and any other materials needed to comply with Part III.B.5.a.iv; and
 - v. A description of the training program and training schedule to include training frequency required by Part III.B.5.a.v.
- c. The Permittee shall report each year in the annual report the following information:
 - i. Any updates to the municipal facility inventory;
 - ii. An estimated amount of floatable material collected from the MS4 as required by Part III.B.5.a.ii;
 - iii. Any updates to the inspection plan
 - iv. The number of inspections conducted; and
 - v. Any updates to the SOP of good housekeeping practices.
- d. The Permittee shall maintain the following information and make it available upon request:
 - i. Records of inspections and corrective actions, if any; and
 - ii. Training records including the dates of each training activities and names of personnel in attendance.

PART IV: SPECIAL CONDITIONS

A. RESPONSIBILITIES OF THE PERMITTEE

1. If the Permittee is relying on another entity to satisfy one or more requirements of this permit, then the Permittee must note that fact in the SWMPP. The Permittee remains responsible for compliance with all requirements of this permit, except as provided by Part III.B.3.b and reliance on another entity will not be a defense or justification for non-compliance if the entity fails to implement the permit requirements.
2. If the Permittee is relying on the Department for the enforcement of erosion and sediment controls on qualifying construction sites and has included that information in the SWMPP as required by Part III.B.3.b., the Permittee is not responsible for implementing the requirements of Part III.B.3.b of this permit as long as the Department receives notification of non-compliant qualifying constructions sites from the Permittee as required by Part III.B.3.a.viii.

B. SWMPP PLAN REVIEW AND MODIFICATION

1. The Permittee shall submit a SWMPP and/or revised SWMPP to the Department as required by Part II.A of the permit. The Permittee shall implement plans to seek and consider public input in the development, revision and implementation of this SWMPP, as required by Part III.B.1.b.i. Thereafter, the Permittee shall perform an annual review of the current SWMPP and must revise the SWMPP, as necessary, to maintain compliance with the permit. Any revisions to the SWMPP shall be submitted to the Department at the time a revision is made for the Department review and the Permittee's website shall be updated with the revised version of the SWMPP. Revisions made to the SWMPP may include, but are not limited to, the replacement of ineffective or infeasible BMPs or the addition of components, controls and requirements; and
2. The Permittee shall implement the SWMPP on all new areas added to their municipal separate storm sewer system (or for which they become responsible for implementation of storm water quality controls) as soon as practicable, but not later than one (1) year from addition of the new areas. Implementation of the program in any new area shall consider the plans of the SWMPP of the previous MS4 ownership, if any.

C. DISCHARGE COMPLIANCE WITH WATER QUALITY STANDARDS

This general permit requires, at a minimum, that the Permittee develop, implement and enforce a Storm Water Management Program designed to reduce the discharge of pollutants to the maximum extent practicable. Full implementation of BMPs, using all known, available, and reasonable methods of prevention, control and treatment to prevent and control storm water pollution from entering waters of the State of Alabama is considered an acceptable effort to reduce pollutants from the municipal storm drain system to be the maximum extent practicable.

D. IMPAIRED WATERS AND TOTAL MAXIMUM DAILY LOADS (TMDLs)

1. The Permittee must determine whether the discharge from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest §303(d) list or designated by the Department as impaired;
2. If the Permittee's MS4 discharges to a waterbody included on the latest §303(d) or designated by the Department as impaired, it must demonstrate the discharges, as controlled by the Permittee, do not cause or contribute to the impairment. The SWMPP must detail the BMPs that are being utilized to control discharges of pollutants associated with the impairment. If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within six (6) months following the publication of the latest final §303(d) list, Department designation, or the effective date of this permit, submit a revised SWMPP detailing new or modified BMPs. The SWMPP must be revised as directed by the Department and the new or modified BMPs must be implemented within one year from the publication of the latest final §303(d) list or Department designation.
3. Permittees discharging from MS4s into waters with EPA-Approved TMDLs and/or EPA-Established TMDLs
 - a. The Permittee must determine whether its MS4 discharges to a waterbody for which a TMDL has been established or approved by EPA. If an MS4 discharges into a water body with an EPA approved or established TMDL, then the SWMPP must include BMPs targeted to meet the assumptions and

requirements of the TMDL. If additional BMPs will be necessary to meet the requirements of the TMDL, the SWMPP must include a schedule for installation and/or implementation of such BMPs. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

- b. If, during this permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which an MS4 discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the MS4.
- i. If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If existing BMPs are not sufficient, the Permittee must, within six (6) months following the approval or establishment of the TMDL by EPA, submit a revised SWMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within one year, unless an alternate date is approved by the Department, from the establishment or approval of the TMDL by EPA. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

E. REQUIRING AN INDIVIDUAL PERMIT

The Department may require any person authorized by this permit to apply for and/or obtain an individual NPDES permit. When the Department requires application for an individual NPDES permit, the Department will notify the Permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form and a statement setting a deadline for the Permittee to file the application.

PART V: MONITORING AND REPORTING

A. MONITORING REQUIREMENTS

1. If there are no 303(d) listed or TMDL waters located within the Permittee's MS4 area, no monitoring shall be required. The SWMPP shall include a determination stating if monitoring is required.
2. If a waterbody within the MS4 jurisdiction is listed on the latest final §303(d) list, or otherwise designated impaired by the Department, or for which a TMDL is approved or established by EPA, during this permit cycle, then the Permittee must implement a monitoring program, within 6 months, to include monitoring that addresses the impairment or TMDL. A monitoring plan shall be included with the SWMPP and any revisions to the monitoring program shall be documented in the SWMPP and Annual Report.
3. Proposed monitoring locations, and monitoring frequency shall be described in the monitoring plan with actual locations described in the annual report;
4. The Permittee must include in the monitoring program any parameters attributed with the latest final §303(d) list or otherwise designated by the Department as impaired or are included in an EPA-approved or EPA-established TMDL.
5. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved 40 CFR Part 136 does not exist, then a Department approved alternative method may be used.
6. If the Permittee is unable to collect samples due to adverse conditions, the Permittee must submit a description of why samples could not be collected, including available documentation of the event. An adverse climatic condition which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

B. REPORTING OF MONITORING RESULTS

Monitoring results must be reported with the subsequent Annual Report and shall include the following monitoring information:

1. The date, latitude/longitude of location, and time of sampling;
2. The name(s) of the individual(s) who performed the sampling;
3. The date(s) analysis were performed;
4. The name(s) of individuals who performed the analysis;
5. The analytical techniques or methods used; and
6. The results of such analysis.

PART VI: ANNUAL REPORTING REQUIREMENTS

A. ANNUAL REPORT SUBMITTAL

1. The Permittee shall submit to the Department an annual report and all other information and documents via the AEPACS system no later than May 31st of each year. The AEPACS system can be accessed at the following link: <https://adem.alabama.gov/AEPACS>. The annual report shall cover the previous April 1 to March 31. If an entity comes under coverage for the first time after the issuance of this permit, then the first annual report should cover the time coverage begins until March 31st of subsequent year.
2. The Permittee shall sign and certify the annual report in accordance with Part VII.G. If the Responsible Official has designated a duly authorized representative in accordance with Part VII.G. to sign the annual report, then include a copy of the written designation with the annual report.

B. ANNUAL REPORT CONTENTS

The annual report shall include the following information, at a minimum, and in addition to those requirements referenced in Part III-V:

1. A list of contacts and responsible parties (e.g.: agency, name, phone number, address, & email address) who had input to and are responsible for the preparation of the annual report;
2. Overall evaluation of the SWMP developments and progress for the following:
 - a. Major accomplishments;
 - b. Overall program strengths/weaknesses;
 - c. Future direction of the program;
 - d. Overall determination of the effectiveness of the SWMPP taking into account water quality/watershed improvements;
 - e. Measureable goals that were not performed and reasons why the goals were not accomplished; and
 - f. If monitoring is required, evaluation of the monitoring data.
3. Narrative report of all minimum storm water control measures referenced in Part III.B of this permit. The activities shall be discussed as follows:
 - a. Minimum control measures completed and in progress;
 - b. Assessment of the controls; and
 - c. Discussion of proposed BMP revisions or any identified measureable goals that apply to the minimum storm water control measures.
4. Summary table of the storm water controls that are planned/scheduled for the next reporting cycle;
5. Results of information collected and analyzed, if any, during the reporting period, including any monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP.
6. Notice of reliance on another entity to satisfy some of your permit obligations;
7. Results of the evaluation to determine whether discharges from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest §303(d) list (or designated by the Department as impaired) or for which a TMDL has been established or approved by EPA; and
8. If monitoring is required, all monitoring results collected during the previous year in accordance with Part V, if applicable. The monitoring results shall be submitted in a format acceptable to the Department.

PART VII: STANDARD AND GENERAL PERMIT CONDITIONS

A. DUTY TO COMPLY

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

B. CONTINUATION OF THE EXPIRED GENERAL PERMIT

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the ADEM Code r. 335-6-6 and remain in force and effect if the Permittee re-applies for coverage as required under Part II of this Permit. Any Permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
2. Issuance of an individual permit for your discharges; or
3. A formal permit decision by the Department not to reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. DUTY TO MITIGATE

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or terminating the permit or to determine compliance with the permit. The Permittee shall also furnish to the Director upon request, copies of records required to be kept by the permit.

F. OTHER INFORMATION

If you become aware that you have failed to submit any relevant facts in your Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the Department, you must promptly submit such facts or information.

G. SIGNATORY REQUIREMENTS

All Notices of Intent, reports, certifications, or information submitted to the Department, or that this permit requires be maintained by you shall be signed and certified as follows:

1. Notice of Intent.

All Notices of Intent shall be signed by a responsible official as set forth in ADEM Admin. Code r. 335-6-6-.09.

2. Reports and other information.

All reports required by the permit and other information requested by the Department or authorized representative of the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. Signed authorization. The authorization is made in writing by a person described above and submitted to the Department.
- b. Authorization with specified responsibility. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matters for the regulated entity.

3. Changes to authorization.

If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of Part VII.G.2.b. above must be submitted to the Department prior to or together with any reports or information, and to be signed by an authorized representative.

4. Certification.

Any person signing documents under Part VII.G.1-2. above shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor it does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

I. PROPER OPERATION AND MAINTENANCE

You must at all time properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your SWMPP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by you only when the operation is necessary to achieve compliance with the conditions of the permit.

J. INSPECTION AND ENTRY

You must allow the Department or an authorized representative upon the presentation of credentials and other documents as may be required by law, to do any of the following:

1. Enter your premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

K. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

L. PERMIT TRANSFERS

This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the Act.

M. ANTICIPATED NONCOMPLIANCE

You must give advance notice to the Department of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

N. COMPLIANCE WITH STATUTES AND RULES

1. The permit is issued under ADEM Admin. Code r. 335-6-6. All provisions of this chapter that are applicable to this permit are hereby made a part of this permit.
2. This permit does not authorize the noncompliance with or violation of any laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws.

O. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall be affected thereby.

P. BYPASS PROHIBITION

Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against a regulated entity for a bypass; unless:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during the normal periods of equipment downtime. This condition is not satisfied if the regulated entity should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
3. The Permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the Permittee is granted such authorization, and the Permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass.

The Permittee has the burden of establishing that each of the conditions of Part VII.P. have been met to qualify for an exception to the general prohibition against bypassing and an exemption, where applicable, from the discharge specified in this permit.

Q. UPSET CONDITIONS

An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a regulated entity shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and the Permittee can identify the specific cause(s) of the upset;
2. The Permittee's facility was being properly operated at the time of the upset; and

3. The Permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.

The Permittee has the burden of establishing that each of the conditions of Part VII.Q. of this permit have been met to qualify for an exemption from the discharge specified in this permit.

R. PROCEDURES FOR MODIFICATION OR REVOCATION

Permit modification or revocation will be conducted according to ADEM Admin. Code r. 335-6-6-.17.

S. RE-OPENER CLAUSE

If there is evidence indicating potential or realized impacts on water quality due to storm water discharge covered by this permit, the regulated entity may be required to obtain an individual permit or an alternative general permit or the permit may be modified to include different limitations and/or requirements.

T. RETENTION OF RECORDS

1. The Permittee shall retain the storm water quality management program developed in accordance with Part III-V of this permit until at least five years after coverage under this permit terminates.
2. The Permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of reports required by this permit, and records of all data used to complete the application of this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended at the request of the Director at any time.

U. MONITORING METHODS

1. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

V. ADDITIONAL MONITORING BY THE PERMITTEE

If the Permittee monitors more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the monitoring report. Such increased monitoring frequency shall also be indicated on the monitoring report.

W. DEFINITIONS

1. Alabama Handbook means the latest edition of the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, Alabama Soil and Water Conservation Committee (ASWCC) published at the time permit is effective.
2. AWPCA means Code of Alabama 1975, Title 22, the Alabama Water Pollution Control Act, as amended.
3. Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
4. Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
5. CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

6. Department means the Alabama Department of Environmental Management or an authorized representative.
7. Discharge, when used without a qualifier, refers to “discharge of a pollutant” as defined as ADEM Admin. Code r. 335-6-6-.02(m).
8. Green Infrastructure refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated.
9. Hydrology refers to the physical characteristics of storm water discharge, including the magnitude, duration, frequency, and timing of discharge.
10. Illicit Connection means any man-made conveyance connecting an illicit discharge directly to municipal separate storm sewer.
11. Illicit Discharge is defined at 40 CFR Part 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.
12. Indian Country, as defined in 18 USC 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.
13. Infiltration means water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.
14. Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
15. Large municipal separate storm sewer system means all municipal separate storm sewers that are either:
 - a. Located in an incorporated place (city) with a population of 250,000 or more as determined by the latest decennial census; or
 - b. Located in counties (these counties are listed in Appendix H of 40 CFR Part 122, except municipal storm sewers that are located in the incorporated places, townships or towns within such counties; or
 - c. Owned or operated by a municipality other than those described in Part VII.W.15.a. or b. and that are designated by the Director as part of the large or medium municipal separate storm sewer system; or
 - d. The Director may designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in Part VII.W.15.a., b. or c.).
16. Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product.
17. Medium municipal separate storm sewer system means all municipal separate storm sewers that are either:
 - a. Located in an incorporated place (city) with a population of 100,000 or more but less than 250,000 as determined by the latest decennial census; or

- b. Located in counties (these counties are listed in Appendix I of 40 CFR Part 122, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
 - c. Owned or operated by a municipality other than those described in Parts VII.W.17.a. and b. and that are designated by the Director as part of the large or medium municipal separate storm sewer system; or
 - d. The Director may designate as a medium municipal separate storm sewer system, municipal storm sewers located within the boundaries of a region defined by a stormwater management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems as described in Parts VII.W.17.a., b. or c.
18. MEP is an acronym for “Maximum Extent Practicable,” the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR Part 122.34.
19. MS4 is an acronym for “Municipal Separate Storm Sewer System” and is used to refer to either a large, medium, or small municipal separate storm sewer system. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.
20. Municipal Separate Storm System is defined at 40 CFR Part 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in ADEM Admin. Code r. 335-6-6-.02(nn).
21. NOI is an acronym for “Notice of Intent” to be covered by this permit and is the mechanism used to “register” for coverage under a general permit.
22. Permittee means each individual co-applicant for an NPDES permit who is only responsible for permit conditions relating to the discharge that they own or operate.
23. Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
24. Priority construction site means any qualifying construction site in an area where the MS4 discharges to a waterbody which is listed on the most recently approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation, or sedimentation, and any waterbody assigned specific water quality criteria, such as Outstanding Alabama Water use classification, in accordance with ADEM Admin. Code r. 335-6-10-.09 and any waterbody assigned a special designation in accordance with ADEM Admin. Code r. 335-6-10-.10.
25. Qualifying Construction Site means any construction activity that results in a total land disturbance of one or more acres and activities that disturb less than one acre but are part of a larger common plan of development or sale that would disturb one or more acres. Qualifying construction sites do not include land disturbance conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.
26. Qualifying New Development and Redevelopment means any site that results from the disturbance of one acre or more of land or the disturbance of less than one acre of land if part of a larger common plan of development or sale that is greater than one acre. Qualifying new development and redevelopment does

not include land disturbances conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.

27. Small municipal separate storm sewer system is defined at 40 CFR Part 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to water of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
28. Storm water is defined at 40 CFR Part 122.26(b) (13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.
29. Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.
30. SWMP is an acronym for "Storm Water Management Program."
31. Total Maximum Daily Load (TMDL) means the calculated maximum permissible pollutant loading to a waterbody at which water quality standards can be maintained. The sum of wasteload allocations (WLAs) and load allocations (LAs) for any given pollutant.
32. You and Your as used in this permit is intended to refer to the Permittee, the operator, or the discharger as the context indicates and that party's responsibilities (e.g., the city, the country, the flood control district, the U.S. Air Force, etc.).

Appendix C – Monitoring Program

WET-WEATHER MONITORING PROGRAM



**April 2022
to March 2027**

City of Attalla • City of Gadsden • City of Glencoe
City of Hokes Bluff • City of Rainbow City
City of Southside • Etowah County



Prepared by
S&ME, Inc.



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Appendices

Appendix A – Figures



1.0 Introduction

S&ME, Inc. has prepared this Wet-Weather Monitoring Program for the regulated Phase II Small Municipal Separate Storm Sewer Systems within the *Gadsden-Etowah Urbanized Area* in accordance with S&ME Proposals No. 215660A-G, dated June 14, 2021.

The seven MS4 entities within the *Gadsden, Alabama Urbanized Area* (hereafter referred to collectively as the Gadsden-Etowah MS4) all currently discharge to an impaired waterbody for which a Total Maximum Daily Load (TMDL) has been established. Part IV.D of the NPDES General Permit requires that the SWMPP include a monitoring plan to assess the effectiveness of the BMPs in achieving the waste load reductions/allocations outlined in the TMDL.

1.1 Permit History

The Storm Water Phase II Final Rule issued by the United States Environmental Protection Agency (USEPA) in 1999 requires nationwide coverage of all operators of small MS4s located within the boundaries of an “urbanized area” as defined by the latest decennial Census. Based on the results of the 2010 census, the Bureau of the Census designated the *Gadsden, Alabama Urbanized Area* to include the City of Attalla, the City of Gadsden, the City of Glencoe, the City of Hokes Bluff, City of Rainbow City, the City of Southside, and portions of unincorporated Etowah County. A map outlining the approximate boundary of the 2010 *Gadsden, Alabama Urbanized Area* is included in **Appendix A** as **Figure 1**. Revised urbanized area boundaries based on the 2020 Census were not available as of April 1, 2022.

The City of Attalla, the City of Gadsden, the City of Glencoe, the City of Hokes Bluff, City of Rainbow City, the City of Southside, and Etowah County initially applied for and received a NPDES MS4 Phase II General Permit from ADEM in 2003, with the seven entities as co-permittees under authorization number ALR040009. The five-year permit expired on March 9, 2008. A Notice of Intent for renewal of the permit was submitted 180 days prior to expiration and permit coverage was administratively continued until the re-issuance of the MS4 Phase II General Permit with an effective date of February 1, 2011.

The 2011 permit expired on February 1, 2016. A Notice of Intent for renewal of the permit was submitted by each entity 180 days prior to expiration; therefore, the permit coverage was extended until the re-issuance of the MS4 Phase II General Permit in September 2016. To assist in compliance tracking, the Gadsden-Etowah MS4 entities were each issued a separate permit, although the entities agreed to continue under a joint SWMPP and monitoring plan. The separate NPDES permit authorizations were issued to each entity with an effective date of October 1, 2016.

The 2016 permit expired on September 30, 2021. Notices of Intent for renewal of the permit were submitted 180 days prior to expiration, and the MS4 Phase II General Permit authorizations were re-issued with an effective date of October 1, 2021. The current permit will expire on September 30, 2026.



Table 1-1 Permit Numbers and Responsible Officials

| Entity | Permit Number | Name |
|----------------------|---------------|-----------------------|
| City of Attalla | ALR0400052 | Larry Means, Mayor |
| City of Gadsden | ALR0400053 | Sherman Guyton, Mayor |
| City of Glencoe | ALR0400054 | Chris Hare, Mayor |
| City of Hokes Bluff | ALR0400055 | Scott Reeves, Mayor |
| City of Rainbow City | ALR0400056 | Joe Taylor, Mayor |
| City of Southside | ALR0400057 | Dana Snyder, Mayor |
| Etowah County | ALR0400009 | Robert Nail, Engineer |

1.2 Steering Committee

The Gadsden-Etowah Storm Water Steering Committee was first established in 2011 following re-issuance of the joint permit. The intent of the steering committee was to provide for coordination between the co-permittees. When the joint permit was superseded by the separate permits in 2016, the committee continued to work together to produce and implement a joint SWMPP and monitoring program.

The Steering Committee will continue under the 2021 permit. Despite the preparation of individual SWMPPs for each entity, the Gadsden-Etowah MS4 entities remain committed to partnership and joint implementation of the monitoring program.

Each of the seven entities provide at least one member to the Gadsden-Etowah Storm Water Steering Committee. Each entity is responsible for providing the required annual updates and monitoring data to the Steering Committee.

Table 1-2 MS4 Storm Water Steering Committee

| Entity | Contact | Phone Number | Email |
|----------------------|------------------|-----------------------|-------------------------------|
| City of Gadsden | Jeremy Ward | 256-549-4527 | jward@cityofgadsden.com |
| City of Gadsden | Heath Williamson | 256-549-4520 | hwilliamson@cityofgadsden.com |
| City of Attalla | Jason Nicholson | 256-441-9200 | jnicholson@attallacity.org |
| City of Rainbow City | Joel Garmon | 256-413-1230 | jgarmon@rbcalabama.com |
| City of Southside | Judd Rich | 256-442-9775 Ext. 103 | jrich@cityofsouthside.com |
| City of Glencoe | Todd Means | 256-492-1424 | toddmeans@cityofglencoe.net |
| City of Hokes Bluff | Lisa Johnson | 256-492-2414 | hbcity@cityofhokesbluff.net |
| Etowah County | Robert Nail | 256-549-5358 | rnail@etowahcounty.org |



2.0 Water Quality Concerns

Neely Henry Lake is the primary receiving water for the Gadsden-Etowah MS4. In 1996, the ADEM identified five of the six reservoirs on the Coosa River within the State of Alabama's borders as being impaired, including Neely Henry Lake. The following table summarizes the impaired segments of Neely Henry Lake that receive discharges from the Gadsden-Etowah MS4.

Table 2-1 Impaired Waterbody Segments in the Urbanized Area

| Assessment Unit ID | Waterbody Name | Uses | Causes |
|---------------------|--------------------------------|--|--|
| AL03150106-0204-102 | Coosa River (Neely Henry Lake) | Public Water Supply Fish & Wildlife | Nutrients pH Organic Enrichment (CBOD, NBOD) |
| AL03150106-0204-101 | Coosa River (Neely Henry Lake) | Fish & Wildlife | Nutrients pH Organic Enrichment (CBOD, NBOD) |
| AL03150106-0309-102 | Coosa River (Neely Henry Lake) | Fish & Wildlife | Nutrients pH Organic Enrichment (CBOD, NBOD) |
| AL03150106-0309-101 | Coosa River (Neely Henry Lake) | Swimming Fish & Wildlife | Nutrients pH Organic Enrichment (CBOD, NBOD) |

Sources of nutrient and organic enrichment from non-point sources within the Coosa River watershed include:

- Runoff from pastures
- Runoff from animal operations



- Direct discharge to streams due to cattle
- Improper land application of animal waste
- Failing septic systems
- Urban runoff

Point source contributors of storm water pollution within the Coosa River watershed include:

- Sanitary sewer overflows (SSOs)
- Discharge from wastewater treatment plants
- Discharge from industrial operations

In 2008 the EPA approved TMDLs for Neely Henry Lake related to Nutrients (Total Phosphorous), pH, and Dissolved Oxygen. The Gadsden-Etowah MS4 is required to achieve a **30% reduction in Total Phosphorus discharge loading**.

3.0 Storm Water Monitoring

3.1 Rationale Statement

The intent of the proposed monitoring program is to evaluate the effectiveness of the City's BMPs in achieving the required reduction as established in the TMDL and to generally evaluate overall water quality. Where deviations are documented and/or expected, the collected monitoring data will be used to determine the extent and cause of the pollutant of concern.

3.2 Monitoring Parameters

The Gadsden-Etowah MS4 is required to achieve a 30% reduction in Total Phosphorus discharge loading. To demonstrate the MS4's compliance with the established waste load reduction, the MS4 will conduct monitoring along the Coosa River throughout the *Gadsden, Alabama Urbanized Area* using grab sampling for field and laboratory analyses.

Both point and non-point sources of particulate and dissolved phosphorous are linked to runoff. Particulate phosphorous moves primarily by soil erosion. Dissolved phosphorous may result from leaking septic systems, animal wastes, or the over-application of fertilizer. The greatest opportunity for excess phosphorous loading into the Coosa River from the Gadsden-Etowah MS4 is likely to occur during runoff events; therefore, **wet-weather monitoring will be conducted within 72 hours of a qualifying rain event of 0.75 inch or greater**.

Monitoring parameters were selected to indicate the effectiveness of the BMPs outlined in the *Gadsden, Alabama Urbanized Area* Storm Water Management Program. In addition to total phosphorous and orthophosphate,



parameters related to soil erosion (sedimentation) and eutrophication (nutrient enrichment) were also selected for monitoring.

Monitoring will be conducted **quarterly** at the designated monitoring locations for the following parameters:

- Total Phosphorous
- Orthophosphate
- Total Suspended Solids (TSS)
- Nitrate-Nitrite
- Total Kjeldahl Nitrogen (TKN)

The following parameters will also be measured in the field at the time of sample collection:

- Turbidity
- pH
- Dissolved Oxygen (DO)
- Temperature

3.3 Field Documentation

The following observations will be documented in the field at each monitoring location:

- Monitoring point ID
- Date and time
- Person conducting the sampling
- Equipment used
- Depth of sample collection
- Weather conditions
- Waterbody conditions
- Field parameters (turbidity, pH, DO, temperature)

3.4 Sampling Procedures

Monitoring will be conducted within 72 hours of a qualifying storm event of at least 0.75 inch, as measured at three rain gauges within the MS4. The rain gauges must be located a minimum of 3 miles apart. The duration between the storm event sampled and the end of the previous measurable storm event (greater than 0.1 inch of rain) must be a minimum of 48 hours.



3.4.1 *Sampling on Land*

Samples collected on land will be obtained from approximately the mid-channel of each stream at mid-depth or two feet below the water surface, whichever is shallower. Samples may be collected using a stainless steel bucket or a horizontal Van Dorn sampler or equivalent. Care will be taken to avoid contacting the bottom of the stream and stirring bottom sediments.

If multiple grab samples are necessary to obtain enough water to complete the required analyses at each monitoring point, the samples will be composited by mixing them in a decontaminated stainless steel bucket. The sample containers will then be filled using the composited water.

Fast-flowing streams less than three feet in depth may also be sampled using the hand-dip method. The stream must be accessible by wading or other means. Samples will be collected from the mid-channel of each stream at mid-depth by inserting the sample container directly into the waterbody with the bottle facing upstream. The person sampling will stand downstream of the collection point, and sediment disturbed by entry into the waterbody will be allowed to flow downstream before the sample is collected. If preservative is added to the sample containers prior to sample collection, care will be taken to avoid washing out the preservative.

3.4.2 *Sampling from a Boat*

Samples collected from a boat will be obtained using a horizontal Van Dorn sampler or equivalent. The sampler will be inserted into the water upstream of the boat and lowered to a depth of five feet below the water surface before the seals are triggered to collect the sample.

If multiple grab samples are necessary to obtain enough water to complete the required analyses at each monitoring point, the samples will be composited by mixing them in a decontaminated stainless steel bucket. The sample containers will then be filled using the composited water.

3.5 **Monitoring Locations**

A series of monitoring locations have been identified along the river and in contributing tributaries at points determined to be representative of the typical land uses in the sub-watersheds. The monitoring points have been sited to provide data on MS4 activities as well as baseline data from waterbodies entering and leaving the MS4.

The selected monitoring locations are identified on **Figure 2** in **Appendix A**. Coordinates for each point are listed in the table below.

Table 3-1 Monitoring Point Coordinates – Land Access

| Point ID | Latitude | Longitude | Access | Waterbody Evaluated |
|----------|------------|-------------|--------|--------------------------------------|
| AT 5 | 34.006446° | -86.069061° | LAND | Big Wills Creek / Little Wills Creek |
| GD 8 | 33.999535° | -86.024463° | LAND | Black Creek |
| RC 2 | 33.967683° | -86.039476° | LAND | Horton Creek |
| SS 13 | 33.891352° | -86.049229° | LAND | U.T. to Neely Henry Lake |



| Point ID | Latitude | Longitude | Access | Waterbody Evaluated |
|----------|------------|-------------|--------|--|
| SS 14 | 33.885921° | -86.030683° | LAND | U.T. to Neely Henry Lake |
| GD 12 | 33.952567° | -86.003495° | LAND | U.T. to Neely Henry Lake |
| GD 6 | 34.015350° | -85.995617° | LAND | Town Creek |
| CO 15 | 33.972280° | -85.965354° | LAND | U.T. to Neely Henry Lake |
| SME 7 | 34.006225° | -86.111277° | LAND | Big Wills Creek (upstream of MS4) |
| SME 9 | 34.002807° | -85.871879° | LAND | U.T. to Neely Henry Lake |
| SME 10 | 33.985669° | -85.878605° | LAND | U.T. to Big Cove Creek (exiting Hokes Bluff) |

Table 3-2 Monitoring Point Coordinates – Boat Access

| Point ID | Latitude | Longitude | Access | Waterbody Evaluated |
|----------|------------|-------------|--------|--|
| HB 3 | 34.002129° | -85.882808° | BOAT | U.T. to Neely Henry Lake |
| GD 5 | 34.014324° | -85.924013° | BOAT | Big Cove Creek / Little Cove Creek |
| GD 7 | 34.008361° | -85.999777° | BOAT | Storm sewer from downtown Gadsden to Coosa River |
| GD 9 | 33.989718° | -85.998472° | BOAT | U.T. to Neely Henry Lake |
| SS 5 | 33.941329° | -86.021569° | BOAT | U.T. to Coosa River |
| RC 14 | 33.905786° | -86.111656° | BOAT | Rook Creek / Dry Creek embayment |
| SME 1 | 33.990184° | -86.004048° | BOAT | Big Wills Creek / Black Creek embayment |
| SME 3 | 34.009698° | -85.956230° | BOAT | Coal Creek embayment |
| SME 4 | 34.001667° | -85.883342° | BOAT | Neely Henry Lake (upstream of MS4) |
| SME 5 | 33.940514° | -86.029885° | BOAT | Neely Henry Lake (midpoint of MS4) |
| SME 6 | 33.852125° | -86.049695° | BOAT | Neely Henry Lake (downstream of MS4) |

3.6 Quality Assurance / Quality Control

Quality Assurance (QA) and Quality Control (QC) activities are designed to achieve the specific data quality goals associated with the sampling program and will follow EPA and ADEM guidance.

3.6.1 Sample Containers and Preservation

All samples will be collected in new laboratory-provided containers containing analyte-appropriate preservatives as listed below:

Table 3-3 Sample Containers and Preservation

| Parameter | Container | Preservative | Hold Time |
|------------------------------|------------|--------------|-----------|
| Total Suspended Solids (TSS) | HDPE - 1 L | NONE | 7 days |



| Parameter | Container | Preservative | Hold Time |
|-------------------------------|---------------|--------------|-----------|
| Total Phosphorous | HDPE - 250 mL | H2SO4 | 48 hours |
| Orthophosphate | HDPE - 250 mL | NONE | 48 hours |
| Nitrate-Nitrite | HDPE - 250 mL | H2SO4 | 28 days |
| Total Kjeldahl Nitrogen (TKN) | HDPE - 250 mL | H2SO4 | 28 days |

3.6.2 *Quality Assurance*

A minimum of one duplicate for every 10 samples will be submitted to the laboratory.

3.6.3 *Equipment Decontamination*

All reusable sampling equipment will be decontaminated immediately prior to the start of the monitoring event using the following procedure:

- Rinse with tap water
- Wash with non-phosphatic detergent solution
- Rinse with deionized water
- Allow equipment to air dry
- Containerize rinsate for disposal

Sampling equipment will be decontaminated in between uses using the following procedure:

- Rinse with deionized water
- Rinse three times with on-site water
- Dispose of rinsates downstream of the monitoring location

3.6.4 *Sample Identification*

Sample containers will be labeled with the following information in waterproof ink:

- Project number
- Sample location



- Collection date and time
- Preservative
- Analysis to be performed

3.6.5 Chain of Custody

Chain of custody documents will originate in the field and will accompany the samples to the laboratory. Copies of the chain of custody documents will be included with the laboratory reports in the annual report.

3.6.6 Sample Shipment

The samples will be shipped overnight to the laboratory in sealed coolers containing ice.

4.0 Analytical Results and Reporting

Field observations and analytical results will be recorded at the time of sampling. The resulting field notes and laboratory analytical reports will be retained by each entity for a minimum of three years.

A report consolidating the results from each quarterly monitoring event will be submitted by the entity/company performing the monitoring to the representatives of the City of Attalla, the City of Gadsden, the City of Glencoe, the City of Hokes Bluff, the City of Southside, the City of Rainbow City, and Etowah County. Each quarterly monitoring report will be incorporated into the Annual Update of each entity's SWMPP. Monitoring reports will be retained by each entity for a minimum of three years.

The monitoring reports will include the following:

- Date, latitude/longitude of location, and time of sampling
- Name(s) of individual(s) who performed the sampling
- Date(s) analysis were performed
- Name(s) of individual(s) who performed the analysis
- Analytical techniques or methods
- Results of analysis

5.0 Evaluation of Results

The Gadsden-Etowah Storm Water Steering Committee has performed quarterly monitoring within the Gadsden-Etowah MS4 since 2013. As of the date of this plan, 37 quarterly monitoring events have been conducted.

Results from each sampling event will be evaluated annually, during the preparation of the Annual Report. Data collected during the reporting year (April 1 to March 31) will be evaluated by May 31 of each year.



5.1 Statistical Analysis

Statistical analysis will be performed each year on the cumulative monitoring data (2013 to present) to determine whether there has been a statistically significant increase (SSI) of concentrations between specific monitoring points.

5.1.1 Wilcoxon Rank-Sum Tests

The Wilcoxon rank-sum test evaluates potential differences in the medians of two populations.

Specific monitoring points will be chosen for direct comparison based on their location within the MS4 area respective to other monitoring point locations and trend of collected data. Multiple pairs of points will be evaluated to observe trends across the MS4 area.

For each pair, the cumulative data for each monitored parameter for the two selected points will be evaluated to determine if a statistically significant difference is present using a statistical significance value (alpha) of 0.01. If a statistically significant difference is observed, the median values of each point will be compared to evaluate whether a point had a statistically significant increase (SSI) over the background point.

5.1.2 Sen's Slope Estimates

Sen's non-parametric estimator of slope is a method of estimating the slope (change in concentration over time) of the data. Because this method is non-parametric, it is suitable for high percentage of non-detects and is not significantly affected by outliers.

Sen's slope estimates will be produced for pairs of monitoring points and the corresponding parameters for which an SSI was observed. The results will indicate whether there is an upward, downward, or no trend in the concentration data.

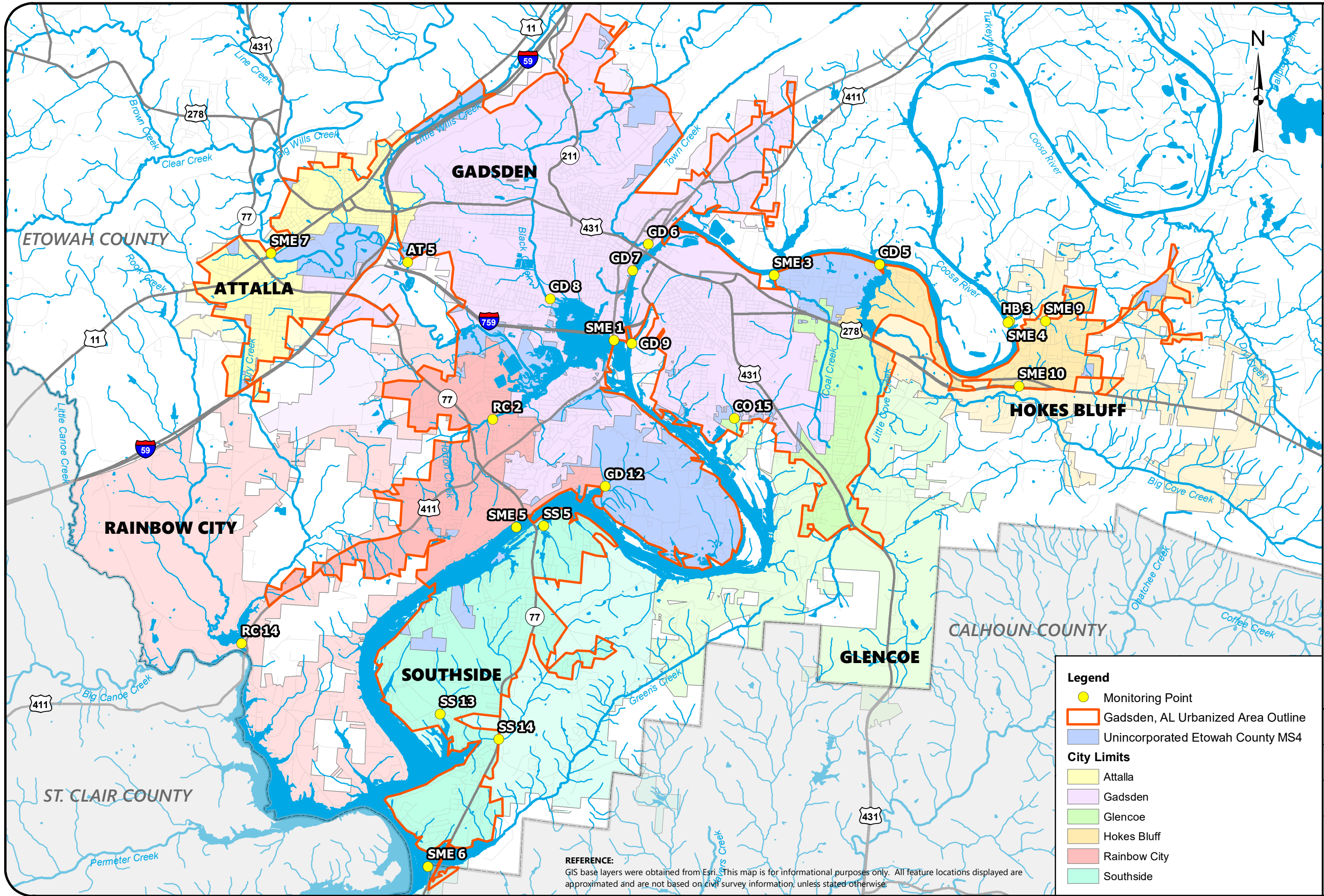
5.2 Evaluation of Monitoring Data

The results of the statistical analysis will be used to evaluate trends in water quality across the MS4. The monitoring data and results of the statistical analysis will also be used to determine if additional monitoring points should be considered.

Areas where an upward trend in phosphorous, orthophosphate, nitrate-nitrite, or TKN is observed will be evaluated for additional BMPs. Data from monitoring points SME 4, 5, and 6 will be used to evaluate the general impacts of the Gadsden-Etowah MS4 on the Coosa River.

Appendices

Appendix A – Figures



WET-WEATHER MONITORING LOCATIONS

GADSDEN ALABAMA URBANIZED AREA
PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM
NPDES GENERAL PERMIT ALR040009


SCALE:
1:100,000

DATE:
03/23/2022

PROJECT NUMBER
215660

FIGURE NO.
2

Appendix D – IDDE Program



RAINBOW CITY MS4

Illicit Discharge Detection and Elimination Program



APRIL 2022

**Rainbow City, Etowah County, Alabama
NPDES Permit No. ALR040056
Prepared by: S&ME, Inc.**



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Appendix A – Forms



1.0 Introduction

S&ME, Inc. has prepared this Illicit Discharge Detection and Elimination Program (IDDE) for the Rainbow City, Alabama Phase II Small Municipal Separate Storm Sewer System in accordance with S&ME Proposal No. 215660E, dated June 14, 2021.

The Illicit Discharge Detection and Elimination (IDDE) Program is required by Part III.B.2 of National Pollutant Discharge Elimination System (NPDES) General Permit ALR040056 for discharges from regulated small municipal separate storm sewer systems (MS4s), issued to the Rainbow City MS4 by the Alabama Department of Environmental Management (ADEM).

2.0 Rainbow City MS4

The City of Rainbow City Municipal Separate Storm Sewer System (Rainbow City MS4) is defined as the area within both the city limits and the urbanized area boundary. As defined by the 2010 Census, the *Gadsden, Alabama Urbanized Area* encompasses approximately 74.8 square miles. The Rainbow City MS4 comprises approximately 7.6 square miles (10.2%) of the 2010 *Gadsden, Alabama Urbanized Area*. Approximately 29.7% of the city is located within the MS4 boundary. A map depicting the Rainbow City urbanized area and city limits is located in the SWMPP.

At the 2010 Census, Rainbow City had a total population of 9,602. The 2020 Census data has a total population of 10,191. Revised urbanized area boundaries based on the 2020 Census were not available as of April 1, 2022.

2.1 Receiving Waters

As described in Section 1.4 of the SWMPP, Neely Henry Lake (Coosa River) is the primary receiving water for the Rainbow City MS4. The MS4 encompasses three subwatersheds.

Table 2-1 Subwatersheds in the Rainbow City MS4 Area

| Subwatershed | 12 Digit HUC | Total Area (Acres) | Area within Rainbow City MS4 (Acres) |
|---------------------------------|----------------|-----------------------|--|
| Horton Creek | 03150106-01-08 | 16,902 | 3,225 |
| Lower Big Canoe Creek | 03150106-03-06 | 33,307 | 913 |
| Coosa River-H. Neely Henry Lake | 03150106-03-09 | 46,439 | 726 |



2.2 Water Quality Concerns

2.2.1 *Impaired Waterbodies Within the MS4*

Two impaired waterbodies are located within the Rainbow City MS4 boundary.

Table 2-2 Impaired Waterbodies within the MS4

| Waterbody | Impaired Segment | Type | Causes | Use |
|---------------------------------------|---------------------|--------|---|-----|
| Big Wills Creek (Neely Henry Lake) | AL03150106-0108-111 | 303(d) | Nutrients | F&W |
| Coosa River (Neely Henry Lake) | AL03150106-0309-102 | TMDL | Nutrients pH Organic Enrichment (CBOD, NBOD) | F&W |

2.2.2 *Impaired Watersheds Intersecting the MS4*

In addition to the impaired waterbodies, the Rainbow City MS4 encompasses portions of watersheds for the following impaired waterbodies:

Table 2-3 Portions of Impaired Watersheds within the MS4

| Watershed | Impaired Segment | Type | Causes | Use |
|---------------------------------------|---------------------|--------|---|-----------------|
| Big Wills Creek (Neely Henry Lake) | AL03150106-0108-111 | 303(d) | Nutrients | F&W |
| Coosa River (Neely Henry Lake) | AL03150106-0309-101 | TMDL | Nutrients pH Organic Enrichment (CBOD, NBOD) | Swimming F&W |
| Coosa River (Neely Henry Lake) | AL03150106-0309-102 | TMDL | Nutrients pH Organic Enrichment (CBOD, NBOD) | F&W |

2.2.3 *Priority Construction Sites*

The Rainbow City MS4 does not currently discharge to any waterbody meeting the criteria for a Construction Priority Site, as defined in the Alabama Construction General Permit.



2.2.4 *Neely Henry Lake TMDL*

In 2008 the EPA approved TMDLs for Neely Henry Lake related to Nutrients (Total Phosphorous), pH, and Organic Enrichment/Dissolved Oxygen. The Rainbow City MS4 directly and indirectly discharges to Neely Henry Lake; therefore, **the Rainbow City MS4 is required to achieve a 30% reduction in Total Phosphorus discharge loading.**

Sources of nutrient and organic enrichment from non-point sources within the Coosa River watershed include:

- Runoff from pastures
- Runoff from animal operations
- Direct discharge to streams due to cattle
- Improper land application of animal waste
- Failing septic systems
- Urban runoff

Point source contributors of storm water pollution within the Coosa River watershed include:

- Discharge from wastewater treatment plants
- Discharge from industrial operations

3.0 Storm Sewer System

A Municipal Separate Storm System is defined by 40 CFR Part 122.26(b)(8) to be a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is:

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying storm water;
- (iii) Not a combined sewer; and,
- (iv) Not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.



3.1 Municipal Separate Storm Sewer Outfalls

An MS4 outfall is defined as a point source where a municipal separate storm sewer discharges to waters of the State. This definition does not include open conveyances connecting two municipal separate storm sewers. Also excluded are pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.

Waters of the State are defined by Chapter 335-6-10-.02(10) of the ADEM Administrative Code as all waters of any river, stream, watercourse, pond, lake, coastal, or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership, or corporation, unless such waters are used in interstate commerce.

3.2 Major and Minor Outfalls

A major outfall is defined by 40 CFR Part 122.26(b)(8) to be a municipal separate storm sewer outfall that discharges from:

- (i) A single pipe with an inside diameter of 36 inches or more;
- (ii) A single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres;
- (iii) A single pipe with an inside diameter of 12 inches or more that receives storm water from lands zoned for industrial activity; or,
- (iv) A single conveyance other than a circular pipe associated with a drainage area of 2 acres or more that receives storm water from lands zoned for industrial activity.

Minor outfalls are smaller than these thresholds. Both major and minor outfalls can be a source of illicit discharges.

4.0 Non-Storm Water Discharges

4.1 Rationale Statement

Section 402(p)(3)(B)(ii) of the Clean Water Act of 1987 requires that permits for municipal separate storm sewers include a requirement to effectively prohibit non-storm water discharges into the storm sewers. The Alabama General NPDES Permit authorizes specific non-storm water discharges, provided they do not cause or contribute to a violation of water quality standards and they have been determined not to be substantial contributors of pollutants.

4.2 Authorized Non-Storm Water Discharges

NPDES Permit ALR040056 authorizes the following non-storm water discharges:



- a. Water line flushing
- b. Landscape irrigation
- c. Diverted stream flows
- d. Uncontaminated ground water infiltration
- e. Uncontaminated pumped groundwater
- f. Discharges from potable water sources
- g. Foundation drains
- h. Air conditioning condensate
- i. Irrigation water (not consisting of treated or untreated wastewater)
- j. Rising ground water
- k. Springs
- l. Water from crawl space pumps
- m. Footing drains
- n. Lawn watering runoff
- o. Individual residential car washing, to include charitable carwashes
- p. Residual street wash water
- q. Discharge or flows from firefighting activities (including fire hydrant flushing)
- r. Flows from riparian habitats and wetlands
- s. De-chlorinated swimming pool discharges, and
- t. Discharge authorized by and in compliance with a separate NPDES permit

4.3 Illicit Discharges

An illicit discharge is any direct or indirect non-stormwater discharge to the stormwater drainage system, except as permitted or exempted by the Alabama General NPDES Permit or local ordinances.

Currently, Rainbow City has adopted an ordinance regulating illicit discharges.

5.0 Identifying Priority Areas

5.1 Rationale Statement

Priority areas within an MS4 are those areas more likely to have illicit discharges. Typically, illicit discharges are not uniformly distributed across a community. Instead, illicit discharges are generally clustered within areas defined by characteristics such as land use or infrastructure age.

5.2 Drainage Basins

The Rainbow City MS4 encompasses approximately 7.6 square miles. To assist with data collection and evaluation, drainage basins will be delineated for the waterbodies included within the Rainbow City MS4. The drainage basins are intended to divide Rainbow City's jurisdictions into smaller, more manageable areas in order to target mapping and inspection activities.



The City previously delineated 3 drainage basins within the MS4. Each year, Rainbow City will determine Priority Areas by assigning each drainage basin an Illicit Discharge Potential (IDP) score. The IDP score will be determined by evaluating each drainage basin based on the following characteristics:

- Zoning / land use
- Number of past reports or complaints
- Potential generating sites
- Age of development

For those drainage basins which extend beyond the boundaries of the Rainbow City MS4, or where a drainage basin is shared by more than one MS4 entity, the entire drainage basin will be evaluated to ensure that potential sources of illicit discharges are identified.

The City will report total IDP Score for each drainage basin and will provide an updated map showing the designated Priority Areas. The City will report drainage basins that are newly listed or de-listed from the previous year's reporting calculations.

The City may also choose to designate additional priority areas independent of the drainage basin IDP screening if there are specific concerns or past problems in that area.

The following subsections are intended to provide the method of determining IDP score.

5.3 Zoning/Land Use

Commercial sites are frequently a source of illicit discharges, often due to activities such as outdoor washing, vehicle fueling, vehicle repair, or poor dumpster management. Potential illicit discharge generating sites include permitted commercial sites, as well as those that are exempt from regulatory oversight.

For the purpose of assigning an IDP score, the City will evaluate the zoning districts present in each drainage basin. An IDP score will be assigned for each drainage basin based on the following criteria.

Table 5-1 Zoning/Land Use

| Zoning/Land Use Type in Drainage Basin | IDP Score |
|---|------------------|
| Residential | 1 |
| Business | 2 |
| Industrial | 3 |



5.4 Number of Past Reports or Complaints

Any area with a history of past illicit discharge reports or complaints will be considered to have higher illicit discharge potential. The City will evaluate the delineated drainage basins and assign an IDP score based on the following criteria.

Table 5-2 Past Illicit Discharge Reports

| Number of Reports/Complaints in Past 2 Years | IDP Score |
|---|-----------|
| 0 | 1 |
| 1-5 | 2 |
| >5 | 3 |

5.5 Potential Generating Sites

Areas with storage of large quantities of materials that could result in spills include permitted commercial sites, as well as those that are exempt from regulatory oversight. Activities requiring permitting, reporting, and/or registration include the storage of petroleum products, fertilizers, hazardous waste, use oil, and hazardous materials.

For the purpose of assigning an IDP score, the City will determine the number of registered sites within each drainage basin using data obtained from publicly available sources such as the Facility Registry System, EPA ECHO Database, AEPACS, and ADEM E-file system. The data sources used will be cited in the Annual Report. An IDP score will be assigned for each drainage basin based on the following criteria.

Table 5-3 Potential Generating Sites

| Registered Sites per Square Mile | IDP Score |
|----------------------------------|-----------|
| 0 | 1 |
| 1-5 | 2 |
| >5 | 3 |

5.6 Age of Development

Areas where the average age of development is over 50 years were constructed before the cities established sanitary sewer service and would have been added to the sewer system when it was first constructed. These areas will be considered to have high illicit discharge potential due to the possibility of leaking pipes, improper connections, or modified connections.

The City will evaluate the delineated drainage basins and assign an IDP score based on the following criteria.



Table 5-4 Average Age of Development

| Average Age of Development (Years) | IDP Score |
|------------------------------------|-----------|
| <10 | 1 |
| 10-50 | 2 |
| >50 | 3 |

5.7 IDP Assessment

The delineated drainage basins will be analyzed each reporting period to determine the priority areas for that period's dry weather monitoring. Examples of how IDP is assessed are shown in Tables 5-5 and 5-6. A worksheet for drainage basin scoring is included in **Appendix A**.

Table 5-5 IDP Calculation – Example 1

| Drainage Basin Criterion | Results | IDP Score |
|--|----------------------|-----------|
| Zoning/Land Use | Industrial districts | 3 |
| Number of IDDE Reports in Past 2 Years | 3 (2020)+1 (2021)=4 | 2 |
| Number of Potential Generating Sites | 1 Site | 2 |
| Average Age of Development | 75 Years | 3 |
| Total IDP Score – Example 1 | | 10 |

Table 5-6 IDP Calculation – Example 2

| Drainage Basin Criterion | Results | IDP Score |
|--|---------------------|-----------|
| Zoning/Land Use | Business districts | 2 |
| Number of IDDE Reports in Past 2 Years | 2 (2020)+3 (2021)=5 | 2 |
| Number of Potential Generating Sites | 2 Sites | 2 |
| Average Age of Development | 12 Years | 2 |
| Total IDP Score – Example 2 | | 8 |

Based on the four criteria, the lowest possible IDP score is a 4. The highest possible IDP score is a 12. **Priority Areas are those drainage basins having an IDP score of 9 or greater.** Therefore, the drainage basin in Example 1 would be designated a Priority Area. The drainage basin in Example 2 would not.



6.0 MS4 Map

6.1 Rationale Statement

Part III.B.2.a.i of the NPDES Permit ALR040056 requires the Rainbow City MS4 to develop and annually update a map of the MS4. Accurate and up-to-date maps of the storm sewer system are critical to the implementation of the IDDE program. Maps are used to direct field crews, locate outfalls, assess illicit discharge potential, track reports, and track corrective actions.

6.2 Identification of Previously Unidentified Outfalls

The City previously identified a total of 127 outfalls within the city limits. Existing outfalls that were not identified during the previous stream-walking program may be encountered in two ways:

- Discovery during dry-weather inspections of known outfalls
- Discovery during other field activities (e.g., City inspections, IDDE investigation, verification of citizen complaints, etc.)

Previously unknown outfalls encountered during dry-weather inspections of known outfalls will be identified, inspected, and screened at the time of discovery. Following the initial inspection, the new outfall will be added to the MS4 outfall inventory and map.

Outfalls encountered during other field observations will be reported to the **Engineering Department** to be added to the outfall database for verification and inspection. Until verification, the outfall will be identified in the outfall inventory and on the map as a "Potential Outfall".

Field observation to verify and identify previously-unidentified outfalls includes collection of the following data:

1. Outfall coordinates
2. Conveyance type (ditch, culvert, pipe, etc.)
3. Conveyance shape
4. Conveyance size (pipe diameter, ditch width and depth, box culvert dimensions, etc.)
5. Conveyance material (RCP, PVC, CMP, etc.)
6. Outfall condition
7. Outfall elevation
8. Surrounding land use
9. Pictures of the outfall, with outfall identification shown in the picture

The outfall verification data will be recorded on the *Outfall Reconnaissance Inventory Field Sheet* (located in **Appendix A**) or on an equivalent form.

Following verification of the outfall, the outfall will be classified as either major or minor, based on the criteria established in 40 CFR Part 122.26(b)(8) and detailed in Section 3.2 of this plan.



The City will continue to update the MS4 Map as additional outfalls are identified.

6.3 Verification of Potential Outfalls Identified During Plan Review

Following construction of post-construction storm water controls, as-built drawings will be required to be submitted to the **Engineering Department**. Information provided on the as-built drawings will be verified through field observation during the final inspection. Outfalls identified during plan review will be added to the outfall inventory and map as "Potential Outfalls."

Field observation to verify Potential Outfalls includes collection and/or confirmation of the following information:

1. Outfall coordinates
2. Conveyance type (ditch, culvert, pipe, etc.)
3. Conveyance shape
4. Conveyance size (pipe diameter, ditch width and depth, box culvert dimensions, etc.)
5. Conveyance material (RCP, PVC, CMP, etc.)
6. Outfall condition
7. Outfall elevation
8. Surrounding land use
9. Pictures of the outfall, with outfall identification shown in the picture

The outfall verification data may be recorded on the *Outfall Reconnaissance Inventory Field Sheet* (located in **Appendix A**) or on a separate form. Verification of Potential Outfalls will be conducted in conjunction with dry-weather monitoring activities discussed in Section 6.0 of this plan.

Following verification of the Potential Outfall, the outfall will be classified as either major or minor, based on the criteria established in 40 CFR Part 122.26(b)(8) and detailed in Section 3.2 of this plan.

The City will continue to update the MS4 Map as additional outfalls are identified.

6.4 New MS4 Areas

As of April 1, 2022, the U.S Census bureau has not altered the boundary of the *Gadsden, Alabama Urbanized Area*. Should the boundary be expanded to include parts of the city previously not included in the Rainbow City MS4 boundary, a stream-walking program will be implemented to map and incorporate new outfalls within the boundary.

Starting at the location where a waterbody exits a delineated drainage basin, field crews will move upstream to identify points where storm water discharged from the MS4 enters the waterbody. Field observation to identify outfalls includes collection of the following data:

1. Outfall coordinates
2. Conveyance type (ditch, culvert, pipe, etc.)
3. Conveyance shape



4. Conveyance size (pipe diameter, ditch width and depth, box culvert dimensions, etc.)
5. Conveyance material (RCP, PVC, CMP, etc.)
6. Outfall condition
7. Outfall elevation
8. Surrounding land use
9. Pictures of the outfall, with outfall identification shown in the picture

The outfall identification data will be recorded on the Outfall Reconnaissance Inventory Field Sheet or on a separate form. The forms will be used to add the identified outfalls to the MS4 map. An updated map will be provided with the Annual Report.

7.0 IDDE Ordinance

7.1 Rationale Statement

Part III.B.2.a.ii of NPDES Permit ALR040056 requires the Rainbow City MS4 to effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges into the storm sewer system that are not listed in Part I.B.2 of the Permit and implement appropriate enforcement procedures and actions. The purpose of an illicit discharge ordinance is to provide legal authority to the City to prohibit illicit discharges, investigate suspected illicit discharges, require elimination of illicit discharges, and carry out enforcement actions.

Rainbow City Ordinance Number 490 was adopted on December 10, 2012 to create storm water control regulations. A copy of the ordinance is provided in the SWMPP.

7.2 Prohibit Illicit Discharges

The IDDE ordinance must explicitly prohibit non-storm water discharges into the storm sewer system, with the exception of those non-storm discharges specifically allowed by NPDES Permit ALR040056. The IDDE ordinance must also explicitly prohibit illicit connections to the storm sewer system. The prohibition of illicit connections should be retroactive, to include connections made in the past, whether or not the connection was permissible at the time.

Section 11.A of Rainbow City Ordinance 490 lists allowable discharges. Section 11.B prohibits all other discharges not authorized in Section 11.A.

Section 9.B of the ordinance provides for inspections of properties where Land Disturbing Activities are being conducted or where Post-Construction Strategies have been implemented.

7.3 Enforcement Responsibility and Actions

Section 11.F of Rainbow City Ordinance 490 provides the City with the authority to enforce the requirements of the ordinance and outlines the escalating enforcement procedures available. Enforcement actions include written



notice of violation, compliance order, and cease and desist orders. Section 11.G provides for penalties up to \$500.00 and/or up to 180 days in jail per violation.

Section 11.C of Rainbow City Ordinance 490 specifies that Rainbow City intends to rely upon ADEM for enforcement of violations of the ordinance. No enforcement action will be taken by Rainbow City if ADEM issues a Notice of Violation or an administrative order, or if ADEM commences administrative or civil action. If a violation is not appropriately corrected or abated following the ADEM enforcement action, then the City will proceed with the enforcement actions authorized in Section 11.F.

7.4 Evaluation

The Rainbow City IDDE ordinance will be reviewed on an annual basis and updated as needed. The ordinance will be evaluated on its effectiveness in addressing identified illicit discharges and preventing repeat offenders.

8.0 Dry Weather Screening Program

8.1 Rationale Statement

Part III.B.2.a.iii of NPDES Permit ALR040056 requires the Rainbow City MS4 to develop and implement a dry weather screening program designed to detect and address non-storm water discharges to the MS4. Visual inspections of outfalls are critical to the identification and elimination of illicit discharges. Indicators of potential illicit discharges include outfalls that are flowing during dry weather, indicating a potential illicit connection, or outfalls that have high turbidity, strong odors, or unusual colors. Where suspect discharges are observed, additional testing can assist in determining the discharge source.

Rainbow City will conduct field assessment activities for the purpose of verifying outfall locations, identifying previously unknown outfalls, and locating, identifying, and correcting illicit discharges to the MS4.

8.2 Prioritization Schedule

The City or trained subcontractors will conduct visual inspections of a minimum of 15% of all known outfalls during each reporting period and all known outfalls will be inspected at least once during each five-year permit cycle. Outfalls located in Priority Areas will be visually inspected at least once every three years.

Priority Areas will be re-evaluated **by April 30 of each year** (e.g., by April 30, 2022 for the April 1, 2022 through March 31, 2023 reporting period). The anticipated inspection schedule for the following reporting period will be included in each Annual Report.

8.3 Responsibility

ORI inspections within the jurisdiction of Rainbow City are the responsibility of the city's **Engineering Department**. Inspections may be performed by municipal staff or by subcontracted crews. All field reports will be received and reviewed by the city's **Engineering Department**.



8.4 Inspection conditions

ORI inspections should be conducted when the outfall is accessible, unobstructed, and when there will be no storm water flows.

The preferred conditions for outfall inspections include:

- Dry season (e.g., summer or early fall)
- No rainfall over 0.1 inch in the previous 48 hours
- Recently mowed, low vegetation, or leaf-off conditions
- Due to sample hold time, discharge samples should not be collected on a Friday, Saturday, or Sunday.

8.5 Equipment

Prior to conducting field work, crews should assemble the required equipment listed below and review records from prior inspections in the same area to become familiar with the outfall locations and any potential inspection challenges. Field crews should prepare for consecutive days of field work when possible.

1. Minimum 2-person crew
2. Safety gear (e.g., vest, gloves, boots, cones)
3. City or County identification
4. Field notebook and pencils
5. Outfall Reconnaissance Inventory Field Sheet
6. Map or aerial photo of inspection area
7. GPS unit with charged battery
8. Cell phone with charged battery
9. Digital camera with charged battery
10. Compass
11. Machete or clippers
12. Flashlight or headlamp with charged battery
13. Tape measure
14. Dry erase board and marker (to identify outfall in photos)
15. First aid kit
16. Stopwatch or watch with second hand
17. Clear 1-liter sample bottle to evaluate field parameters
18. Sampling kits (see Section 7.9)
19. Cooler with ice
20. Permanent marker
21. Thermometer
22. pH probe
23. Ammonia test strips
24. Nitrile or latex gloves



- 25. Wide-mouth container
- 26. Hand Sanitizer

8.6 Safety Considerations

Health and safety considerations for outfall inspection and sampling include, but are not limited to, the potential for contact with:

- Contaminated water
- Allergenic/poisonous plants
- Sharp debris and objects
- Wild animals
- Landowners
- Confined spaces

Field crews should be comprised of at least two individuals, each equipped with proper footwear (e.g., sturdy waterproof boots or waders) and gloves (e.g., neoprene, latex, or rubber).

Private properties should not be accessed unless proper notification has been provided, preferably in advance. Field crews should carry identification or wear clothing that identifies them as municipal workers or subcontractors.

It is recommended that field crews be vaccinated against Hepatitis B, particularly if the crews will be accessing waters known to be contaminated with illicit sewage discharges.

A confined space refers to a space that has limited openings for entry and exit, unfavorable natural ventilation that could contain or produce hazardous atmospheres and is not intended for continuous employee occupancy. Examples of confined spaces field crews might encounter are manholes or tunnels. In the event a confined space is encountered during an IDDE investigation, the space will be investigated using cameras. **Under no circumstances should inspection personnel enter a confined space.**

If confined space entry is necessary to complete the IDDE investigation, the **Engineering Department** may coordinate with other municipal departments to locate personnel with the appropriate confined space entry training and equipment. Under no circumstances should any person enter a confined space until all required safeguards have been accomplished and entry permits completed.

8.7 Inspection Procedure

The ORI inspection procedure includes the following activities:

1. Visually inspect the outfall and the immediate surrounding area



2. Photograph the current conditions (using the dry erase to identify the outfall in the photos)
3. Complete the Outfall Reconnaissance Inventory Field Sheet

If flow is observed continue with steps 4 and 5.

4. Measure observed flow by timing how long it takes to fill a wide-mouth container of known volume
5. Perform field screening of observed flow

Potential illicit discharges are indicated by outfalls that have flow in dry weather and/or foul odors or discolored water in or around the outfall pipe. During field inspections, crews should also note whether outfalls have maintenance issues, such as damaged infrastructure or trash accumulation.

When a potential illicit discharge is identified, field crews will photograph the discharge and outfall, then conduct a brief visual inspection of the surrounding area to identify possible sources of the discharge.

A flow chart outlining the screening and sampling procedure is included in **Figure 8-1** and **8-2**.

8.8 Visual Inspection

Visual observations are used to observe conditions at the outfall and complete the *Outfall Reconnaissance Inventory Field Sheet* (see **Appendix A**). Sections 1, 2, and 5 of the Field Sheet require information on outfall location, surroundings, condition, and type. Sections 3 and 4 of the Field Sheet are used to record the following dry-weather flow observations:

- Flow rate
- Color of discharge
- Odor
- Turbidity
- Floatables

8.9 Field Screening

Where dry weather flows are noted, but no obvious illicit discharge is identified, field crews will screen the discharge for indicators of illicit discharges. Field screening will include testing for temperature, pH, and ammonia.

Table 8-1 Field Screening Values

| Parameter | Unlikely | Suspect |
|-------------|------------|--------------|
| Temperature | <85 °F | >85 °F |
| pH | 5.5 to 9.0 | <5.5 or >9.0 |
| Ammonia | <1 mg/L | >1 mg/L |



Sanitary wastewater and certain industrial discharges can substantially increase outfall discharge temperatures. Elevated discharge temperatures may indicate a sanitary or industrial illicit discharge. Discharge temperatures over 90 °F indicate an obvious illicit discharge, likely due to an industrial source such as cooling water or boiler blowdown.

Extreme pH levels can indicate the presence of an industrial illicit discharge.

Ammonia concentrations in groundwater or tap water are typically low. High ammonia concentrations in dry-weather flows may indicate the discharge of sanitary wastewater or liquid wastes from some industrial sites.

8.10 Discharge Sampling

If a discharge has a severity index of 3 on one or more indicators in Section 4 of the ORI Field Sheet, or if field screening results indicate a suspect discharge, field crews will collect samples to be analyzed for the following parameters:

Table 8-2 Illicit Discharge Indicators

| Parameter | Indicator |
|----------------------------|--|
| Surfactants | >0.25 mg/L indicates discharge is contaminated by sewage or washwater |
| Fluoride | >0.13 and <0.6 mg/L indicate tap water source >0.6 mg/L indicates industrial source |
| Ammonia (NH ₃) | A/P ratio >1 indicates sewage; A/P ratio <1 indicates washwater ≥50 mg/L indicates industrial discharge |
| Potassium | A/P ratio >1 indicates sewage; A/P ratio <1 indicates washwater ≥20 mg/L indicates industrial discharge |
| Total Phosphorous | >0.4 mg/L indicates contamination from lawn practices, agriculture, sewage, or washwater |

The table below provides the preferred laboratory method, sampling container, required preservative, and analysis hold time for each parameter. The City will use this as a guideline for sampling protocols.

Table 8-3 Laboratory Analysis

| Parameter | EPA Method | Container | Preservative | Hold Time |
|--------------------|-------------|---------------|--|-----------------|
| MBAS (Surfactants) | 5540 C-2011 | HDPE – 1 L | None | 48 hours |
| Ammonia Nitrogen | 350.1 | HDPE – 500 mL | Na ₂ S ₂ O ₃ + H ₂ SO ₄ | 28 days |
| Fluoride | 300.0 | HDPE – 125 mL | None | 28 days |
| Total Phosphorous | 365.2 | HDPE – 250 mL | H ₂ SO ₄ | 28 days |
| Potassium | 200.7 | HDPE – 500 mL | HNO ₃ | 180 days |



Following receipt of the analytical results, the type or source of the illicit discharge may be characterized based on the indicators listed in Table 8-2. The listed indicators are intended as a guideline to assist in the identification of an illicit discharge source and should not be used as the sole method of investigating a suspect discharge.

The following flow charts outline the screening and sampling procedure, and the discharge identification procedures.

Figure 8-1 Evaluating When to Collect a Sample

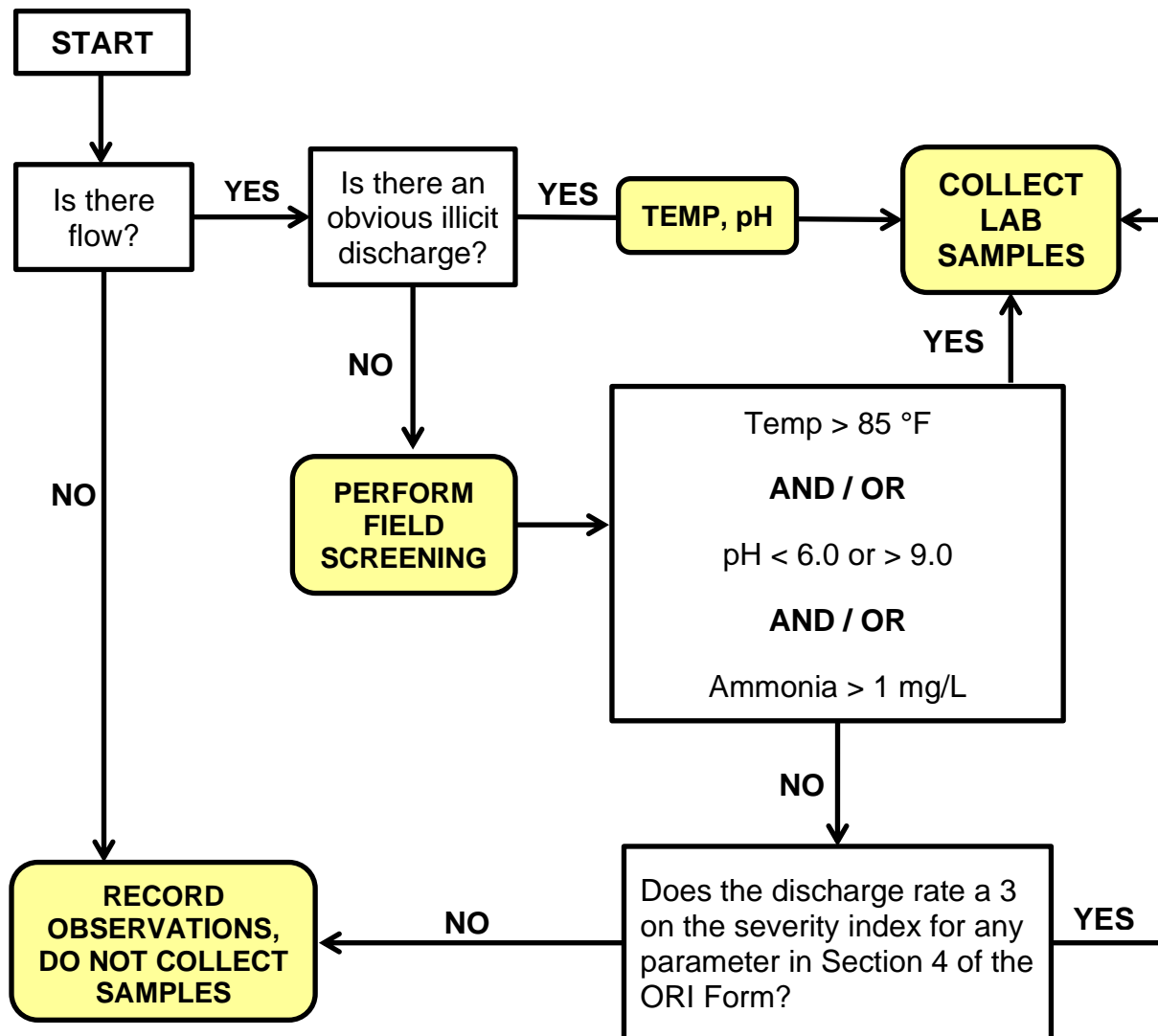
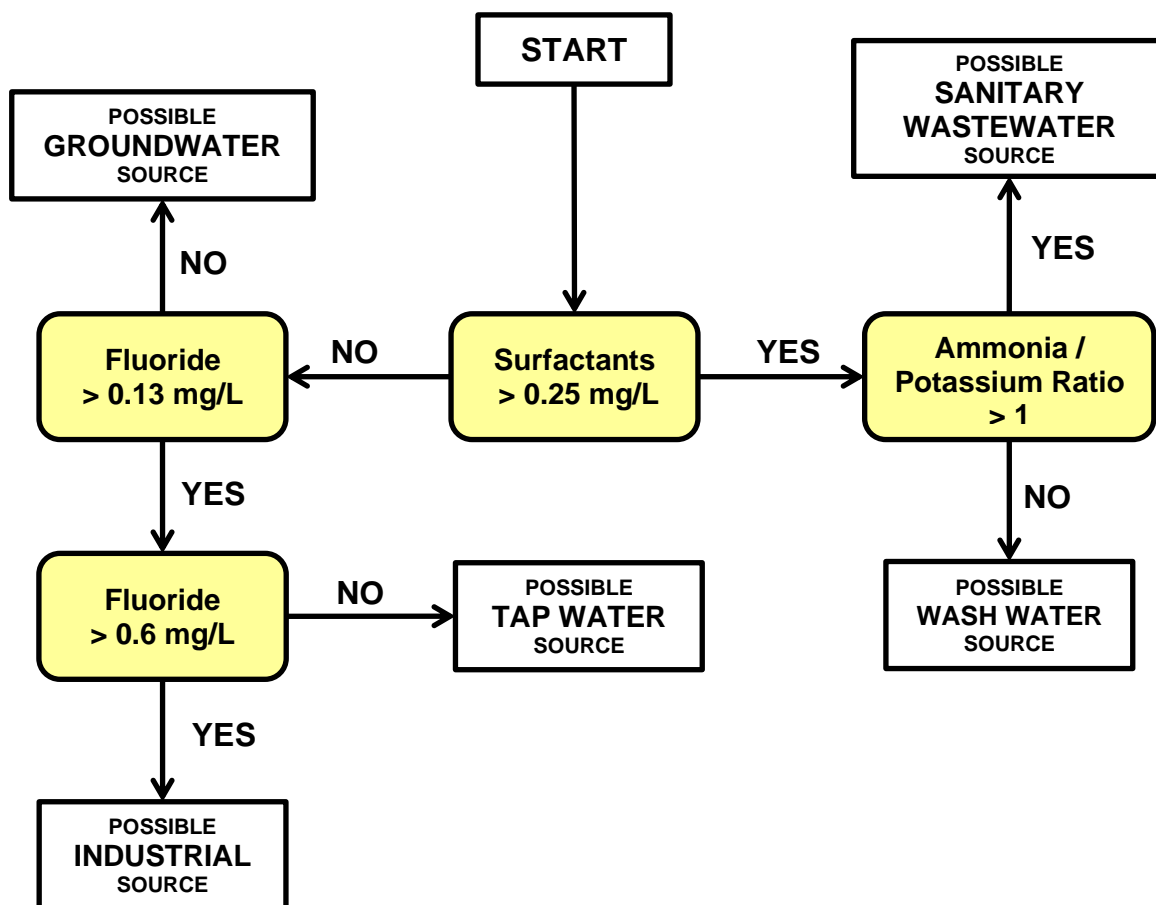


Figure 8-2 Evaluating Analytical Data to Determine Discharge Type



8.11 Inspection Reporting

If the inspection crew encounters a transitory discharge, such as a liquid or oil spill, during inspection activities, the observed spill or environmental hazard will be immediately reported to the city's **Engineering Department**. Obvious illicit discharges will also be reported upon observation.

Completed ORI Field Sheets, photos, and additional information collected during the ORI inspection will be submitted to the city's **Engineering Department**.

8.12 Outfall Ranking

Section 6 of the ORI Field Sheet requires the inspector to characterize the observed outfall as having obvious, suspect, possible, or unlikely discharge potential.

Discharges with an "obvious" ranking will be investigated within 10 days of determination, assuming the source was not identified at the time the discharge was observed. Discharges with a "suspect" ranking will be investigated



within 30 days. Discharges that have a “potential” ranking will be investigated within 60 days. Discharges with an “unlikely” ranking will be noted for comparison during future inspections. Investigations will generally follow the procedures outlined in Section 8.

Table 8-4 Outfall Ranking

| Response Time | Ranking | Characteristics |
|---------------|-----------|--|
| 10 days | Obvious | Outfalls where there is an illicit discharge that doesn't require sample collection for confirmation |
| 30 days | Suspect | Flowing outfalls with high severity (ranking of 3) on one or more physical indicators |
| 60 days | Potential | Flowing or non-flowing outfalls with presence of two or more physical indicators |
| - | Unlikely | Non-flowing outfalls with no physical indicators of an illicit discharge |

9.0 Illicit Discharge Investigation

9.1 Rationale Statement

Part III.B.2.a.iv of NPDES Permit ALR040056 requires the Rainbow City MS4 to develop and implement procedures for tracing the source of a suspect illicit discharge. The following procedures are intended to assist the City with the investigation of various types of illicit discharges that could occur in the MS4 area.

9.2 Corrective Action Record Keeping

When a suspect illicit discharge or illicit connection is identified, the **Engineering Department** will open a case log detailing:

- Type of suspected discharge
- Location of suspected discharge
- Copy of the ORI or citizen report
- IDDE investigation activities and dates
- IDDE investigation results
- Responsible party information
- All communications with the responsible party
- Documentation of corrective actions

Throughout the problem investigation and corrective action activities, information related to the incident or property in question should be documented in the case log.



9.3 Initiating an Investigation

Once an illicit discharge is suspected or detected at an outfall or in a stream, one of four types of illicit discharge investigations is triggered to track down the source:

- Storm drain network investigations
- Drainage area investigations
- On-site investigations
- Septic system investigations

When an illegal dumping or illicit discharge problem is directly observed by City personnel or a City subcontractor, it is generally not necessary to follow these investigation procedures, as the source of the problem discharge is already known.

9.4 Storm Drain Network Investigations

Storm sewer investigations use field crews to trace the source of a discharge problem to a single segment of a storm sewer. The investigation starts at the outfall and works progressively up the trunk from the outfall. Common investigative methods include:

- Visual inspection at manholes
- Sandbagging or damming the trunk
- Dye testing
- Smoke testing
- Video testing

9.5 Drainage Area Investigations

Drainage area investigations are initially conducted in the office and involve a parcel-by-parcel analysis of potential generating sites within the drainage area of the suspect outfall. Drainage area investigations are appropriate when the flow type in the discharge appears to be specific to a certain type of land use or generating site.

These investigations may include the following techniques:

- Analysis of land use
- Obtaining permit information from EPA and ADEM
- Review of as-built drawings
- Aerial photography analysis
- Infrared aerial photography analysis

9.6 On-site Investigations

On-site investigations are typically performed by dye testing the plumbing systems of households and buildings. Where septic systems are prevalent, inspections of tanks and drain fields may be needed.



9.7 Septic System Investigations

If a septic system is suspected as the source of an illicit discharge, the entity responsible for the investigation will notify the **Etowah County Health Department, Environmental Services Division** at (256) 439-2586.

Once a complaint is received, the Health Department will visit the property to inspect and verify the complaint. If problems are observed with the septic system, the Health Department will issue a Notice to the property owner requiring corrective actions within a certain timeframe, typically 30 days.

The city's **Engineering Department** will be responsible for coordinating with the Etowah County Health Department to confirm that the required corrective actions have been completed.

10.0 Illicit Discharge Elimination

10.1 Rationale Statement

Part III.B.2.a.v of NPDES Permit ALR040056 requires the Rainbow City MS4 to develop and implement procedures for eliminating identified illicit discharges.

Following the identification of an illicit discharge or connection, the city's **Engineering Department** will first attempt to secure voluntary compliance through education. If corrective actions are not taken, the municipality will respond to identified illicit discharges, illicit connections, or illegal dumping activities using the enforcement actions defined in City of Attalla Ordinance Number 802(08).

10.2 Voluntary Compliance

When an illicit discharge or illicit connection is identified, the city's **Engineering Department** will first pursue voluntary compliance through responsible party education. Business operators and property owners may not be aware of illicit connections or illegal discharge activities on their property, or the illicit discharge/connection may have been legal at one time. In these cases, the non-compliance may be adequately addressed by providing information about the connection or operation, the environmental consequences of the illicit discharge, and suggestions on how to remedy the problem.

Property owners and/or operators will be notified that the identified illicit discharge or illicit connection must be corrected in a timely manner and that the city's **Engineering Department** will conduct a follow-up site visit to verify compliance. Field staff should also provide the property operator with an educational brochure targeting illicit discharge violations and a copy of the IDDE ordinance.

10.3 Enforcement Actions

When voluntary compliance does not produce the desired result, the city's **Engineering Department** is required to coordinate with the appropriate municipal department to pursue follow-up enforcement action.



The Rainbow City ordinance provides for the issuance of a Written Notice specifying the violation and requiring the submission of an explanation for the violation and a plan to correct it and prevent future violations. The response must be submitted to the city issuing the notice within 10 days of the date of the notice.

The Rainbow City ordinance authorizes the issuance of Consent Orders describing the specific actions that must be taken and a specific time frame for completion. The ordinances also allow a violator the opportunity of a Show Cause Hearing to explain why a proposed enforcement action should not be taken again the violator.

Should the observed violation continue, the ordinance provides for the issuance of Compliance Orders or Cease and Desist Orders. The ordinance also provides for penalties up to \$500.00 and/or up to 180 days in jail per violation.

11.0 Notification of ADEM

11.1 Rationale Statement

Part III.B.2.a.vi of NPDES Permit ALR040053 requires the Rainbow City MS4 to establish procedures to notify ADEM of a suspect illicit discharge entering the Rainbow City MS4 from an adjacent MS4.

11.2 Identified Illicit Discharges within the MS4

As previously discussed, the IDDE ordinance adopted on December 10, 2012 provides the City with the legal authority to address illicit discharges and connections. The City intends to report identified illicit discharges or connections to ADEM only if the enforcement measures available to the City are not effective at compelling compliance.

11.3 Discharges from an Adjacent MS4

The Rainbow City MS4 is bordered in several areas by the Gadsden MS4 and the Etowah County MS4. Should the City identify a suspect illicit discharge originating within a neighboring MS4, the City will notify the appropriate MS4 and the ADEM Water Division within 48 hours of observation of the suspect illicit discharge.

The notification to the responsible MS4 and ADEM will include the following information:

1. Location of the suspect illicit discharge, including latitude and longitude, if known
2. Type of illicit discharge, if known
3. Estimated quantity or flow rate, if known
4. Origin or suspected origin of the suspect illicit discharge, if known
5. Date and time the suspect illicit discharge was observed



6. Description of affected media, including the name of the receiving waterbody, if known
7. Corrective actions being taken within the Rainbow City MS4, if any

12.0 Public Reporting

12.1 Rationale Statement

Part III.B.2.a.vii of NPDES Permit ALR040056 requires Rainbow City to develop and implement a mechanism for the public to report illicit discharges within the MS4. The City must also develop procedures to investigate reports from the public.

12.2 Public Complaints

The City provides a contact number for the public to report non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution.

12.3 Investigation of Public Complaints

The City utilizes a form to track the reports and follow up with investigations where necessary. Records of public reports, comments, or complaints will include:

- Date, time, and description of the report
- Location of the complaint (if applicable)
- Identification of any actions taken (inspections, enforcement, corrections, etc.) that are sufficient to cross-reference inspection and enforcement records

The **Engineering Department** will be responsible for initiating investigative or corrective actions in accordance with Sections 9.0 and 10.0 of this plan.

13.0 Personnel Training

13.1 Rationale Statement

Part III.B.2.a.viii of NPDES Permit ALR040056 requires the Rainbow City MS4 to develop and implement a training program for appropriate municipal personnel on identification, reporting, and correction of illicit discharges.



13.2 Annual Awareness Training

Appropriate City personnel will undergo annual training on illicit discharge identification, reporting, and corrective actions. City departments storing, using, or disposing of potential pollutants are responsible for selecting all appropriate personnel to attend annual awareness training.

The Utilities Board of Rainbow City is responsible for ensuring appropriate personnel are properly trained on corrective actions regarding Sanitary Sewer Overflows (SSOs). The Fire Department is responsible for ensuring appropriate personnel are properly trained on corrective actions regarding hazardous spill response. The Public Works Department is responsible for ensuring appropriate personnel are properly trained on corrective actions regarding pesticides, herbicides, and fertilizers.

14.0 Responsible Parties

The **Building Official** is responsible for overseeing, developing, and coordinating the IDDE program in the Rainbow City regulated MS4 area.

Other City departments, including the **Public Works Department**, the **Parks and Recreation Department**, the **Building Department**, the **Fire Department**, and the **Police Department**, will report illicit discharges observed during the course of their normal duties. Reports of observed or suspected illicit discharges will be made to the Building Official.

The **Utilities Board of Rainbow City** is responsible for corrective actions regarding Sanitary Sewer Overflows.

The **Fire Department** is responsible for corrective actions regarding hazardous spill response and for reporting spills over 25 gallons to ADEM.

The **Building Department** is responsible for code enforcement involving illegal dumping.

15.0 Program Evaluation

15.1 Rationale Statement

The IDDE program is currently based on assumptions of illicit discharge types and potential. As the program moves forward and more data become available, the IDDE plan will be adapted to reflect the actual scope and nature of illicit discharges within the Rainbow City MS4.

15.2 IDDE Tracking System

Suspect illicit discharges will be logged in a case file and identified on the storm water system maps. The data collected by the tracking system will be reviewed annually to help identify common illicit discharge types and locations.



As specific illicit discharges are identified, the monitoring results may be used to compile benchmarks for common illicit discharge types. The indicators listed in Section 8.10 may require adjustment for conditions specific to each drainage basin.

Results of the tracking system evaluation and/or indicator benchmark assessment will be discussed in the Annual Report.

15.3 Priority Areas

Currently, priority drainage basins are identified based on land use, number of past illicit discharge reports or complaints, number of potential generating sites, and age of infrastructure. Illicit discharge potential scores are calculated using the methods described in Section 5.0 of this plan.

The purpose of designating priority areas is to pin-point areas where program funds and efforts can be targeted to the most effect. Too few or too many priority areas are not beneficial to the implementation of the IDDE program; therefore, the methods for determining priority areas will be evaluated annually to ensure that the criteria are not too inclusive or exclusive. Additional criteria may be removed or added as necessary. The rationale for eliminating or adding criteria will be discussed in the Annual Report.

15.4 Field Screening

The field screening values identified in Section 8.9 of this plan will be reviewed periodically to determine if the screening values should be adjusted. The City will use the data collected from screening both unlikely and suspect dry-weather flows to evaluate the ranges for determining whether a discharge is suspect.

Appendices

Appendix A – Forms

ILLICIT DISCHARGE POTENTIAL WORKSHEET

BASIN ID: _____

DATE OF EVALUATION: _____

COMMENTS: _____

| | | | IDP RANKING VALUES | | | IDP SCORE |
|---|--|--------|--------------------|-------------|-------------|-----------|
| | CRITERION | RESULT | 1 | 2 | 3 | |
| 1 | LAND USE / ZONING | | Residential | Business | Industrial | |
| 2 | # OF ILLICIT DISCHARGE REPORTS IN PAST 2 YEARS | | 0 reports | 1-5 reports | > 5 reports | |
| 3 | # OF POTENTIAL GENERATING SITES | | 0 sites | 1-5 sites | > 5 sites | |
| 4 | AVERAGE AGE OF DEVELOPMENT | | < 10 years | 10-50 years | > 50 years | |
| | | | | | TOTAL IDP | |

TOTAL IDP ≥9 = PRIORITY AREA

OUTFALL RECONNAISSANCE INVENTORY FIELD SHEET

Section 1: Background Data

| | | | |
|---|-----------------|--|----------------|
| Subwatershed: | | Outfall ID: | |
| Today's date: | | Time (Military): | |
| Investigators: | | Form completed by: | |
| Temperature (°F): | Rainfall (in.): | Last 24 hours: | Last 48 hours: |
| Latitude: | Longitude: | GPS Unit: | GPS LMK #: |
| Camera: | | Photo #s: | |
| Land Use in Drainage Area (Check all that apply): | | | |
| <input type="checkbox"/> Industrial | | <input type="checkbox"/> Open Space | |
| <input type="checkbox"/> Urban Residential | | <input type="checkbox"/> Institutional | |
| <input type="checkbox"/> Suburban Residential | | Other: _____ | |
| <input type="checkbox"/> Commercial | | Known Industries: _____ | |
| Notes (e.g., origin of outfall, if known): | | | |

Section 2: Outfall Description

| LOCATION | MATERIAL | SHAPE | | DIMENSIONS (IN.) | SUBMERGED |
|--|--|---|--|---|---|
| <input type="checkbox"/> Closed Pipe | <input type="checkbox"/> RCP <input type="checkbox"/> CMP <input type="checkbox"/> PVC <input type="checkbox"/> HDPE <input type="checkbox"/> Steel <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Circular <input type="checkbox"/> Elliptical <input type="checkbox"/> Box <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Single <input type="checkbox"/> Double <input type="checkbox"/> Triple <input type="checkbox"/> Other: _____ | Diameter/Dimensions: _____ | In Water: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully With Sediment: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully |
| <input type="checkbox"/> Open drainage | <input type="checkbox"/> Concrete <input type="checkbox"/> Earthen <input type="checkbox"/> Rip-rap <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Trapezoid <input type="checkbox"/> Parabolic <input type="checkbox"/> Other: _____ | | Depth: _____ Top Width: _____ Bottom Width: _____ | |
| <input type="checkbox"/> In-Stream | (applicable when collecting samples) | | | | |
| Flow Present? | <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If No, Skip to Section 5</i> | | | | |
| Flow Description (If present) | <input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial | | | | |

Section 3: Quantitative Characterization

| FIELD DATA FOR FLOWING OUTFALLS | | | | |
|----------------------------------|-----------------|--------------|-------------------|--------------------|
| PARAMETER | | RESULT | UNIT | EQUIPMENT |
| <input type="checkbox"/> Flow #1 | Volume | | Liter | Bottle |
| | Time to fill | | Seconds | Stop watch |
| <input type="checkbox"/> Flow #2 | Flow depth | | Inches | Tape measure |
| | Flow width | ____', ____" | Ft, In | Tape measure |
| | Measured length | ____', ____" | Ft, In | Tape measure |
| | Time of travel | | Seconds | Stop watch |
| Temperature | | | °F | Thermometer |
| pH | | | pH Standard Units | Test strip / probe |
| Ammonia | | | mg/L | Test strip |

OUTFALL RECONNAISSANCE INVENTORY FIELD SHEET (CONTINUED)

Section 4: Physical Indicators for Flowing Outfalls Only

Are Any Physical Indicators Present in the flow? ☐ Yes ☐ No (If No, Skip to Section 5)

| INDICATOR | CHECK if Present | DESCRIPTION | RELATIVE SEVERITY INDEX (1-3) | | |
|---|--------------------------|--|---|---|---|
| Odor | <input type="checkbox"/> | <input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/sour <input type="checkbox"/> Petroleum/gas <input type="checkbox"/> Sulfide <input type="checkbox"/> Other: | <input type="checkbox"/> 1 – Faint | <input type="checkbox"/> 2 – Easily detected | <input type="checkbox"/> 3 – Noticeable from a distance |
| Color | <input type="checkbox"/> | <input type="checkbox"/> Clear <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Orange <input type="checkbox"/> Red <input type="checkbox"/> Other: | <input type="checkbox"/> 1 – Faint colors in sample bottle | <input type="checkbox"/> 2 – Clearly visible in sample bottle | <input type="checkbox"/> 3 – Clearly visible in outfall flow |
| Turbidity | <input type="checkbox"/> | See severity | <input type="checkbox"/> 1 – Slight cloudiness | <input type="checkbox"/> 2 – Cloudy | <input type="checkbox"/> 3 – Opaque |
| Floatables -Does Not Include Trash!! | <input type="checkbox"/> | <input type="checkbox"/> Sewage (toilet paper, etc.) <input type="checkbox"/> Suds <input type="checkbox"/> Petroleum (oil sheen) <input type="checkbox"/> Other: | <input type="checkbox"/> 1 – Few/slight; Origin not obvious | <input type="checkbox"/> 2 – Some; Indications of origin (e.g., possible suds or oil sheen) | <input type="checkbox"/> 3 – Some; Origin clear (e.g., obvious oil sheen, suds, or floating sanitary materials) |

Section 5: Physical Indicators for Both Flowing and Non-Flowing Outfalls

Are physical indicators that are not related to flow present? ☐ Yes ☐ No (If No, Skip to Section 6)

| INDICATOR | CHECK if Present | DESCRIPTION | COMMENTS |
|---------------------|--------------------------|---|----------|
| Outfall Damage | <input type="checkbox"/> | <input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion | |
| Deposits/Stains | <input type="checkbox"/> | <input type="checkbox"/> Oil <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other: | |
| Abnormal Vegetation | <input type="checkbox"/> | <input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited | |
| Poor pool quality | <input type="checkbox"/> | <input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other: | |
| Pipe benthic growth | <input type="checkbox"/> | <input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other: | |

Section 6: Overall Outfall Characterization

| |
|---|
| <input type="checkbox"/> Unlikely <input type="checkbox"/> Potential (presence of two or more indicators) <input type="checkbox"/> Suspect (one or more indicators with a severity of 3) <input type="checkbox"/> Obvious |
|---|

Section 7: Data Collection

| | | |
|--------------------------------|---|---|
| 1. Sample for the lab? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, what time was the sample collected? |
| 2. If yes, collected from: | <input type="checkbox"/> Flow <input type="checkbox"/> Pool | |
| 3. Intermittent flow trap set? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, type: <input type="checkbox"/> OBM <input type="checkbox"/> Caulk dam |

Section 8: Any Non-Illicit Discharge Concerns (e.g., trash or needed infrastructure repairs)?

Appendix E – Ordinances

ORDINANCE FOR LITTER ABATEMENT ENFORCEMENT AND CONTROL

BE IT ORDAINED by the City Council of the City of Rainbow City, Alabama, as follows:

WHEREAS, the City Council of Rainbow City, Alabama recognizes the need for enactment of such Ordinances and Penalties relating to enforcement of litter provisions to protect the welfare of its citizenry and visitors;

WHEREAS, the City Council of Rainbow City, Alabama elects and adopts the following Ordinances and Penalties it is hereby fixed and provided that:

SECTION 1. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized private receptacle means a litter storage and collection receptacle as required and authorized in this chapter.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Handbill means any printed or written matter, and sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, or booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definition of newspaper.

Litter means any object or substance which tends to create a danger to public health, safety, or welfare or which by sight or smell creates or contributes to unsightly or unsanitary conditions.

Newspaper means any newspaper of general circulation as defined by law of this state, including, but not limited to, any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Park means a park, reservation, playground, beach, recreation center, tennis center, field, or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Private premises means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, entranceway, passageway, parking area, storage area, steps, vestibule, mailbox, or recreation facility belonging or appurtenant to such dwelling, house, building or other structure.

Public place means any street, sidewalk, road, alley or other public way and any public square, park, space, ground or building.

Refuse means putrescible and nonputrescible solid wastes (except body and animal wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, shrub clippings, leaves, tree prunings, cut grass and weeds, pine straw, rocks, wood, glass, bed springs, mattresses, crockery, discarded appliances and similar materials.

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a street, road, or alley, including any device used exclusively upon stationary rails or tracks.

SECTION 2. Enforcement of the provisions of this Ordinance

(a) Only sworn police officers are authorized to enforce litter violations of this Ordinance involving moving vehicles.

(b) The police department shall be primarily responsible for enforcement of nuisance violations of this Code involving litter, accumulations of debris and rubbish, and litter involving machinery or vehicles.

(c) The mayor and city council by resolution may designate additional city employees as persons responsible for the enforcement of the provisions of this Ordinance.

(d) All of persons designated this Section may enforce the specified violations by citations issued to the violator. The person so named may plead guilty to such offense by signing the citation form and returning the minimum penalty to the municipal magistrate without the necessity of appearing before the municipal judge.

SECTION 3. Penalties

(a) All violations of the provisions of this Ordinance, except subsection (b), shall be punishable as follows:

(1) For the first offense, a minimum fine of \$500.00 and a minimum of 8 hours of community service collecting litter.

(2) For the second offense committed within 12 months of the preceding violation, a minimum fine of \$500.00 and a minimum of 24 hours of community service collecting litter.

(3) For the third offense committed within 12 months of the preceding violation, a minimum fine of \$500.00 and no less than 3 days and no more than 6 months in jail.

(b) All violations for failure to remove a receptacle or container shall first be provided a warning notice or citation; thereafter the minimum fine for the first violation shall be \$150.00, \$250.00 for the second violation and \$500.00 for the third violation within 12 months of the preceding violation.

(c) The provisions of subsections (a) and (b) provide a minimum fine and/or punishment only. The municipal court retains jurisdiction to assess the maximum fine and/or punishment as provided within its jurisdictional and enforcement mandate.

SECTION 4. Duty of abutting property owners to keep sidewalks and alleys free of litter

(a) Persons owning or occupying property shall keep the sidewalk in front of their premises and the strip between the street and the sidewalk free of litter. Persons whose property abuts a city alley shall keep the alley free of litter.

(b) Persons owning, managing or employed by a commercial establishment or institution within the city shall keep the sidewalk in front of their premises free of litter. No person owning, managing or employed by a commercial establishment or institution shall deposit solid waste therefrom in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.

SECTION 5. Depositing litter in water body

No person shall throw or deposit litter in any fountain, pond, lake, stream, creek, branch, river, bay, or other body of water in a park or elsewhere within the city.

SECTION 6. Depositing litter in stormwater drainage canal or ditch

It shall be unlawful within the city to throw any trash, garbage, foreign substance or refuse of any kind into any stormwater drainage canal or ditch.

SECTION 7. Depositing and throwing litter from vehicle

It is unlawful for any person to throw or deposit litter from a vehicle onto public or private property or for the driver and/or owner (if present in the vehicle) to allow litter from the vehicle to be thrown or deposited onto public or private property. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. The fact that litter comes from a vehicle shall create a presumption that the driver and/or owner failed to take reasonable measures to prevent such action. For the purposes of this section, the "owner" of a rented or leased vehicle shall be the person who has rented or leased it.

SECTION 8. Placing handbills on vehicles

No person shall place or deposit any handbill in or upon any vehicle, except in a manner that will prevent it from being blown about or scattered by the elements.

SECTION 9. Depositing handbills on vacant premises

No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

SECTION 10. Depositing handbills on premises where notice is posted or contrary to request of occupant

No person shall throw, deposit or distribute any handbill upon any private premises if requested by anyone thereon not to do so, or if there is placed on such

premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Solicitors," "No Advertisement," or any similar notice, indicating in any manner that the occupants of such premises do not desire to have their right to privacy disturbed or to have any such handbills left upon such premises.

SECTION 11. Distributing handbills at inhabited private premises

No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, agent, occupant or lessee then present in or upon such private premises; provided that, in the case of inhabited private premises which are not posted as provided in SECTION 10 of this Ordinance, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited so as to secure or prevent such handbill from being blown or drifting about such premises or sidewalks, streets or other public places. Mailboxes shall not be used for placement or deposit of handbills when prohibited by federal law or regulation. The provisions of this section shall not apply to the distribution of mail by the United States Postal Service, nor to newspapers except that newspapers shall be placed on private premises in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property of another.

SECTION 12. Posting notices

No person shall post or affix any notice, poster, sign or other paper or device calculated to attract the attention of the public to any lamp post, light post, utility pole, tree, fence, temporary pole, or stake or upon any public structure, building, park, right-of-way or other public place in the city, except as may be authorized or required by law.

SECTION 13. Depositing litter on vacant lot

No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

SECTION 14. Vehicle wheels or tires depositing dirt or litter

No person shall drive or move any vehicle within the city the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind. The duty and responsibility imposed by this section shall be applicable to the owner of the vehicle, the operator of the vehicle, and the person from whose residence or establishment the load or contents originated. This Section is in addition and supplementing with the provisions of Code of Ala. 1975, § 32-5-76 and Code of Ala. 1975, § 22-27-3(f)

SECTION 15. Depositing litter on occupied private property

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

SECTION 16. Certain establishments to maintain receptacles for public use

To facilitate proper disposal of litter by pedestrians and motorists, such publicly patronized or used establishments and institutions as may be designated by the director of public works shall provide, regularly empty and maintain in good condition adequate receptacles that meet standards prescribed by the director of public works. This requirement shall be applicable to, but not limited to, fast food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools and colleges.

SECTION 17. Duty of owner or occupant to maintain property free of litter

The owner, agent, occupant or lessee of any private property shall at all times maintain the premises free of litter, provided that this shall not prohibit the storage of litter in authorized private receptacles for collection. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fence and wall bases, grassy and planted areas, borders, embankments and other lodging points. Owners, agents, occupants or lessees whose property abuts municipal sidewalks and strips between sidewalks and streets shall be responsible for keeping those sidewalks and strips free of litter. Owners, agents, occupants or lessees whose property abuts municipal alleys shall be responsible for keeping the alley free of litter. It shall be the duty of every nonresident owner of a vacant lot or other vacant property to appoint an agent residing in the city to be responsible for keeping that lot or other property free of litter.

SECTION 18. Donation collection box

- (a) A donation collection box is a container used to temporarily store donated items, typically operated by a charitable organization.
- (b) The operator of the box is the individual or organization owning the box and placing it for the public to use for the donation of used clothing, material and equipment.
- (c) No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any donation collection box unless and until the following criteria have been met:
 - (1) File an application with the city department of public works for the placement of a donation collection box on specific premises prior to such placement, stating the name, location and contact information for the organization.
 - (2) Place no more than one donation collection box on any one specific premises in the city.
 - (3) Place the single donation collection box at or behind the setback line of the minimum yard areas of the premises at all times.
 - (4) The size of the donation collection box shall not exceed 78 inches in height or 76 inches in width.

- (5) The operator presents a certificate evidencing a public liability insurance policy of a minimum of \$100,000.00 because of bodily injury or property damage, providing notice to the city at least ten days prior to any change or termination of coverage.
 - (6) The donation collection box is equipped with locked, tight-fitting closing device which shall be closed except when the box is being unloaded.
 - (7) The donation collection box is entry-proof and is designed to avoid the entrapment of children.
 - (8) The donation collection box is placed on a surface which is hard, level and weather resistant.
 - (9) The donation collection box is placed in an area that is highly accessible, visible with sufficient lighting during the night, and does not interfere with the flow of traffic or pedestrians.
- (d) The operator will make regular visits to each box to collect and remove the material placed in the box. The visits shall be at least twice per week or as often as the boxes become filled. If a more frequent collection is necessary on a regular basis, the department of public works will inform the operator. The operator will inform the public works department of its schedule for collection of materials from each box and will update that when there are any changes, but the operator may make additional collections without first informing the public works department.
- (e) If material is placed around a donation collection box because it lacks sufficient capacity for the material or the material is of such a size or configuration that it cannot be placed in the box, the public works department shall notify the operator to empty the box and remove the materials surrounding it within twenty-four hours. If this has not been accomplished within that time, the public works department is authorized to remove the box, its contents and the surrounding material and dispose of it in the same manner as other solid waste collected by the city. The box will be retained by the public works department for the operator for one week and will then be disposed of as solid waste unless retrieved by the operator within that time.
- (f) It is the responsibility of the operator to maintain the area around the box in a neat, clean and attractive manner that deters cluttering and littering in the area. The operator shall post appropriate signs warning against dumping in or around the box, advising what material is acceptable and what is not acceptable for deposit in the box, and providing a telephone contact number if a person has items to donate that will not fit in the box and desires that the operator collect them from another location.

- (g) The operator will maintain the appearance of each donation collection box, painting it at least once every two years and informing the public works department when it has done so.
- (h) The operator will properly dispose in a licensed solid waste landfill of any material which is deposited in a donation collection box and is not used for the benefit of the organization.
- (i) If an operator fails to satisfy the requirements of this ordinance for the maintenance of a donation collection box, including regular collection and cleaning the area surrounding a box, the director of public works may remove a box from a particular location, after notice to the operator.
- (j) If an operator habitually fails to satisfy the requirements of this ordinance for the maintenance of a donation collection box, the director of public works may remove all boxes of that operator within the city, after notice to the operator. The operator will not be permitted to place a donation collection box in the city for one year thereafter and must satisfy the requirements of this ordinance for each future location.
- (k) The provisions of this section do not apply to a donation collection box located on the premises of the operator of the box, but the number of boxes located there may not exceed four and the areas around the boxes must be maintained to the standards of this section.

SECTION 19. Commercial waste containerization and removal

All commercial establishments and institutions that generate litter for collection by a private collector shall have sufficient container capacity to accommodate the normal volume that accumulates between collections. The director of public works may require a baling unit or compactor to bale commercial litter. It shall be the duty of the establishment or institution to break down and containerize all cardboard boxes, crates, etc. All loose materials such as packing paper, paper, plastic bags and other materials that are subject to being windblown and that are normally placed in a container will be contained in a plastic trash bag or bundled and tied securely before being placed in the container. Any container that does not conform to prescribed standards or that has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the director of public works. Failure to replace the container within seven days of such notification shall constitute a violation of this section.

SECTION 20. Waste resulting from loading and unloading operations

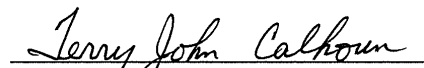
Any owner or occupant of an establishment or institution at which litter is attendant to the packing, unpacking, loading or unloading of materials at exterior locations shall provide suitable receptacles there for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof. It shall be the duty of any owner or occupant to break down and containerize boxes, crates, etc. It shall be the duty of the owner or occupant to remove at the end of each working day any litter that has not been containerized at these locations. All loose materials such as


packing paper, paper, plastic bags and other materials that are subject to being windblown and which are normally placed in a receptacle will be contained in a plastic trash bag or bundled and tied securely before being placed in the receptacle. The owner or occupant must provide a receptacle approved by the director of public works for collection by a private collector.


SECTION 21. Construction and demolition debris

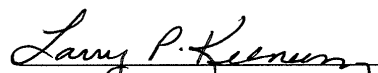
It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition project to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any construction and demolition debris on the site of the project before, during or after its completion. It shall be the duty of the owner, agent and contractor to have on the site adequate receptacles for the disposal of construction and demolition debris to make appropriate arrangements for the collection thereof or for transport by such person personally to an appropriate facility for final disposition. The owner, agent and contractor will be responsible for breaking down and containerizing all shipping containers, boxes or crates. All loose materials, such as packing paper, paper, plastic bags and other materials that are subject to being windblown and which are normally placed in a receptacle, will be contained in a plastic trash bag or bundled and tied securely before being placed in the receptacle. The owner, agent and contractor will be required at such time to show proof of appropriate collection or if transported by such person personally of a final disposition at an appropriate facility. The receptacles used on the site must be approved by the director of public works. A private collector shall collect the trash.

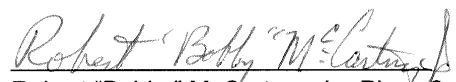
ADOPTED AND APPROVED by the City Council of the City of Rainbow City, on this the 10th day of May, 2014.


TERRY JOHN CALHOUN, Mayor
City of Rainbow City

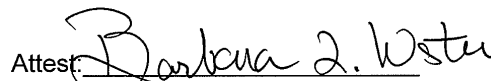

Tim Ramsey, Place 3


Anita Bedwell, Place 1


Larry Keenum, Place 4


Robert "Bobby" McCartney Jr., Place 2


Rick Hill, Place 5

Attest: 
Barbara T. Wester, City Clerk

I, Barbara T. Wester, City Clerk/Treasurer of the City of Rainbow City, Alabama, do hereby certify that the foregoing Ordinance No. 506 was duly posted at Rainbow City Municipal Building, Local Joe's, Winn Dixie and rbcAlabama.com.

Barbara T. Wester, City Clerk/Treasurer

MODEL STORMWATER CONTROL ORDINANCE
FOR PHASE II MS4 MUNICIPALITIES

ORDINANCE RESENDING AND REVOKING ORDINANCE 455 OF THE CITY OF RAINBOW CITY, ALABAMA, HERETOFORE ADOPTED ON THE 29TH DAY OF OCTOBER, 2007, AND AN ORDINANCE ADOPTING A STORMWATER CONTROL ORDINANCE FOR PHASE II MS4 MUNICIPALITIES.

BE IT ORDAINED by the City Council of the City of Rainbow City, Alabama as follows:

Section 1. Purpose.

As required by City of Rainbow City's, Alabama's Phase II municipal separate storm sewer (MS4) National Pollutant Discharge Elimination System (NPDES) Permit, issued by the Alabama Department of Environmental Management (ADEM), the [City/County] must develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from its MS4 to the "maximum extent practicable," to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act (CWA). This article is therefore enacted to preserve, protect and promote the health, safety and welfare of the citizens of City of Rainbow City, Alabama, through the reduction, control and prevention of the discharge of pollutants from newly developed and redeveloped sites to the MS4. It is the expressed intent of the [governing body] in enacting this article to provide for and promote compliance by the [City/County] with federal and state laws governing the discharge of pollutants from the MS4 and to provide for and promote compliance with the [City/County]'s NPDES permit, issued by ADEM pursuant to its authority under the CWA.

Section 2. Definitions. For the purposes of this article, the following terms shall have the meanings established in this section.

Accidental Discharge – A discharge prohibited by this article into the municipal separate storm sewer system that occurs by chance and without planning or consideration prior to occurrence.

ADEM – The Alabama Department of Environmental Management. The State of Alabama's regulatory agency created under Code of Alabama 1975, §§ 22-22A-1, *et seq.*, responsible for administering and enforcing the stormwater laws of the United States of America and the State of Alabama.

Adverse Impact – Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness, for human or natural uses which are or may be potentially harmful or injurious to human health, welfare, safety or property or to biological productivity, diversity or stability, or which would unreasonably interfere with the enjoyment of life or property.

Agriculture – Activities undertaken on land for the production of plants, crops, and animals that are useful to man.

Alabama Handbook – The most recent edition of the Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas authored by the Alabama Soil and Water Conservation Committee, Montgomery, Alabama.

Applicant – Any individual, partnership, syndicate, joint venture, group, firm, company, association, trust, public or private corporation, business, estate, commission, board, utility, cooperative, county, city or other political subdivision, or any entity recognized by law including but not limited to any duly authorized agent, or any combination of the foregoing, that executes the necessary forms to procure an effective, issued permit to discharge under the NPDES.

Authority – The City of Rainbow City, Etowah County, Alabama, and its authorized representatives.

AWPCA – The Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1, *et seq.*, and the Alabama Environmental Management Act, Code of Ala. 1975, §§ 22-22A-1, *et seq.*, both as amended, and regulations promulgated thereunder.

BMPs – Best Management Practices. Activities, prohibitions of practices, maintenance procedures and management practices, designed and implemented to prevent or reduce the discharge of pollutants to the MS4. Nonstructural BMPs are strategies implemented to control stormwater runoff that focus on pollution prevention such as alternative site design, zoning and ordinances, education, and good housekeeping measures. Structural BMPs are engineered devices to control, treat, or prevent stormwater runoff pollution. BMPs also include treatment requirements, operating procedures, and practices, to control facility site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage and construction sites.

BMP Plan – Best Management Practices Plan. A set of drawings and/or other documents submitted by the Applicant to the Authority as a prerequisite to obtaining approval to commence construction activities at a development site falling partially or entirely within the Authority's territorial jurisdiction. The site specific BMP Plan contains all of the information and specifications pertaining to the BMPs the Applicant will use to control erosion and sedimentation for its development.

Clearing – The removal of trees, shrubs, grass, brush and/or other varied ground cover and vegetation from the land, which, in its undisturbed state, is useful for windbreaks, water retention and the maintenance of topsoil. This definition does not include the ordinary mowing of grass or the maintenance of previously cleared land.

Contour – A line of equal elevation above a specified datum, usually mean sea level.

CWA – The federal Clean Water Act, 33 U.S.C. § 1251, *et seq.*, which was formerly referred to as the Federal Water Pollution Control Act and Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483 and Public Law 97-117, 33 U.S.C. § 1251-1387.

Discharge – shall have the meaning set out in Alabama Administrative Code Section 335-6-6-.02.

Drainage – The removal of surface water from a given area either by gravity or by pumping; commonly applied to surface water and groundwater.

Drainage Area – The area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline; the area of a Drainage basin or watershed, expressed in acres, square miles or other units of area.

Engineer – A person currently licensed by the Alabama State Board of Registration for Professional Engineers and Land Surveyors.

EPA – The Environmental Protection Agency.

Erosion – Process by which land surface is worn away by the action of wind or water.

Erosion and Sediment Controls – The application of measures to reduce Erosion of land surfaces and Discharges of sediment from a development site.

Grading – Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, or filled, or any combination thereof.

Land Disturbing Activities – Activities that include any land change, which may result in Erosion and the movement of sediment to the MS4, including but not limited to the Clearing, dredging, Grading, excavation, transporting, and filling of land.

MS4 – Municipal separate storm sewer system, which is comprised of a system of man-made conveyances designed or used for collecting or conveying stormwater, including roads with Drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains which are owned and operated by a city, town, county or other public body created by or pursuant to State Law. An MS4 does not include a publicly owned treatment works (POTW) or a combined sewer.

NOI – Notice of Intent. The application that must be submitted to ADEM to obtain coverage under the agency's general permit regulating Land Disturbing Activities, applicable to Discharges from sites that result in total land disturbance of one acre or greater and sites less than one acre but are part of a common plan of development or sale.

NPDES – National Pollutant Discharge Elimination System. NPDES shall mean the national program of issuing, modifying, revoking, etc., permits under Sections 307, 318, 402, and 405 of the CWA, as well as the state permitting program implemented under the CWA and the AWPCA.

Outfall – A point source (meaning any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be Discharged, but not including return flows from Agriculture or agricultural water runoff) at the point of a Discharge to waters of the United States of America.

Permit – Any permit issued pursuant to this article, permitting Discharges to the MS4 under the NPDES.

Permittee – Any Applicant that receives a Permit to Discharge under the NPDES.

Pollutant – Includes but is not limited to, the pollutants specified in § 22-22-1(b)(3) of the AWPCA and any other effluent characteristics specified in a Permit.

Post-Construction Strategies –BMPs and other measures for activities that take place after construction occurs, including structural and non-structural controls to obtain permanent stormwater management over the life of the property's use.

PSC – Alabama Public Service Commission. The State of Alabama's regulatory agency created under Code of Alabama 1975, §§ 37-1-1, *et seq.*, responsible for the regulation of utilities including but not limited to those providing electricity, gas, water, and steam.

QCP – Qualified Credentialed Professional, which can be a professional engineer (PE), an Alabama Natural Resources Conservation Service professional designated by the State of Alabama's Conservationist, a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc., other registered or certified professionals such as a registered landscape architect, registered land surveyor, registered geologist, registered forester, a Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or a Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other ADEM accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that enable recognized individuals to prepare BMP Plans, to make sound professional judgments regarding Alabama NPDES rules, the requirements of Alabama Administrative Code Chapter 335-6-12, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite Pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated Land Disturbing Activities, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements Chapter 335-6-12. The QCP shall be in good standing with the authority granting the registration or designation.

Sediment – Solid material settled from suspension in a liquid that has been transported and deposited from its site of origin by air, water, ice or gravity as a product of Erosion and has come to rest on the Earth's surface either above or below a water surface, usually inorganic or organic particles originating from weathering, chemical precipitation or biological activity.

Sedimentation – Process by which eroded material is transported and deposited by action of water, wind, ice and gravity.

Silviculture – The care and cultivation of forest trees, including site preparation, planting, pruning, thinning and harvesting.

Site – Any tract, lot, or parcel of land or combination of contiguous tracts, lots or parcels of land to be developed as a unit, subdivision or project.

Stabilization – The prevention of soil movement by any of various vegetative and/or structural means.

Stormwater – The excess water running off from the surface of a Drainage Area during and immediately after a period of rain or snow melt. It is that portion of the surface flow that is in excess of that which can be absorbed through the infiltration capacity of the surface of the basin.

Stormwater Management – The incorporation of a variety of activities and equipment into a plan to address concerns associated with Stormwater for the purpose of preventing pollution, improving water quality, keeping Pollutants out of the runoff, and the implementation of BMPs.

Variance – The modification of the minimum Stormwater Management requirements in situations in which exceptional circumstances, applicable to the Site with respect to which the variance is requested, exist so that strict adherence to the provisions of this article would result in unnecessary hardship and the granting of such modification would not result in a condition contrary to the intent of this article.

Vegetative Control Measures – The establishment of vegetative ground cover that shields the soil surface from raindrop impact and the scouring effects of overland Stormwater flow.

Section 3. Administration.

The Authority will enforce the provisions of this article throughout its jurisdiction.

Section 4. Permits.

A. No Land Disturbing Activities that disturb either (i) greater than or equal to one acre; or (ii) less than one acre but whose activity is part of a larger common plan of development or sale that disturbs one acre or more, other than those Land Disturbing Activities exempted from the provisions of this article as set out in Section 5, shall be conducted within the City of Rainbow City, Etowah County, Alabama, without first obtaining the necessary permit(s) from the Authority.

Before the commencement of any Land Disturbing Activities, the Applicant must file with the Authority an application for a Permit. All applications for such a Permit must include, at a minimum, the following information:

1. Name, address, telephone number, and email address of the Applicant;
2. If the Applicant is not the owner of the project and/or property, the name, address, telephone number, and email address of the owner of the project, the owner of the property on which the project is to be located, and the ground lessee of the property, if any, on which the Land Disturbing Activities are to be conducted;

3. General description of the construction activity for which coverage is desired, along with the address, if any, or latitude and longitude to the nearest second of the entrance to the Site upon which the Land Disturbing Activities are to be conducted;
 4. A map or a plot of the land on which the Land Disturbing Activities will be conducted and any other information that is required under the provisions of Section 6 of this article.
- B. Multiple operators conducting Land Disturbing Activities in a common plan of development may jointly submit an application and be covered by the same Permit. An application requesting coverage for multiple operators must include a Site plan clearly describing each operator's area(s) of operational control.
 - C. Each application for the issuance of a Permit shall be accompanied by a nonrefundable fee of (\$25.00), for Land Disturbing Activities associated with individual single family residences and (\$100.00), for all other types of Land Disturbing Activities. The Applicant must submit its BMP Plan with its application and fee to the Authority.
 - D. The Authority may require the Applicant to post a bond in the form of a government security, cash, irrevocable letter of credit, or any combination thereof up to but not exceeding \$1,000.00 per acre of the proposed Land Disturbing Activities. If the Applicant fails to comply with the conditions of the Permit, the bond may be called by the Authority and used to bring the Site into compliance.
 - E. An Applicant's BMP Plan will either be approved or disapproved by the Authority within 14 days of the day a complete application, BMP Plan, applicable fee, and bonding requirement, if any, are filed with the Authority.

If the BMP Plan is disapproved, the Authority will inform the Applicant, in writing, of the reasons for its disapproval. If the Applicant, on one or more occasions, revises the BMP Plan or submits to the Authority additional documents or information in connection with the BMP Plan, the Authority will make a written response to the Applicant with respect to whether such revised BMP Plan and/or additional documents and information have been approved or disapproved by the Authority. All such additional responses will be made by the Authority to the Applicant within 7 days of the day such revised BMP Plan or additional documents or information are submitted to the Authority.

Should the Authority fail to approve or disapprove any initial or revised BMP Plans within 30 days of the day said BMP Plans are submitted to the Authority, the BMP Plan shall be deemed approved and the Applicant may commence Land Disturbing Activities.

All BMP Plans certified by a QCP shall be deemed approved by the Authority, which shall allow the Applicant to immediately commence Land Disturbing Activities upon submission of a complete application, BMP Plan, applicable fee, and bonding requirement, if any, to the Authority.

Payment of the applicable fee and bonding requirement, if any, by the Applicant, coupled with the Authority's approval of the application and BMP Plan, shall result in issuance of a Permit to the Applicant.

- F. The Authority must be notified immediately upon any change in ownership of property for which a BMP Plan has been registered, and/or any change in the person or persons responsible for ensuring compliance with the provisions of this article.

A Permit may be amended *[with/without]* the payment of an additional fee upon filing with the Authority an amended or restated Permit application containing all changes from the original application; provided, that the holder of the Permit shows to the reasonable satisfaction of the Authority that there are no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If an amended or

restated application is filed with the Authority with respect to Land Disturbing Activities for which a Permit has been issued, such existing Permit shall continue in effect, and the Permittee may continue to operate under it unless and until an amended Permit is issued, at which time the original Permit shall expire and all Land Disturbing Activities must be conducted in accordance with the amended Permit.

A Permit may be transferred [with/without] the payment of an additional fee upon filing with the Authority an application for transfer; provided, that the current Permittee and proposed transferee of the Permit show to the reasonable satisfaction of the Authority that, upon or following the transfer, there will be no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If the Authority is not satisfied with any such showing by the current Permittee and proposed transferee, the new owner or operator must apply for a new Permit prior to participating in the operation of such project.

- G. All applications and correspondence required by this article to be submitted to the Authority must be signed by an individual with adequate legal authority to act for or on behalf of the Applicant or Permittee. Any person signing any application, correspondence or other documentation required by this article must make the following certification:

"I certify, under penalty of law, that this document and any attachments were prepared under my direction or supervision and that I have personally examined, and I am familiar with, the information in this document and any such attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty."

- H. The issuance of a Permit shall not excuse the owner from the need to obtain other required state and local permits or licenses.

Section 5. Exceptions.

- A. The following Land Disturbing Activities are excluded from the requirements of this article:

1. Any land change on property about which the owner of the property has submitted information to the Authority proving, to the satisfaction of the Authority, that such property does not Discharge to the MS4.
2. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources. Immediately upon completion of emergency activity the responsible party shall install all control measures and initiate restoration/cleanup activities as required by this article.
3. Agriculture
4. Silviculture
5. Such minor Land Disturbing Activities as home gardens, landscaping, home repairs, home maintenance work, minor additions to houses, the construction, maintenance or repair of accessory structures and other related activities which result in minor Erosion.
6. Minor Land Disturbing Activities, such as minor Grading for driveways, yard areas and sidewalks, or individual connections for sewer services for single or two-family residences.
7. The construction, repair or rebuilding of railroad tracks.
8. Minor subsurface exploratory excavations under the direction of soils engineers, engineering geologists, or soil scientists.

9. The opening of individual burial sites in property which has been approved for such use by all necessary governmental authorities.
 10. The construction of water wells or environmental monitoring wells.
 11. Any and all Land Disturbing Activities conducted by entities under the jurisdiction and supervision of the PSC.
- B. Although not required to obtain a Permit, persons engaged in excepted activities shall remain responsible for otherwise conducting such activities in accordance with the provisions of this article and any other applicable regulation or permit(s), including the proper control of Sediment and Discharges to the MS4.

Section 6. Construction Best Management Practices Plan (BMP Plan).

- A. City of Rainbow City, Alabama's Phase II MS4 NPDES Permit allows the Authority to rely upon ADEM for the setting of standards for appropriate Erosion and Sediment Controls. The Authority hereby expresses its intent to rely upon the aforementioned standards established by ADEM and requires any BMP Plan filed with the Authority to be in a format acceptable to ADEM and contain all necessary information and details required by ADEM's applicable regulations and NPDES construction Stormwater permit.
- B. The BMP Plan shall be updated as necessary to address changes in the construction activity, Site weather patterns, new TMDLs established or approved by EPA, new 303(d) listings approved by EPA, manufacturer specifications for specific control technologies, or as otherwise required by ADEM.

The BMP Plan shall be amended if inspections or investigations by federal, state or Authority officials determine that the existing Erosion and Sediment Controls or other Site management practices are ineffective or do not meet the requirements of applicable permits. All necessary modifications to the BMP Plan shall be made within seven (7) calendar days following notification of the inspection findings unless granted an extension of time.

If existing Erosion and Sediment Controls or other Site management practices prove ineffective in protecting water quality or need to be modified; or if additional Erosion and Sediment Controls or other Site management practices are necessary, implementation shall be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, then new Land Disturbing Activities must cease until the modified or additional controls can be implemented.

- C. Whenever the Authority determines that a BMP Plan does not comply with this article, it will notify the Applicant in writing of the ways in which the BMP Plan does not comply with this article.

Section 7. Post-Construction Requirements for New Development and Redevelopment

- A. The Permittee shall develop and implement Post-Construction Strategies for new development and redevelopment that include, at a minimum, a combination of structural and/or non-structural BMPs designed to require, to the maximum extent practicable, that the volume and velocity of pre-construction Stormwater runoff is not exceeded, as determined by the Authority. Said combination of Post-Construction Strategies shall be designed to function during a rainfall with intensity up to that of a 25 year-24 hour storm event. Should the permit site be located in a flood plain, the post-construction strategy shall be designed to also function during a rainfall intensity up to that of a 100 year-24 hour storm event.
- B. Post-Construction Strategies may be incorporated into Permittee's BMP Plan filed with the Authority or in a separate document. Said Post-Construction Strategies shall be reviewed, approved, and updated pursuant to the same requirements as those of the Permittee's BMP Plan.

- C. Permittee's Post-Construction Strategies must show proposed final site conditions and describe how the volume and velocity of Stormwater leaving the site will be managed after construction is complete to require, to the maximum extent practicable, that it does not exceed the volume and velocity of pre-construction Stormwater runoff.
- D. Upon completion, Permittee shall file with the Authority a certified copy of as-built drawings of any Post-Construction Strategies implemented at the site. Such filing shall demonstrate, to the maximum extent practicable, that final post-construction site conditions comply with subsection A, above.
- E. The Authority reserves the right to inspect Post-Construction Strategies following implementation by Permittee and require documentation allocating responsibilities for long-term operation and maintenance of Post-Construction Strategies, as it deems necessary. The Authority may also require Permittee to provide a method of funding to be established or provided to ensure the long term maintenance of any post-construction BMPs.

Section 8. Responsibilities of the Permittee, Property Owner and/or Developer.

- A. Once received from the Authority, the BMP Plan bearing the stamp of approval of the Authority, along with the Permittee's NOI, ADEM NPDES permit, any necessary building or other permits, and/or other required documentation shall be maintained at the Site during the progress of the work and until a notice of termination has been filed with ADEM, unless impracticable. If impracticable, the aforementioned records may be maintained at another reasonable location, so long as they can be produced to the Authority within forty-eight (48) hours of a request for said records.
- B. The Permittee, or an agent, contractor or other representative of same, shall notify the Authority at least two (2) working days before the start of construction, unless good cause exists for contacting the Authority within a lesser timeframe.
- C. Clearing, except that necessary to establish Erosion and Sediment Controls, shall not begin until all Erosion and Sediment Controls have been installed and have been stabilized.
- D. The person engaged in or conducting Land Disturbing Activities shall be responsible for maintaining all temporary and permanent Erosion and Sediment Controls during the development of a Site. Grading, and Erosion and Sediment Controls shall meet the design criteria set forth in the most recent version of the Alabama Handbook.
- E. To the maximum extent practicable, Pollutants in runoff water must be minimized by using appropriate BMPs.
- F. Grading and Erosion and Sediment Controls shall be designed and maintained to minimize Erosion and the Discharge of Pollutants to the MS4 to the maximum extent practicable.
- G. Adequate protective measures shall be provided for the containment of hazardous substances and any other materials which may pollute the MS4, including petroleum products, lubricants and paint.
- H. When Land Disturbing Activities are finished and stable Vegetative Control Measures or other permanent controls have been established on all remaining exposed soil, the Permittee shall notify the Authority and request a final inspection. The Authority will inspect the Site within five (5) working days after receipt of the notice, and may require additional measures to stabilize the soil and control Erosion and Sedimentation. If additional measures are required by the Authority written notice of such additional measures will be delivered to the Permittee, and the Permittee shall continue to be covered by the Permit until a final and complete inspection is made and the Authority approves the project as having been satisfactorily completed.

Section 9. Inspections.

- A. The Permittee must carry out all applicable inspection requirements set out in ADEM's applicable regulations and NPDES Construction General Permit.
- B. The Authority or its designated agent retains the right to enter property upon which any Land Disturbing Activities are being conducted to carry out its own inspections, investigations, monitoring, observations, sampling, enforcement, and/or to address any complaint. Furthermore, the Authority or its designated agent retains the right to enter property upon which any Post-Construction Strategies have been implemented pursuant to the requirements of this ordinance to carry out its own inspections, investigations, monitoring, observations, sampling, enforcement, and/or to address any complaint. Prior to conducting any of the aforementioned activities, the representative(s) of the Authority will notify the Permittee, or an authorized representative at the Site, of their presence and anticipated activities on the Site. The Authority will conduct any such inspection activities at reasonable times, provided however that if the Authority has reasonable cause to believe that Discharges from Land Disturbing Activities to the MS4 may cause an imminent threat to human health or the environment, inspection of a Site may take place at any time and without notice to the Permittee, or an authorized representative at the Site.

Whenever information from a Permittee, Site owner, and/or an authorized representative at a Site is requested by the Authority, said parties may identify certain documents, materials, and/or processes that contain trade secret(s), the inspection of which could potentially jeopardize such trade secret. If the Authority has no clear and convincing reason to question the proprietary assertion, omission of such materials, documents and/or processes will be noted by the Authority. To the extent practicable, the Authority will protect all information which is designated as a trade secret by the Permittee, Site owner or an authorized representative.

- C. The Authority may seek appropriate legal remedies from any court with competent jurisdiction over the Site for any wrongful refusal by a Permittee, Site owner, and/or authorized representative to allow the Authority to enter and/or continue an inspection on a Site. If a court grants a remedy to the Authority, the Site owner must reimburse the City of Rainbow City, Alabama, all costs and expenses incurred in obtaining such a remedy.

Section 10. Corrective Action.

- A. Any poorly functioning Erosion and Sediment Controls, Post-Construction Strategies, non-compliant Discharges, or any other deficiencies observed during inspections conducted pursuant to Section 8 of this article shall be corrected as soon as possible, but not to exceed five (5) days of the inspection, unless impracticable.
- B. The Permittee shall take all reasonable steps to remove, to the maximum extent practicable, Pollutants deposited offsite or in any MS4 conveyance structure.

Section 11. Enforcement.

- A. This article authorizes the following Stormwater and non-Stormwater Discharges: Discharges authorized by, and in compliance with, any separate NPDES permit, discharges from fire-fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water including uncontaminated water line flushings not associated with hydrostatic testing; routine external building wash down associated with construction that does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensate associated with temporary office trailers and other similar buildings; uncontaminated ground water or spring water; foundation or footing drains where flows are not contaminated with process materials such as solvents; and landscape irrigation.

- B. All Discharges not explicitly authorized by this article are prohibited. Any Discharge to the MS4 made in violation of this article or of any condition of a Permit issued pursuant to this article shall be subject to correction and/or abatement in accordance with applicable law.
- C. City of Rainbow City, Alabama's Phase II MS4 NPDES Permit allows the Authority to rely upon ADEM for the enforcement of certain violations of this article. The Authority hereby expresses its intent to rely upon ADEM for enforcement of violations of this article, as allowed City of Rainbow City, Alabama's Phase II MS4 NPDES Permit, and agrees to promptly notify ADEM upon observing evidence of any known or suspected violations. Furthermore, no enforcement action will be taken by the Authority for a violation of the terms of this article if any of the following has occurred:
1. ADEM has issued a notice of violation with respect to the same alleged violation and is proceeding with an enforcement action with respect to such alleged violation;
 2. ADEM has issued an administrative order with respect to the same alleged violation and is proceeding with an enforcement action with respect to such violation; or
 3. ADEM has commenced, and is proceeding with, an enforcement action, or has completed any other type of administrative or civil action, with respect to such alleged violation.

Any determination or resolution made by ADEM with respect to an alleged violation shall be final, and the alleged violation will not be made the subject of any additional enforcement action by the Authority for any alleged violations of this article and/or provisions of any Permit issued pursuant to this article. However, for violations that have not been appropriately corrected and/or abated pursuant to ADEM's enforcement action, an enforcement action may be pursued by the Authority.

- D. Notwithstanding any other provision in this article to the contrary, in the event of an immediate threat to the public health or welfare, the Authority may take all appropriate measures to remove or alleviate such threat.
- E. In the event of any Accidental Discharge of a hazardous substance or a significant spill of a hazardous substance to the MS4 which could constitute a threat to human health or the environment, the Permittee of the Site shall give notice to the Authority and the local Emergency Management Authority in the same manner and within the same time as is required by State regulations for notice to ADEM.

Absent a compelling public interest to the contrary, it shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the business or activity of the Site, or any project or facility thereon, to maintain water quality and minimize any Adverse Impact that the Discharge may cause.

- F. Whenever the Authority finds that any person is in violation of any provision of this article, or any order issued hereunder, the Authority may serve upon such person a written notice of the violation. Within ten (10) calendar days of the date of such notice, unless an alternate date is approved by the Authority, an explanation of the violation and a plan for the satisfactory correction and future prevention thereof, including specific required actions, shall be submitted to the Authority. Submission of such plan shall in no way relieve such person in violation of this article of liability for any violations occurring before or after receipt of the notice of violation. If the person fails to respond within the required timeframe and/or fails to take corrective action within the specified time, the Authority may proceed with the following enforcement action:
1. Compliance Order: When the Authority finds that any person has violated, or continues to violate, this article, it may issue a compliance order to the violator,

directing that, within a specified time period, adequate structures and devices be installed, or procedures implemented, and properly operated, or other action be taken, to remedy such violation. Compliance orders may also contain such other requirements as may be reasonably necessary and appropriate to address such violation, including the construction of appropriate structures, installation of devices and self-monitoring and management practices.

2. Cease and Desist Orders: When the Authority finds that any person has violated, or continues to violate, this article or any order issued under this article in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood or development Site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; the Authority may issue an order to such person to cease and desist all Land Disturbance Activities immediately, and direct such person in violation of this article to:

- a. comply with this article forthwith; or
- b. take such appropriate remedial or preventive action as may be required to address properly a continuing or threatened violation of this article.

G. It shall be unlawful for any person to:

1. Violate any provision of this article;
2. Violate the provisions of any Permit issued pursuant to this article; or
3. Fail or refuse to comply with any lawful notice to abate or take corrective action issued by the Authority.

Such person shall be guilty of a criminal offense; and each day of such violation, failure or refusal to comply with this article shall be deemed a separate offense and punishable accordingly. Any person found to be in violation of any of the provisions of this article may be punished by a fine of not more than \$500.00 and/or up to 180 days in jail.

H. The Authority may initiate proceedings in any court of competent jurisdiction against any person who has, or who, the Authority has reason to believe, is about to:

1. Violate any provision of this article;
2. Violate any provision of a Permit; or
3. Fail or refuse to comply with any lawful order issued by the Authority.

The Authority may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to public Stormwater facilities by any person, and may seek injunctive or other equitable relief to enforce compliance with the provisions of this article or to force compliance with any lawful orders of the Authority.

Section 12. Variances and Appeals.

The Authority may grant a Variance from the requirements of this article if there exist exceptional circumstances applicable to a Site such that strict adherence to the provisions of this article will result in unintended consequences. The Applicant shall prepare a written request for a Variance stating the specific Variance sought and the reasons, with supporting data, for granting such Variance. This request shall include descriptions, drawings, calculations, and any other information necessary to evaluate the proposed Variance. The Authority will review the submitted material and make a written determination to approve or disapprove the Variance within ten (10) working days after receipt of such a request. There shall be no appeal process for the Variance request. The Authority is the final arbiter of the Variance request.

Section 13. Liability.

Neither the issuance of a Permit pursuant to this article, nor compliance with the provisions of this article, shall relieve any person of the responsibility for damage to any person or property otherwise imposed by law.

Nothing herein shall be construed to require the [City/County] or its officials, employees, agents or attorneys to restore or cause the restoration of property damaged by Erosion or Sedimentation in violation of this article or to otherwise seek or assist others in seeking compensation to private property owners for any such damage caused by a violation of this article. The [City/County] and its officials, employees, agents and attorneys shall not be liable for any condition or damages that result from any failure to observe or recognize a hazardous condition, any failure of an approved plan to prevent Erosion or Sedimentation, or any failure of the [City/County] to cause owners and builders to adhere to the terms of this article. Nothing herein shall be construed to expand the liability of the [City/County] or its officials, employees, agents or attorneys nor shall it create any additional, further, different or expanded claim or cause of action.

Nothing in this article shall be construed to limit the Authority to enforce rules and regulations regarding: (a) charges, limits and restrictions on the Discharge of waste into the sanitary sewerage system of the City of Rainbow City, Alabama; (b) health or sanitation ordinances of the City of Rainbow City, Alabama, enforced by the Etowah County Health Department; or (c) ordinances governing the sanitation of premises where animals are kept. This article shall be cumulative to and in furtherance of any statutory, common law, or other legal right, duty, power, or authority possessed by the City of Rainbow City, Alabama. Compliance with this article shall not excuse any person from compliance with any other federal, state or local law, ordinance, regulation, rule or order.

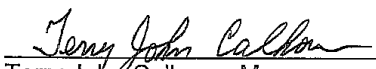
It shall be unlawful for any person to provide false information to the Authority when such person knows or has reason to know that the information provided is false, whether such information is required by this article or any approval granted under this article.

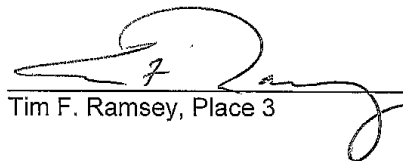
Section 14. Severability.

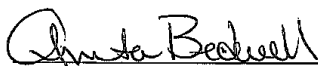
The provisions of this article are declared to be severable, and if any provision of this article is declared to be invalid by a court of competent jurisdiction, this determination shall not affect, impair, or invalidate the remainder of this article, but shall be confined in its operation to the section, paragraph, subparagraph, clause or phrase of this article in which such determination shall have been made.

This Ordinance shall become effective upon its approval by the City Council of the City of Rainbow City, Alabama.

ADOPTED AND APPROVED by the City Council of the City of Rainbow City, on this the 10th day of December, 2012.



Terry John Calhoun, Mayor
City of Rainbow City


Tim F. Ramsey, Place 3


Anita Bedwell, Place 1

Larry Keenum, Place 4

Robert "Bobby" McCartney Jr., Place 2


Rick Hill, Place 5

Attest:


Barbara T. Wester, City Clerk

I, Barbara T. Wester, City Clerk/Treasurer of the City of Rainbow City, Alabama, do hereby certify that the foregoing Ordinance No. 390 was duly posted at Rainbow City Municipal Building, Food World Post Office, and Winn Dixie.

Barbara T. Wester, City Clerk/Treasurer

Appendix F – Forms

Illicit Discharge Detection & Elimination Complaint Form

1. Initial Complaint Info:

a. Date: _____

b. Time: _____

c. Location: _____

d. Observation: _____

e. Contact: _____

 i. Name: _____

 ii. Address: _____

 iii. Phone: _____

2. Complaint Investigation:

a. Investigated by: _____

b. Date: _____

c. Observation: _____

d. Pictures: (Yes / No) _____

e. Recommended action: _____

3. Complaint Resolution:

a. Action Taken: _____

b. Resolved: (Yes / No): _____

Rainbow City Erosion and Sediment Control Inspection Report Form

Project Name and Location:

Weather:

A. BMP Checklist:

| | |
|---|--|
| <input type="checkbox"/> Inlet Barrier (ie: gravel bags) | <input type="checkbox"/> Stream Crossings |
| <input type="checkbox"/> Sediment Barriers (ie: ditch checks) | <input type="checkbox"/> Temporary or Final Stabilization |
| <input type="checkbox"/> Perimeter Control | <input type="checkbox"/> Sediment Basin |
| <input type="checkbox"/> Stabilized Construction Entrance | <input type="checkbox"/> General Site Condition (trash, etc) |

B. Noncompliance:

| BMP | Location | Reason for Noncompliance |
|-----|----------|--------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

D. Have items noted on last inspection been corrected? Yes No (if No, Explain:)

Note: Inspection comments above indicate deficiencies only. Deficiencies must be corrected within ~~7~~5 days. All other BMP's on site are considered to be in good working condition.

Date of Inspection

Inspector Signature

6 Goals • No Sediment Leaves the Site • Lines of Defense Everywhere & Always • Cover Quickly
• Protect the Swale, Ditch, and Channel • Keep Clean Water Clean • Inspect, Clean & Fix

BMP Inspection Checklist

General notes about Inspections:

- 1) Site inspected within 60 days of initial disturbance.
- 2) Site inspected a minimum of once per month during construction.
- 3) Site inspected within 5 days following final stabilization notice from Owner

Inlet Barrier (ie:sand bags, gutter buddies, straw wattles)

- Is the structure deteriorating
- Is sediment >1/2 the height of structure?
- Evidence of water/sediment getting around or under barrier?
- Are there other structures that require inlet barriers?

Sediment Barrier (ie:ditch checks)

- Are they trenched in or falling down?
- Evidence of sediment/water getting around or under barrier?
- Is sediment more than 1/2 height of structure?
- Are there areas where more sediment barriers are required or need extended?

Perimeter Control (ie: silt fence, straw wattles)

- Is all the off-site water being diverted where applicable?
- Evidence of water/sediment getting around or under barrier?
- Are there areas that need extended or additions to other locations?

Stabilized Construction Entrance

- Is gravel clean or getting filled with mud?
- Evidence of sediment being tracked off site onto public streets?

Stream Crossings

- Is crushed stone in place?
- Wash outs?

Temporary or Final Stabilization

- Mulches/Grasses-are areas thinning or have been disturbed? Re-application req'd?
- Straw Blankets-are they deteriorating and need replaced?

Sediment Basin

- Note the basin depth. Is the basin more than 1/2 full of sediment from original design?
- Condition of basin side slopes
- Evidence of overtopping embankment
- Condition of outfall

General Site Conditions

- Trash barrels-any evidence of trash lying around site
- Location of porta potties
- Leaking vehicles
- Concrete Washouts Designated

SITE PLAN CHECKLIST

DEVELOPMENT: _____

APPLICANT _____

DATE _____

GRAPHIC INFORMATION

VICINTY MAP _____

NORTH ARROW, SCALE, DATE _____

LOCATION OF STRUCTURES _____

FLOOD PLAINS _____

WETLANDS & WATERCOURSES _____

STEEP SLOPES _____

REQUIRED BUFFER YARDS _____

LANDSCAPING _____

PARKING _____

CURB CUTS _____

EASEMENTS & RIGHT OF WAYS _____

SIGNS _____

PHASES _____

FINISH FLOOR ELEV. _____

UTILITY LINES _____

SOIL WASTE

RECEPTACIES _____

ENGINEERING REQUIREMENTS

RUNOFF CALCULATIONS _____

STORMWATER MANAGEMENT _____

PARKING PLACES (HC) _____

ON SITE FIRE PROTECTION _____

DETAILS _____

SITE TRIANGLE ENTERANCE _____

EROISION CONTROL /BMPs _____

ADEM PERMIT _____

BUILDING CHECK LIST

CODES USES IN DRAWING _____

FOOTING PLAN _____

FLOOR PLAN _____

DETAILS SHEET _____

ELEVATIONS _____

PLUMBING DRAWING _____

MECHANICAL DRAWING _____

ELECTRICAL DRAWING _____

DOES BUILDING REQUIRE SPRINKLERS _____

Annual Inspection Report for Stormwater Management Ponds

| Location | | Date | | Inspector |
|--|------|------|-----|-----------|
| Inspection Items: | Pass | Fail | N/A | Comments |
| Terrain/bank Components | | | | |
| Bank Stabilization | | | | |
| Spillway | | | | |
| Outfall | | | | |
| Other: | | | | |
| Water Quality | | | | |
| Turbidity | | | | |
| Floating Debris | | | | |
| Submerged/semi-submerged debris | | | | |
| oil sheen/Surface Scum | | | | |
| Other: | | | | |
| General Site Conditions | | | | |
| Proper Maintenance | | | | |
| Access | | | | |
| Other: | | | | |
| Structures | | | | |
| Pumps | | | | |
| Aerators | | | | |
| Valves | | | | |
| Water Treatment Structures | | | | |
| Other: | | | | |
| Actions Required: _____ _____ _____ _____ _____ | | | | |

City of Rainbow City, Alabama Municipal Facility Storm Water Inspection Checklist

| | |
|-------------------------------|--|
| Facility: | |
| Facility Location: | |
| Date of Inspection: | |
| Reason for Inspection: | |
| Weather: | |

| | | | |
|---|------------|-----------|------------|
| Has the facility applied for coverage under the NPDES Industrial Stormwater Permit? | YES | NO | N/A |
| Does facility have Stormwater Pollution Prevention Plan (SWP3)? | YES | NO | N/A |
| Has facility implemented the SWP3? | YES | NO | N/A |
| Is there evidence of stormwater pollutants leaving site? (If YES, explain below) Describe pollutants: no | | | |

| | | |
|---|------------|-----------|
| Were stormwater issues discussed with on-site representative? | YES | NO |
| If YES, what is name and position of representative? | Name: | |
| | Position: | |
| Final Stabilization Completed | | |

| | |
|------------------------|--|
| Inspector Name: | |
| Company: | |
| Signature: | |

Inspection Results:

| Inspection Completed For: | YES/ NO/NA | PASS/ FAIL | Deficiencies Found | PHOTO # |
|--|---------------|---------------|-----------------------|------------|
| Current Industrial NOI | NA | | | |
| Stormwater Pollution Prevention Plan | NA | | | |
| Areas around machinery and/or equipment | | PASS | | |
| Areas prone to leaks and spills | | PASS | | |
| Outdoor storage and handling areas | | PASS | | |
| Waste generation, storage, treatment and disposal areas | | PASS | | |
| Vehicle wash-down areas | | PASS | | |
| Fueling areas | NA | | | |
| Loading and unloading areas | NA | | | |
| Other: | | | | |

| Inspect for the following: | |
|--|---|
| Stains, spots or puddles of oils, grease, or chemicals on concrete or around drains. | Torn bags of dry chemicals or bags exposed to rain |
| Leaking or corroded equipment, pipes, containers, or lines. | Broken or cracked dikes, walls, or other physical barriers |
| Improperly labeled or leaking drums | Improper outdoor storage of potential stormwater pollutants |
| Inadequate or inaccessible spill response equipment | Oily rags improperly discarded |

Appendix G – Standard Operating Procedures

2.

RAINBOW CITY VEHICLE MAINTENANCE/INSPECTION PROCEDURES

Vehicle and equipment maintenance activities can pose a significant threat to storm water. The USEPA considers automotive maintenance facilities to be potential sources of petroleum, trace metals, antifreeze, and sediments that can contaminate stormwater runoff (USEPA, 2004). Many petroleum products and chemicals are handled, stored, and disposed of on a regular basis during vehicle maintenance. Proper handling, storage, and disposal are critical to preventing contact with storm water. Exterior storage of supplies, spare parts, vehicles, and equipment can be a source of storm water pollution. Generally, good housekeeping and proper management of wastes can have a significant impact on stormwater runoff quality.

In order to minimize the negative effects of routine municipal operations on storm water and the surrounding receiving streams, the following minimum procedures are recommended for each department in order for the City to comply with our NPDES permit issued by ADEM:

1. Inspect all equipment and vehicles for leaks at least once per month and repair all leaks immediately.
2. Perform maintenance activities indoors when possible.
3. Keep spill/clean-up absorbent materials on-site and easy to access.
4. Dispose of waste materials (antifreeze, solvents, batteries, fuels, lubricants, etc.) or parts properly.

RAINBOW CITY VEHICLE WASHING PROCEDURES

Municipal vehicles including emergency vehicles, roadway maintenance vehicle, and all other administrative support vehicles typically have sediments, oil, or other particles on them that end up in streams when they are washed. Soap, detergents, and vehicle/equipment cleaners are often used in the washing process. These pollutants, especially detergents, can have harmful effects on streams. For these reasons, our stormwater management plan approved by ADE requires us to protect the stormwater by washing vehicles in the appropriate location.

The ideal location for washing vehicles is at a designated indoor or covered location with drains designed to filter the runoff prior to discharging into the sanitary sewer system. Currently, only the fire department has a designated indoor area with floor drains; however, the drains currently do not discharge to the sanitary sewer system. The drain system in the fire bays will be investigated to determine if filters can be installed within the inlet or if the outfall locations can be retrofitted or will use the outdoor wash areas. All other municipal vehicles should be washed on grass/pervious surfaces. All departments must use a soap that does not contain any phosphates. All municipal vehicles should be washed at least once per month to minimize the pollutants on each vehicle that will generally get washed off during a rain event and enter a receiving stream.

Appendix H – Municipal Inventories

**RAINBOW CITY MS4
OUTFALL INVENTORY**

| | OUTFALL ID # | LOCATION (LAT/LONG) | | OUTFALL DESCRIPTION | | | RECEIVING WATER BODY |
|----|--------------|---------------------|------------|---------------------|-------------------|-------------|-----------------------|
| | | | | CLOSED/OPEN | MATERIAL | MAJOR/MINOR | |
| | ZONE 1 | | | | | | |
| 1 | Z1-001 | 33.959564 | -86.052137 | OPEN DRAINAGE | EARTHEN | MINOR | HORTON CREEK |
| 2 | Z1-002 | 33.959544 | -86.051952 | OPEN DRAINAGE | EARTHEN | MINOR | HORTON CREEK |
| 3 | Z1-003 | 33.959418 | -86.051957 | OPEN DRAINAGE | EARTHEN | MINOR | HORTON CREEK |
| 4 | Z1-004 | 33.959408 | -86.052201 | OPEN DRAINAGE | EARTHEN | MINOR | HORTON CREEK |
| 5 | Z1-005 | 33.955236 | -86.051590 | OPEN DRAINAGE | EARTHEN | MINOR | HORTON CREEK |
| 6 | Z1-006 | 33.955223 | -86.051522 | CLOSED PIPE | RCP | MINOR | HORTON CREEK |
| 7 | Z1-007 | 33.960213 | -86.048588 | OPEN DRAINAGE | CONCRETE/EARTHEN | MINOR | UT TO HORTON CREEK |
| 8 | Z1-008 | 33.960080 | -86.048646 | CLOSED PIPE | HDPE | MINOR | UT TO HORTON CREEK |
| 9 | Z1-009 | 33.960087 | -86.048585 | CLOSED PIPE | HDPE | MINOR | UT TO HORTON CREEK |
| 10 | Z1-010 | 33.959944 | -86.048613 | CLOSED PIPE | CMP | MAJOR | UT TO HORTON CREEK |
| 11 | Z1-011 | 33.959785 | -86.048551 | OPEN DRAINAGE | CONCRETE | MINOR | UT TO HORTON CREEK |
| 12 | Z1-012 | 33.959547 | -86.048314 | CLOSED PIPE | HDPE | MINOR | UT TO HORTON CREEK |
| 13 | Z1-013 | 33.964223 | -86.045606 | CLOSED PIPE | CMP | MAJOR | HORTON CREEK |
| 14 | Z1-014 | 33.965435 | -86.046039 | CLOSED PIPE | CMP | MAJOR | HORTON CREEK |
| 15 | Z1-015 | 33.985078 | -86.044079 | CLOSED PIPE | CMP | MINOR | UT TO BIG WILLS CREEK |
| 16 | Z1-016 | 33.985147 | -86.043932 | OPEN DRAINAGE | RIP-RAP | MINOR | UT TO BIG WILLS CREEK |
| 17 | Z1-017 | 33.985518 | -86.043231 | OPEN DRAINAGE | RIP-RAP | MINOR | UT TO BIG WILLS CREEK |
| 18 | Z1-018 | 33.985846 | -86.042363 | OPEN DRAINAGE | EARTHEN & RIP-RAP | MINOR | UT TO BIG WILLS CREEK |
| 19 | Z1-019 | 33.985332 | -86.044054 | OPEN DRAINAGE | RIP-RAP | MINOR | UT TO BIG WILLS CREEK |
| 20 | Z1-020 | 33.967859 | -86.039282 | OPEN DRAINAGE | EARTHEN/RIP-RAP | MINOR | HORTON CREEK |
| 21 | Z1-021 | 33.967936 | -86.039142 | OPEN DRAINAGE | RIP-RAP | MINOR | HORTON CREEK |
| 22 | Z1-022 | 33.964884 | -86.040840 | CLOSED PIPE | CMP | MINOR | UT TO HORTON CREEK |
| 23 | Z1-023 | 33.963328 | -86.040818 | CLOSED PIPE | HDPE | MINOR | UT TO HORTON CREEK |
| 24 | Z1-024 | 33.963210 | -86.040755 | CLOSED PIPE | CMP | MINOR | UT TO HORTON CREEK |
| 25 | Z1-025 | 33.962216 | -86.040785 | CLOSED PIPE | STEEL | MINOR | UT TO HORTON CREEK |
| 26 | Z1-026 | 33.961454 | -86.040976 | CLOSED PIPE | STEEL | MINOR | UT TO HORTON CREEK |
| 27 | Z1-027 | 33.960790 | -86.040953 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 28 | Z1-028 | 33.959988 | -86.040751 | CLOSED PIPE | PVC | MINOR | UT TO HORTON CREEK |
| 29 | Z1-029 | 33.960115 | -86.040758 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO HORTON CREEK |
| 30 | Z1-030 | 33.960117 | -86.040701 | OPEN DRAINAGE | CONCRETE/EARTHEN | MINOR | UT TO HORTON CREEK |
| 31 | Z1-031 | 33.949430 | -86.051314 | OPEN DRAINAGE | EARTHEN | MINOR | HORTON CREEK |
| | ZONE 2 | | | | | | |
| 32 | Z2-001 | 33.945916 | -86.036486 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 33 | Z2-002 | 33.948070 | -86.036691 | CLOSED PIPE | HDPE | MINOR | UT TO HORTON CREEK |
| 34 | Z2-003 | 33.948114 | -86.036952 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 35 | Z2-004 | 33.949134 | -86.036511 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 36 | Z2-005 | 33.949156 | -86.036520 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 37 | Z2-006 | 33.949406 | -86.036655 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 38 | Z2-007 | 33.949416 | -86.036720 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 39 | Z2-008 | 33.950589 | -86.036490 | OPEN DRAINAGE | CONCRETE | MINOR | UT TO HORTON CREEK |
| 40 | Z2-009 | 33.950738 | -86.036481 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 41 | Z2-010 | 33.950966 | -86.036493 | CLOSED PIPE | HDPE | MINOR | UT TO HORTON CREEK |
| 42 | Z2-011 | 33.951071 | -86.036968 | OPEN DRAINAGE | CONCRETE | MINOR | UT TO HORTON CREEK |
| 43 | Z2-012 | 33.950980 | -86.037973 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 44 | Z2-013 | 33.952939 | -86.039697 | CLOSED PIPE | HDPE | MINOR | UT TO HORTON CREEK |
| 45 | Z2-014 | 33.953583 | -86.041169 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 46 | Z2-015 | 33.940036 | -86.046635 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 47 | Z2-016 | 33.946168 | -86.044796 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO HORTON CREEK |
| 48 | Z2-017 | 33.934474 | -86.073906 | CLOSED PIPE | HDPE | MINOR | UT TO DRY CREEK |
| 49 | Z2-018 | 33.947984 | -86.044476 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO HORTON CREEK |
| 50 | Z2-019 | 33.949816 | -86.042909 | CLOSED PIPE | HDPE | MINOR | UT TO HORTON CREEK |
| 51 | Z2-020 | 33.950767 | -86.043054 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |

**RAINBOW CITY MS4
OUTFALL INVENTORY**

| | OUTFALL ID # | LOCATION (LAT/LONG) | | OUTFALL DESCRIPTION | | | RECEIVING WATER BODY |
|-----|---------------|---------------------|------------|---------------------|----------|--------------|----------------------|
| | | | | CLOSED/OPEN | MATERIAL | MAJOR/MINOR | |
| 52 | Z2-021 | 33.950861 | -86.043505 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO HORTON CREEK |
| 53 | Z2-022 | 33.950975 | -86.043630 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 54 | Z2-023 | 33.951209 | -86.043666 | CLOSED PIPE | PVC | MINOR | UT TO HORTON CREEK |
| 55 | Z2-024 | 33.945772 | -86.048213 | CLOSED PIPE | PVC | MINOR | HORTON CREEK |
| 56 | Z2-025 | 33.946129 | -86.048859 | CLOSED PIPE | HDPE | MINOR | HORTON CREEK |
| 57 | Z2-026 | 33.947910 | -86.048839 | OPEN DRAINAGE | EARTHEN | MINOR | HORTON CREEK |
| 58 | Z2-027 | 33.948844 | -86.050428 | OPEN DRAINAGE | EARTHEN | MINOR | HORTON CREEK |
| 59 | Z2-028 | 33.948819 | -86.050577 | OPEN DRAINAGE | EARTHEN | MINOR | HORTON CREEK |
| 60 | Z2-029 | 33.948972 | -86.050564 | CLOSED PIPE | HDPE | MINOR | HORTON CREEK |
| 61 | Z2-030 | 33.948857 | -86.050568 | CLOSED PIPE | HDPE | MINOR | HORTON CREEK |
| 62 | Z2-031 | 33.952959 | -86.039129 | CLOSED PIPE | HDPE | MINOR | UT TO HORTON CREEK |
| 63 | Z2-032 | 33.953016 | -86.039153 | CLOSED PIPE | RCP | MAJOR | UT TO HORTON CREEK |
| 64 | Z2-033 | 33.950477 | -86.042533 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 65 | Z2-034 | 33.951408 | -86.043996 | CLOSED PIPE | PLASTIC | MINOR | UT TO HORTON CREEK |
| 66 | Z2-035 | 33.951377 | -86.043763 | CLOSED PIPE | PVC | MINOR | UT TO HORTON CREEK |
| 67 | Z2-036 | 33.951326 | -86.043733 | CLOSED PIPE | CLAY | MINOR | UT TO HORTON CREEK |
| 68 | Z2-037 | 33.951322 | -86.043781 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 69 | Z2-038 | 33.951353 | -86.043968 | CLOSED PIPE | HDPE | MINOR | UT TO HORTON CREEK |
| 70 | Z2-039 | 33.951395 | -86.044048 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 71 | Z2-040 | 33.951430 | -86.044170 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO HORTON CREEK |
| 72 | Z2-041 | 33.934258 | -86.074246 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO HORTON CREEK |
| 73 | Z2-042 | 33.949204 | -86.051135 | CLOSED PIPE | RCP | MINOR | HORTON CREEK |
| 74 | Z2-043 | 33.949074 | -86.051560 | CLOSED PIPE | RCP | MINOR | HORTON CREEK |
| 75 | Z2-044 | 33.933468 | -86.073205 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 76 | Z2-045 | 33.933003 | -86.072888 | CLOSED PIPE | HDPE | MINOR | UT TO DRY CREEK |
| 77 | Z2-046 | 33.928559 | -86.070700 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 78 | Z2-047 | 33.928464 | -86.070765 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 79 | Z2-048 | 33.928286 | -86.070629 | CLOSED PIPE | PVC | MINOR | UT TO DRY CREEK |
| 80 | Z2-049 | 33.928264 | -86.070604 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 81 | Z2-050 | 33.928252 | -86.070591 | CLOSED PIPE | PVC | MINOR | UT TO DRY CREEK |
| 82 | Z2-051 | 33.928281 | -86.070593 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 83 | Z2-052 | 33.927904 | -86.070705 | CLOSED PIPE | HDPE | MINOR | UT TO DRY CREEK |
| 84 | Z2-053 | 33.927924 | -86.070680 | CLOSED PIPE | PVC | MINOR | UT TO DRY CREEK |
| 85 | Z2-054 | 33.929307 | -86.067495 | CLOSED PIPE | HDPE | MINOR | UT TO DRY CREEK |
| 86 | Z2-055 | 33.929899 | -86.067608 | CLOSED PIPE | HDPE | MINOR | UT TO DRY CREEK |
| 87 | Z2-056 | 33.930059 | -86.067657 | CLOSED PIPE | HDPE | MINOR | UT TO DRY CREEK |
| 88 | Z2-057 | 33.931208 | -86.070489 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 89 | Z2-058 | 33.931403 | -86.070548 | CLOSED PIPE | HDPE | MINOR | UT TO DRY CREEK |
| 90 | Z2-059 | 33.931369 | -86.071545 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 91 | Z2-060 | 33.931419 | -86.071659 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 92 | Z2-061 | 33.938300 | -86.062438 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 93 | Z2-062 | 33.938144 | -86.062622 | CLOSED PIPE | PVC | MINOR | UT TO DRY CREEK |
| 94 | Z2-063 | 33.937768 | -86.063208 | OPEN DRAINAGE | CONCRETE | MINOR | UT TO DRY CREEK |
| 95 | Z2-064 | 33.937723 | -86.063307 | OPEN DRAINAGE | CONCRETE | MINOR | UT TO DRY CREEK |
| 96 | Z2-065 | 33.937503 | -86.063707 | OPEN DRAINAGE | CONCRETE | MINOR | UT TO DRY CREEK |
| 97 | Z2-066 | 33.936933 | -86.064895 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 98 | Z2-067 | 33.946709 | -86.055234 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO HORTON CREEK |
| 99 | Z2-068 | 33.946878 | -86.054991 | CLOSED PIPE | RCP | MINOR | UT TO HORTON CREEK |
| 100 | Z2-069 | 33.925902 | -86.072882 | CLOSED PIPE | HDPE | MINOR | UT TO DRY CREEK |
| 101 | Z2-070 | 33.926224 | -86.073042 | CLOSED PIPE | PVC | MINOR | UT TO DRY CREEK |
| 102 | Z2-071 | 33.926565 | -86.073084 | OPEN DRAINAGE | RIP-RAP | MINOR | UT TO DRY CREEK |
| 103 | Z2-072 | 33.927069 | -86.073245 | CLOSED PIPE | PVC | MINOR | UT TO DRY CREEK |
| 104 | Z2-073 | 33.928555 | -86.073769 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |

**RAINBOW CITY MS4
OUTFALL INVENTORY**

| | OUTFALL ID # | LOCATION (LAT/LONG) | | OUTFALL DESCRIPTION | | | RECEIVING WATER BODY |
|---------------|---------------|---------------------|------------|---------------------|----------|-------------|----------------------|
| | | | | CLOSED/OPEN | MATERIAL | MAJOR/MINOR | |
| 105 | Z2-074 | 33.928582 | -86.073743 | CLOSED PIPE | PVC | MINOR | UT TO DRY CREEK |
| 106 | Z2-075 | 33.928918 | -86.074322 | CLOSED PIPE | PVC | MINOR | UT TO DRY CREEK |
| 107 | Z2-076 | 33.930798 | -86.074535 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 108 | Z2-077 | 33.931105 | -86.074501 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 109 | Z2-078 | 33.934136 | -86.075953 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 110 | Z2-079 | 33.932213 | -86.064207 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 111 | Z2-080 | 33.941787 | -86.057410 | CLOSED PIPE | PVC | MINOR | UT TO HORTON CREEK |
| 112 | Z2-081 | 33.941807 | -86.057394 | CLOSED PIPE | PVC | MINOR | UT TO HORTON CREEK |
| 113 | Z2-082 | 33.942217 | -86.057544 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO HORTON CREEK |
| ZONE 3 | | | | | | | |
| 114 | Z3-001 | 33.923041 | -86.093317 | CLOSED PIPE | HDPE | MINOR | UT TO DRY CREEK |
| 115 | Z3-002 | 33.927556 | -86.088117 | CLOSED PIPE | STEEL | MINOR | UT TO DRY CREEK |
| 116 | Z3-003 | 33.926812 | -86.088637 | CLOSED PIPE | STEEL | MINOR | UT TO DRY CREEK |
| 117 | Z3-004 | 33.927307 | -86.088005 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 118 | Z3-005 | 33.924875 | -86.087176 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 119 | Z3-006 | 33.927229 | -86.086201 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 120 | Z3-007 | 33.927217 | -86.085894 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 121 | Z3-008 | 33.927470 | -86.087995 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 122 | Z3-009 | 33.930312 | -86.084111 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 123 | Z3-010 | 33.930521 | -86.083713 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 124 | Z3-011 | 33.931506 | -86.081817 | OPEN DRAINAGE | EARTHEN | MINOR | UT TO DRY CREEK |
| 125 | Z3-012 | 33.931456 | -86.081929 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 126 | Z3-013 | 33.932571 | -86.079783 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |
| 127 | Z3-014 | 33.932810 | -86.079314 | CLOSED PIPE | RCP | MINOR | UT TO DRY CREEK |

List – Property Owned by the City of Rainbow City

Rainbow City Park (PPIN 047845)

3525 Park Lane

Walking Track, WT Vinyard Building, Pavilions, playground, picnic tables, tennis courts (used to be)

Rainbow City Community Center/Library (PPIN 048408)

3702 Rainbow Drive

4.00 acres

Rainbow City Municipal Building (PPIN 048409)

3700 Rainbow Drive

City Hall, Fire Dept., Police Dept.

7.3 acres behind the Rainbow City Recreation Center (PPIN 057152)

4412 Rainbow Drive

Ballfields

Rainbow City Recreation Center (PPIN 057155)

4412 Rainbow Drive

5.00 acres

Recreation Center, tennis courts, ballfields

4414 Rainbow Drive (PPIN 057159)

.54 acres adjacent to the tennis courts at the Recreation Center

1.45 acres behind the .54 acres (PPIN 057160)

Vivian Lee Maddox Sports Complex

4573 Rainbow Drive

19.00 acres – soccer fields, ballfields, batting cage (PPIN 057186)

19.00 acres – baseball complex, concession stand, playground (PPIN 057187)

61.27 acres – disc golf, walking track, nature trail (PPIN 055455)

62.00 acres – (PPIN 055456) with lake

41.00 acres – (PPIN 095224) to the left of concession stand

43.00 acres - (PPIN 055430)

.74 acres Creekside Estates in Ball Play (PPIN 022565) (acquired through mitigation)

1.59 acres Creekside Estates in Ball Play (PPIN 074586)

4.19 acres Creekside Estates in Ball Play (PPIN 074589)

15.10 acres Creekside Estates in Ball Play (PPIN 074588)

Helipad (PPIN 064909)
1822 Pineview Circle
21.00 acres
Quasi hut, double wide trailer, helicopter pad operated by Survival Flight

2010 Broadway Street – Residential lot only (PPIN 039477)
Gadsden
Acquired through a drug conviction

Rainbow City Animal Shelter (PPIN 094053)
4450 Steele Station Road
7.9 acres

40.00 acres (PPIN 048339) behind City Shop
41.00 acres (PPIN 055431) behind City Shop

Lindsey Property – Purchased 2/27/18
412 West Grand Ave. (PPIN 047740)
30.00 acres (PPIN 074751)
6.00 acres (PPIN 047836)
13.00 acres (PPIN 047837)
4.71 acres (PPIN 047838)
510 West Grand Ave. (PPIN 047748)
27.00 acres (PPIN 10448)

Etowah County Mega Sports Complex
5000 Lindsey Street
40.00 acres (PPIN 055374)
19.80 acres (PPIN 048052)
41.00 acres (PPIN 048054)
37.30 acres (PPIN 055432)
1.00 acre (PPIN 74513)

City Shop
318 Kinzie Lane (PPIN 106248)
15.00 acres (PPIN 055447)
Shop, recycling center, fencing, gravel parking

Lots 14 & 15 of Briarcliff Village (near Horseshoe Bend)
Lister Ferry Road
(PPIN 058172)

Fire Station II (PPIN 058522)
1400 Riddles Bend Road
2.01 acres
Fire Station, parking

.70 acres Lumley Road (PPIN 055406)
Near Universal Tool

Rainbow Landing (PPIN 049073)
100 Lakeshore Drive
Boat ramp, parking, restrooms, picnic pavilions, fishing pier

Lindsey Street (PPIN 073016)
10.00 acres
Purchased 3/31/21

Chert Pit – St. Clair County (PPIN 064079)
40 acres
Purchased 5/9/08

8.15 acres – St. Clair County (PPIN 3772)-next to Chert Pit
1.24 acres – St. Clair County (PPIN 3773)-next to Chert Pit

Industrial Parks:

Deerfoot Industrial Park
Steele Station Road
55.56 acres

Rainbow Industrial Park
Highway 77
48 acres

Lumley Road Industrial Park
165.00 acres (PPIN 055375)
47.12 acres (PPIN 055410)

Possible Annexations:

Etowah County Mega Site
Little Canoe Creek
1765 Canoe Creek Road North
1,100 acres
Zoned: Industrial