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November 8, 2011

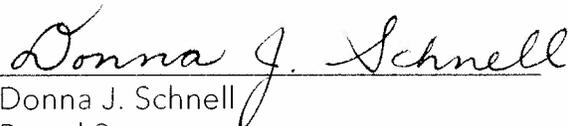
STATE OF TEXAS §

COUNTY OF DALLAS §

COUNTY OF TARRANT §

I, Donna J. Schnell, Board Secretary of the Dallas-Fort Worth International Airport Board, do hereby certify that the attached is a true and correct copy of Resolution No. 2011-11-327, approved by the Dallas-Fort Worth International Airport Board of Directors at its Board Meeting held on November 3, 2011.

WITNESS MY HAND AND SEAL OF THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD, this the 8th of November 2011.


Donna J. Schnell
Board Secretary



**DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD
OFFICIAL BOARD ACTION/RESOLUTION**

Date 11/03/2011	Committee Operations	Subject Amendment to Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board	Resolution # 2011-11-327
Action That the Airport Board approve an amendment to add Chapter 6A of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board.			
Description <ul style="list-style-type: none"> • This action will approve the attached amendment to add Chapter 6A Storm Water, to the Code of Rules and Regulation of the Dallas/Fort Worth International Airport Board. Chapter 6A will serve as the primary regulatory mechanism to address prohibited discharges, best management practices, spill response, and enforcement remedies. 			
Justification <ul style="list-style-type: none"> • DFW Airport is subject to the Texas Commission on Environmental Quality's (TCEQ) small Municipal Separate Storm Sewer System (MS4) regulations and is required to maintain a Texas Pollutant Discharge Elimination System (TPDES) TXR040000 permit. DFW Airport Board's TPDES permit requires a storm water program designed to reduce discharge of pollutants to receiving waters to the Maximum Extent Practicable (MEP). DFW Airport's TPDES Permit must be renewed in August, 2012. The TCEQ requires the establishment of a regulatory mechanism to define environmental standards, prohibit illicit discharges, and establish enforcement procedures for violators. Addition of Chapter 6A to DFW Airport's Code of Rules and Regulations will meet this regulatory requirement. 			
D/M/WBE Information <ul style="list-style-type: none"> • N/A 			
Schedule/Term N/A			
Contract # n/a	Agreement # n/a	Purchase Order # n/a	Action Amount \$0
			Revised Amount \$0
For Information contact Dan Bergman 3-5563	Fund n/a	Project # n/a	External Funding Source n/a
			Amount \$0

These requested amendments to your Board's Code of Rules and Regulations will also need to be approved by the Dallas and Fort Worth City Councils. This OBA seeks your Board's authorization to amend Chapter 6 of the Code of Rules and Regulation, and to forward the amended Code of Rules and Regulations to the Cities of Dallas and Ft. Worth for approval.

Additional Attachments: Y

BE IT RESOLVED BY THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD

That the Airport Board approves an amendment to add Chapter 6A to the Code of Rules and Regulations and that the Chief Executive Officer, or Designee be and hereby is directed to forward the attached amended Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board to the Cities of Dallas and Fort Worth with a request that their respective Councils take action to approve same.

Approved as to Form by



Rodriguez, Elaine
General Counsel
Oct 25, 2011 5:01 pm

Approved as to Funding by



Palacios, Abel
AVP Business Financial Plng
Finance
Oct 25, 2011 4:56 pm

Approved as to M/WBE by



Cruz-Sewell, Suzanne
AVP Business Diversity & Dev
Business Diversity and
Development
Oct 25, 2011 2:16 pm

SIGNATURE REQUIRED FOR APPROVAL

Approved by



Department Head
Environmental Affairs
Oct 25, 2011 2:14 pm



Chief Executive Officer

Nov 8, 2011 9:29 am

Date

**CHAPTER 6A
STORM WATER RULES AND REGULATIONS**

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- Sec. 6A-4. Definitions.
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- Sec. 6A-27. Fees and Charges.

ARTICLE I.
GENERAL PROVISIONS.

SEC. 6A-1. PURPOSE AND POLICY.

- (A) These Rules and Regulations set forth uniform requirements and methods to control the introduction of pollutants into the DFW Airport municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) and Texas Pollutant Discharge Elimination System (TPDES) permits.
- (B) The objectives of these Rules and Regulations are:
 - (1) To prevent or reduce the introduction of pollutants into the DFW Airport MS4 and receiving waters
 - (2) To prohibit illicit connections and prohibited discharges into the DFW Airport MS4
 - (3) To establish the legal authority to carry out all inspections, surveillance, and any monitoring procedures necessary to ensure compliance with this Chapter; and
 - (4) To provide for fees for the equitable distribution of the costs of implementing, administering and enforcing this Chapter.
- (C) These Rules and Regulations shall apply within the boundaries of the Airport.

SEC. 6A-2. AUTHORITY FOR IMPLEMENTATION AND ENFORCEMENT.

- (A) The Executive Director and the Executive Director's designated representative shall have the authority to administer, implement, and enforce the provisions of these Rules and Regulations. The Vice President of the Board's Department of Environmental Affairs, or the Vice President or head of any other or successor Board department charged with primary responsibility for environmental management and enforcement at the Airport or any Vice President or department head so appointed by the Executive Director, or the designated representatives(s) of said department head(s), shall also have the authority to administer, implement, and enforce the provisions of this

Chapter. The Executive Director and the Vice President of the Board's Department of Environmental Affairs are authorized to make inspections pursuant to this Chapter and to take enforcement action against non-compliant persons or Users, including the issuance of citations for violations as described in this Chapter, and may do so personally or through any duly authorized representative(s).

- (B) Any powers granted to or duties imposed upon the Executive Director or the Vice President of the Board's Department of Environmental Affairs may be delegated by the Executive Director or the Vice President of the Board's Department of Environmental Affairs to other Board personnel.
- (C) The Executive Director and the Vice President of the Airport Board's Environmental Affairs Department shall have the authority to promulgate written orders and administrative procedures which are not in conflict with this Chapter and determined to be necessary for the proper administration and enforcement of this Chapter, including but not limited to administrative orders issued for the purpose of bringing a violator back into compliance.
- (D) Upon specific request of the Executive Director or his designated representatives(s) under this Chapter, police officers of the Airport Board's Department of Public Safety may assist the Executive Director in the enforcement of this Chapter. A Department of Public Safety police officer who observes a violation of this Chapter or who observes an illicit discharge may take any necessary or appropriate enforcement action.
- (E) When an Executive Director determines that a violation of this Chapter or of any permit or order issued hereunder or of any related regulatory standard or requirement has occurred or is occurring, the following remedies are available. The remedies provided for in this Section or elsewhere in this Chapter are not exclusive. However, the Executive Director may take other action against any person or User when the circumstances warrant. The Executive Director may take any, all, or any combination of these actions against a non-compliant person or User, consecutively or concurrently:
 - (1) Issuance of one or more verbal and/or written warnings;
 - (2) Issuance of one or more citations;
 - (3) Issuance of a notice of violation;
 - (4) Execution of a consent order;
 - (5) Issuance of a compliance order;
 - (6) A show cause hearing;

- (7) A cease and desist order;
- (8) A stop work order;
- (9) Permit suspension or revocation proceedings, if applicable
- (10) Suspension and/or termination of water utility service or access to the DFW Airport MS4;
- (11) Issuance of administrative fines;
- (12) Request the Board's legal counsel to institute suit for civil remedies as provided by this Chapter or state or federal law; or
- (13) Any other remedy provided in this Chapter or allowed by law.

SEC. 6A-3. ABBREVIATIONS.

The following abbreviations, when used in these Rules and Regulations, shall have the designated meanings:

- BMP Best Management Practice
- CFR Code of Federal Regulations
- ECP Erosion Control Plan
- EPA U.S. Environmental Protection Agency
- EAD Environmental Affairs Department of the Airport
- GHP Good Housekeeping Practices
- gpd gallons per day
- IDLH Immediate Danger to Life and Health
- MCM Minimum Control Measure
- MEP Maximum Extent Practicable
- mg/l milligrams per liter

- MS4 Municipal Separate Storm Sewer System
- NOI Notice of Intent
- NOC Notice of Change
- NOT Notice of Termination
- NOV Notice of Violation
- NPDES National Pollutant Discharge Elimination System
- POTW Publicly Owned Treatment Works
- P3 Pollution Prevention Plan
- SIC Standard Industrial Classification
- SWP3 Storm Water Pollution Prevention Plan
- TCEQ Texas Commission on Environmental Quality
- TPDES Texas Pollutant Discharge Elimination System
- USC United States Code

SEC. 6A-4. DEFINITIONS.

Unless a provision explicitly states otherwise, the following terms and phrases, whether capitalized or not and in each grammatical variation, as used in this Chapter and any permit or order issued pursuant to this Chapter, shall have the meanings designated in this Section 6A-4.

ACT or THE ACT means 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.

AIRPORT means all the land, improvements, facilities and developments within the boundaries of the

Dallas/Fort Worth International Airport.

AIRPORT BOARD means the Dallas/Fort Worth International Airport Board, the duly constituted governing body of the Airport.

BEST MANAGEMENT PRACTICES (“BMPs”) means the schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

CFR means the Code of Federal Regulations, as periodically amended.

CONSTRUCTION SITE OPERATOR means the person or persons associated with a construction project that meets either of the following two criteria:

- (A) the person or persons that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or
- (B) the person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the Storm Water Pollution Prevention Plan or comply with other permit conditions).

CONVEYANCE means the curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport storm water runoff.

DISCHARGE when used without qualification includes discharge of a pollutant(s).

DISCHARGE OF A POLLUTANT means any addition of any pollutant to navigable waters from any point source, i.e., any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, or container, from which pollutants are or may be discharged but excluding agricultural storm water discharges and return flows from irrigated agriculture.

EXECUTIVE DIRECTOR means the Executive Director or Chief Executive Officer of the Dallas-Fort Worth International Airport Board, or, where applicable, his designated representative(s), as provided in Section

6A-2.

FACILITY means any building, structure, installation, equipment, vehicle, vessel, process, activity, or other property, real or personal, from which there is or may be a discharge of a pollutant.

FINAL STABILIZATION means a construction site where either of the following conditions are met:

- (A) All soil disturbing activities at the site have been completed and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (B) For construction activities on land used for agricultural purposes (e.g. pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

GOOD HOUSEKEEPING PRACTICES means measures taken by persons on a daily basis during the course of normal work day activities to reduce exposure of pollutants to storm water runoff.

ILLICIT CONNECTION means any man-made conveyance connecting an illicit discharge directly to the Airport's separate storm sewer system.

INDUSTRIAL ACTIVITIES means manufacturing, processing, material storage, and waste material disposal areas (and similar areas where storm water can contact industrial pollutants related to the industrial activity) at an industrial facility described by the TPDES Multi Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.

MAXIMUM EXTENT PRACTICABLE ("MEP") means 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 Section 122.34.

MUNICIPAL SEPARATE STORM SEWER SYSTEM ("MS4"), refers to system of conveyances and facilities (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches,

man-made channels, or storm drains) owned or operated by the Airport Board and are designed or used for collecting or conveying storm water; and that are not designed or used to collect or convey wastewater.

NOTICE OF CHANGE means the Notice of Change application form that is required by the TPDES Construction General Permit, the TPDES Multi-Sector General Permit, or other General Permit for the discharge of storm water providing changes to information that was previously provided to TCEQ in a Notice of Intent form or No Exposure Certification.

NOTICE OF INTENT means the Notice of Intent application form that is required by the TPDES Construction General Permit, the TPDES Multi-Sector General Permit, or other General Permit for the discharge of storm water.

NOTICE OF TERMINATION means the Notice of Termination application form that is required by the TPDES Construction General Permit, the TPDES Multi-Sector General Permit, or other General Permit for the discharge of storm water to terminate permit coverage.

PERSON means any individual, partnership (including two or more persons having a joint or common economic interest), co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, political subdivision, or any other legal entity; or the legal representative(s), agent(s), or assign(s) of any such entity. This definition includes all federal, state and local governmental entities, unless the context requires otherwise.

POINT SOURCE (from 40 CFR Section 122.22) 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.

POLLUTANTS include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4.

OPERATOR refers to the party or parties that either individually or taken together meet the following two criteria: 1) have operational control over the site specifications (including the ability to make modification in specifications); and 2) have the day-to-day operational control of those activities at the site necessary to

ensure compliance with pollution prevention requirements and any permit conditions.

ORDER means a verbal or written directive, including, without limitation, a directive issued under Section 4-1 of this Chapter, issued by an Executive Director in the administration or enforcement of these Rules and Regulations.

SITE means the land or water area where any facility is physically located or conducted including adjacent land used in connection with the facility.

STANDARD INDUSTRIAL CLASSIFICATION ("SIC") CODE means a sector of industry grouped based on similar activity as outlined in the TPDES Multi-Sector General Permit No. TXR050000.

STORM WATER AND STORM WATER RUNOFF means rainfall runoff, snow melt runoff, and surface runoff and drainage.

STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY means storm water runoff from an area where there is either a large construction activity or a small construction activity.

STORM WATER MANAGEMENT PROGRAM ("SWMP") refers to a comprehensive program to manage the quality of discharges from the municipal separate storm sewer system.

STRUCTURAL CONTROL (OR PRACTICE) means a pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bioretention, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

THIS CHAPTER means this Chapter 6A, entitled "Storm Water Rules and Regulations," of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended from time to time, as approved by ordinances of the cities of Dallas and Fort Worth.

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

WATERS OF THE UNITED STATES (from 40 CFR122.2) refers to waters of the United States or waters of the U.S. means:

- (A) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (B) all interstate waters, including interstate wetlands;
- (C) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) which are used or could be used for industrial purposes by industries in interstate commerce;
- (D) all impoundments of waters otherwise defined as waters of the United States under this definition;
- (E) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (F) the territorial sea; and
- (G) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

SEC. 6A-5. INCORPORATION OF FEDERAL AND STATE STATUTES, RULES, AND REGULATIONS.

A reference within this Chapter of the Dallas/Fort Worth International Airport Code of Rules and Regulations to a federal or state statute, rule, or regulation includes all amendments to such statute, rule,

or regulation made after the effective date of this Chapter. Any discharge limits, monitoring requirements, amendments to allowable and non-allowable discharges, and other applicable regulations promulgated by the EPA or the TCEQ, including all future amendments of same, are hereby incorporated into this Chapter.

ARTICLE II.

PROHIBITED DISCHARGES.

SEC. 6A-6. PROHIBITED DISCHARGES TO THE MS4.

- (A) A person commits an offense if he discharges or causes to be discharged any water that is not composed entirely of storm water into the storm water drainage system of DFW Airport, waters of the United States, or state water.

- (B) It is a defense to any enforcement action for violation of Subsection (A) that a discharge of water not entirely composed of storm water resulted or occurred exclusively from one or more of the following sources, activities, or events:
 - (1) Water line flushing
 - (2) Runoff or return flow from landscape/lawn irrigation, and other irrigations using potable water, groundwater, or surface flows
 - (3) Discharges from potable water sources
 - (4) Diverted stream flows
 - (5) Rising groundwater and springs
 - (6) Uncontaminated groundwater infiltration
 - (7) Uncontaminated pumped groundwater
 - (8) Foundation and footing drains
 - (9) Air conditioning condensation
 - (10) Water from crawl space pumps
 - (11) Flows from wetlands and riparian habitat
 - (12) De-chlorinated swimming pool discharges
 - (13) Street wash water
 - (14) Discharges from fire fighting activities
 - (15) Other similar occasional incidental non-storm water discharges

- (C) No defense to an enforcement action is available under Subsection (B) if:
 - (1) The discharge in question has been determined by the Executive Director or the Executive Director's designated representatives to be the source of a pollutant to the storm water drainage system, waters of the United States, or state water;
 - (2) Written notice of such determination has been provided to the discharger; or
 - (3) The discharge has occurred more frequently than or beyond the limits permitted by the director on a case by case basis.

- (D) A person commits an offense if the discharge in question causes or contributes in causing DFW Airport to violate a water quality standard, an existing TPDES permit, or any state-issued discharge permit for discharges from the storm water drainage system.
- (E) A person commits an offense if any of the following discharges to the DFW Airport storm water drainage system occur:
- (1) Used oil, antifreeze, or any other equipment/vehicle fluids.
 - (2) Industrial waste including wastewater generated from vehicle and equipment cleaning activities.
 - (3) Hazardous waste.
 - (4) Sanitary sewer including wastewater generated from grease traps, grit traps, oil/water separators, and other sanitary structural controls.
 - (5) Solid waste and other floatable materials.
 - (6) Wastewater from the following:
 - a. Car wash facilities;
 - b. The washing, cleaning, deicing, or other maintenance of aircraft;
 - c. Exterior cleaning activities if the wastewater consist any chemical additives;
 - d. Concrete mixing, pouring, and application activities
 - (7) Discharge from water line disinfection containing chemical additives
 - (8) Fire protection water containing oil or any chemical additive unless discharges are result of emergency fire fighting activities.
- (F) A person commits an offense if sediment, silt, earth, soil, or other material associated with clearing, grading, excavating, or other construction activities discharge into the storm water drainage system.
- (G) A person commits an offense if the person connects a line that conveys wastewater, industrial waste, or any other illicit connection to the storm water drainage system or knowingly allows such a connection to continue.

ARTICLE III.
SPILL RESPONSE AND NOTIFICATION.

SEC. 6A-7. SPILL RESPONSE.

- (A) A person commits an offense if he intentionally fails to eliminate the release of a prohibited discharge or spilled substance, and/or remediate areas impacted by a prohibited discharge or spilled substance. It is the responsibility of the owner of the material that is spilled to contain the material spilled, remediate the impacted areas, and properly dispose of the material in accordance with EPA standards. This includes stopping processes and operations, removing ignition sources, removing or isolating containers, collecting and containing released material, and appropriately disposing of all spilled materials or waste.

- (B) In the event that the owner cannot be identified or the spilled substance presents an immediate threat to health and safety or waters of the state, the Department of Public Safety (DPS) and Environmental Affairs Department (EAD) will take immediate actions to ensure the safety of all personnel, eliminate the source of the spill, contain the spill, and initiate efforts to mitigate damage.

SEC. 6A-8 SPILL NOTIFICATION

- (A) A person commits an offense if he intentionally fails to report the release of a prohibited discharge or spilled substance. In the event of a spill of an unknown material or a condition that presents an IDLH, it is the responsibility of the responsible party or witness to immediately contact DPS at 911.

- (B) In the event of a spill of a known material and non-IDLH condition it is the responsibility of the responsible party or witness to immediately contact the DFW Airport Operations Center (AOC) at (972) 973-3112.

- (C) In the event of a spill, the responsible party shall provide the DFW Airport AOC with the following information:
 - (1) The chemical name or substance released,
 - (2) The exact location of the discharge,
 - (3) The time and duration of the discharge,

- (4) The source of the discharge,
 - (5) Any known or anticipated health risk or precautions that should be taken as result of the discharge, and
 - (6) Steps taken to contain or clean up the discharged substance.
- (D) If the spill qualifies as a reportable release, the responsible party shall notify all applicable federal, state, and local authorities as governed by the Texas Administrative Code 30 TAC Chapter 327 Spill Notification Requirements.

ARTICLE IV.
REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE THE DISCHARGE OF STORM WATER POLLUTANTS.

SEC. 6A-9. ADOPTION AND IMPLEMENTATION OF GOOD HOUSEKEEPING AND BEST MANAGEMENT PRACTICES.

- (A) Pursuant to Section 6A- 2 of this Chapter, the Executive Director may issue directives identifying BMPs and GHPs for any activity, or facility which may cause or contribute to pollution or contamination of storm water or of the Airport's separate storm sewer system. The operator of a commercial or industrial establishment, or the operator of a large or small construction site at the Airport, shall provide, at its expense, protection from illicit discharges through the use of the BMPs and GHPs adopted and identified by the Executive Director pursuant to this Section.
- (A) Requirements
- (1) GHPs are steps taken by individuals on a daily basis during the course of normal work day activities to reduce exposure of pollutants to storm water runoff. A person commits an offense if failure to adhere to the adoption and implementation of the GHPs results in the release of a prohibited discharge. The following are examples of the minimum acceptable GHPs to be implemented at DFW Airport.
 - a. Walkways, aisles, roadways and exits are to be kept clear at all times.
 - b. Litter and trash are to be collected from parking areas, sidewalks, storm water inlets, ditches, and exterior landscaping.
 - c. All refuse is to be placed in appropriate containers.
 - d. Chemical containers are to be kept closed at all times and are to be properly labeled.

- e. Chemical containers are to be stored in enclosed or covered areas whenever possible and off the ground.
 - f. Empty drums are to be labeled and placed in their designated area.
 - g. Spill response equipment is to be made accessible to employees at all times of operation.
- (2) BMPs are measures used to prevent or reduce pollution from on-site operations entering the storm water collection system. BMPs include the schedules of activities, prohibitions of practices, operations and maintenance procedures, structural controls, and other management practices to prevent or reduce the discharge of pollutants. EAD has assembled a BMP Guidance Document to assist persons in the implementation of BMPs as outlined on the DFW Airport internet website. A person commits an offense if failure to adhere to the adoption and implementation of BMPs results in the release of a prohibited discharge. The following are examples of the minimum acceptable BMPs to be implemented at DFW Airport.
- a. Utilization of drip pans and containers to contain spills from leaking equipment and vehicles, and regularly inspect and empty drip pans at the end of each work day.
 - b. Minimize outdoor storage of ground vehicles, equipment, parts, batteries, drums and containers.
 - c. Ensure all wash activities are conducted in designated wash areas and all wash water is collected and disposed of properly. Ensure trash bins and compactors are regularly monitored and emptied as needed to minimize overfilling.
 - d. Clean up spills using dry clean-up procedures and dispose of spent materials properly.
 - e. Ensure all employees are trained in spill response and prevention.
- (3) A person commits an offense if failure to stage vehicles and equipment in a manner to minimize exposure of pollutants and results in the release of a prohibited discharge.
- a. Leaking vehicles and equipment will not be permitted to be operated on DFW Airport if the owner or operator cannot demonstrate the containment and collection of automotive fluids, lavatory waste, or other liquid chemicals through the use of drip pans or other BMPs used to prevent the release of fluids to paved and unpaved surfaces.

- b. Vehicles used to haul dirt, trash, and other loose materials will not be permitted to be operated on DFW Airport if the owner or operator cannot demonstrate adequate containment of hauled materials.
- (4) A person commits an offense if failure to implement a Preventative Maintenance (PM) program for any structural control (sanitary, storm, or water) results in the release of a prohibited discharge. Structural Controls may include structures such as irrigation systems, oil/water separators, grease traps, berms, retention ponds, diversion valves, and lift stations. Operators are responsible for maintaining all inspection and maintenance reports, and all associated waste disposal records for each structural control for a period of three years.

SEC. 6A-10. AIRPORT REGULATED ACTIVITIES.

(A) Pollution Prevention Plan (P3) Program

- (1) Operators of facilities that conduct operations from an airport facility not associated with industrial activities shall comply with the requirements of the P3 Program. This program requires the Operator to evaluate their occupancy, and develop non-structural controls to be utilized throughout the term of occupancy. A person commits an offense if he fails to comply with the following requirements associated with the P3 Program:
 - a. Develop or submit to EAD a company-specific P3 or the P3 Questionnaire provided by EAD. EAD will notify the Operator upon approval or if additional information is required.

(B) Construction Activities

- (1) Operators of facilities conducting construction activities disturbing less than 1 acre of land are required to comply with DFW Airport's Storm Water Construction Program Policies. A person commits an offense if he fails to comply with the following requirements associated with construction activities:
 - a. Develop and submit an ECP to EAD for review and approval prior to commencement of all construction activities.
 - b. Maintain the BMPs as identified in the ECP until final stabilization is achieved. An approved plan may be required to be modified during the course of the project at the discretion of the Executive Director or the Executive Director's designated representatives when determined to be inadequate to prevent the discharge of pollutants into the DFW Airport storm water collection system or receiving waters.

- c. Operators shall request a final inspection from EAD to confirm achieving final stabilization of all sites associated with a construction project and all installed BMPs have been removed to the satisfaction of EAD.

(C) Miscellaneous Activities and Land Disturbance

- (1) A person performing exterior maintenance activities, or causing such exterior maintenance activities to be performed at the Airport must comply with Chapter 6A of the DFW Code of Rules and Regulations and with the DFW Airport BMP Guidance Manual as issued, and as amended from time to time, by the Executive Director. A person commits an offense if he fails to comply with the following requirements associated with miscellaneous activities:
 - a. Develop and submit to EAD for approval, a Wash Water Management Plan (WWMP) before commencing any exterior washing activities at the Airport outside of a designated wash area. For purposes of this section "outside of a designated wash area" means an area draining to the Airport's sanitary sewer system. Additional material regarding the DFW Airport WWMP may be obtained from the EAD and the DFW Airport internet website.
 - b. Perform natural gas drilling and exploration activities in a manner which does not comply with this Chapter, and the DFW Airport Environmental Awareness Guidance Document for Natural Gas Drilling and Exploration as provided, and amended from time to time, by the Executive Director or the Executive Director's designated representatives.

ARTICLE V.

STORM WATER ASSOCIATED WITH INDUSTRIAL AND CONSTRUCTION ACTIVITIES.

SEC. 6A-11. INDUSTRIAL.

(A) Permit Requirements

- (1) The operator of a commercial or industrial facility that discharges storm water associated with industrial activities and operates under a regulated primary SIC code as outlined in the TPDES MSGP No. TXR050000, shall obtain coverage under the TPDES MSGP through the TCEQ and comply with all terms and conditions the permit.
- (2) The Operator shall provide DFW Airport EAD with evidence of its acquired TPDES MSGP coverage, including all related applications and notices, and obtain guidance from EAD on all the documentation required to be completed by DFW Airport.
- (3) The Operator shall conduct all monitoring and sampling requirements as identified in the TPDES MSGP. The Operator shall retain records of all monitoring results at the facility, and make them available to the Executive Director or his designated representatives upon request.
- (4) The Operator shall develop and implement a SWP3, according to the requirements of the TPDES MSGP.
 - a. All Airport tenants who are required to obtain permit coverage have the option of participating in the DFW Airport Shared SWP3 Program, which will permit tenants to operate under the DFW Airport SWP3 in place of developing an individual SWP3. In order to participate in the DFW Airport Shared SWP3 Program, tenants must:
 - i. Complete and submit to EAD the tenant questionnaire issued by EAD. The questionnaire will address information related to the facility, potential pollutant sources, prior spills or leaks, a site map of the facility, and other information specific to facility operations that are required by the TPDES MSGP.

SEC. 6A-12. CONSTRUCTION.

(A) Permit Requirements

- (1) The operator of a construction site or construction project at DFW Airport with a total land disturbance of one acre or more shall obtain coverage under the TPDES Storm Water Construction General Permit TXR150000 through the TCEQ and comply with all terms and conditions of the permit.
- (2) The operator of an onsite temporary Batching Plant for concrete or specialty mix located at DFW Airport shall obtain coverage under the TPDES Storm Water Construction General Permit TXR150000 or TXG110000 through the TCEQ and comply with all terms and conditions of the permit.
- (3) Operators of construction activities disturbing five acres or more, and operators of temporary batch plant must submit a permit application to the TCEQ by completing all application form(s) as outlined in the Construction General Permit. A copy of all submitted documents must be provided to EAD prior to commencement of construction activities.
- (4) Operators of construction activities greater than 1 acre and operators of temporary batch plants must develop a SWP3 according to the requirements of the TDPEs Storm Water Construction Permit TXR15000 or TXG110000, which must be maintained throughout the project until final stabilization is achieved. A copy of the SWP3 shall be submitted to EAD for approval prior to commencement of construction activities. An approved plan may be required to be modified during the course of the project at the discretion of EAD when determined to be inadequate for the current project situation or for the purposes of protection of storm water conveyances from sediments or other pollutants generated by a construction project
- (5) Operators of construction activities disturbing greater than 1 acre must also complete and submit a copy of a construction notice to the EAD indicating the current location of the SWP3 and a current contact phone number in order to request viewing of the SWP3. The posting must remain visible prior to commencement of construction activities and maintained until final stabilization is achieved.
- (6) Operators must also comply with the following DFW Airport specific requirements throughout the course of the project and until final stabilization is achieved.
 - a. All Vehicles transporting loose or erodible materials such as soil, sand, gravel, rock or broken up concrete shall use a functional tarping

mechanism over the bed of the truck while traveling on public roads of the airport.

- b. Removal of tracked materials (i.e. soil, sediment or debris) onto public roads of the airport shall be accomplished no later than by end of day when it occurs and shall be accomplished with a method or equipment that does not cause the tracked materials to be pushed into storm sewer systems or be washed into one during subsequent rain events.
- c. Operators shall use an adequate method of collecting and containing wastes generated from concrete cutting such that no loose material such as dried, powdery residue remains behind with the potential to dissolve and wash away into a storm water conveyance during subsequent rain events.
- d. Washout or rinsing that occurs directly onto open ground or anywhere else than the designated location is not allowed. Operators shall use a designated location and structure for concrete truck washout or rinsing of chutes or pumping equipment and an adequate method of collecting and containing such wastes for drying before final disposal. Overspray that occurs during washout or rinsing activity must be considered in the method.
- e. Airport yard locations associated with the construction project shall also be required to post the permit at the yard entrance in addition to posting the permit at the construction site entrance.
- f. Any necessary modifications or repairs to the installed BMPs for conditions such as change to the scope or nature of any portion of the project, damage to BMPs or inadequate pollution control shall be implemented with seven (7) calendar days or before the next expected rainfall, whichever should occur first.
- g. Operators shall request a final inspection from EAD to confirm achieving final stabilization of all sites associated with a construction project. A NOT shall not be submitted until EAD confirms final stabilization is met and all installed BMPs have been removed to the satisfaction of EAD.

SEC. 6A-13 DUTY TO COMPLY

- (A) A person commits an offense if he operates a facility at the Airport that requires authorization under the TPDES MSGP or a TPDES Storm Water Construction General Permit without having such coverage.

- (B) A person commits an offense if he fails to comply with the conditions of the TPDES MSGP or a TPDES Storm Water Construction General Permit. Failure to comply with the permit may be grounds for revocation of permit and enforcement action by the TCEQ and/or DFW Airport.

- (C) Among other enforcement actions available to it under this Chapter or under applicable law, EAD may suspend or revoke a person's participation in the DFW Airport Shared SWP3 Program or construction activities for good cause, including, but not limited to, the following reasons:
 - (1) Failure to notify TCEQ and EAD of significant changes in activities that may negatively impact storm water prior to the changed activity;
 - (2) Misrepresentation or failure to fully disclose all relevant facts in the TPDES permit application;
 - (3) Falsifying self-monitoring or other required documentation or reports;
 - (4) Tampering with monitoring equipment;
 - (5) Failure to complete or maintain a SWP3, or to timely submit a tenant questionnaire or storm water discharge permit application;
 - (6) Failure to provide the project SWP3 for review upon request or allow access to sites on airport associated with the construction project;
 - (7) Failure to implement, install and maintain BMPs;
 - (8) Failure to minimize the amount of sediment or other pollutants from leaving the construction site; or
 - (9) Violation of any storm water standard or requirement or of any terms of a TPDES permit or any lawful order issued pursuant to this Chapter.

ARTICLE VI.
COMPLIANCE MONITORING.

SEC. 6A-14. RIGHT OF ENTRY: INSPECTION AND SAMPLING.

The Executive Director, the Executive Director's designated representative(s), the TCEQ, or the EPA shall have the right to enter any facility, premises, or site on the Airport that is subject to this Chapter to determine whether the operator is complying with all requirements of this Chapter. The tenant or operator shall allow all such representatives ready access to all parts of the premises, facility or site for the purposes of inspection, observation, measurement, monitoring, testing, sampling, records examination and copying, and the performance of any additional duties or activities the representative deems necessary.

- (A) Where the tenant or operator of a premises, facility or site at the Airport has security measures in force which require proper identification and clearance before entry into its premises, facility or site, such operator shall make necessary arrangements so that, upon presentation of suitable identification, the representatives of the Board, TCEQ, or EPA will be allowed access for the purposes described in this Section.
- (B) The Executive Director shall have the right to set up or install at any premises, facility or site at the Airport such devices as the Executive Director deem(s) necessary to conduct sampling and/or metering of the storm water discharges from the premises, facility or site. All such sampling and analysis performed by the Executive Director or authorized representatives to monitor compliance shall be at the expense of the operator of the premises, facility or site, unless the Executive Director determines otherwise.
- (C) The Executive Director shall have the right to require the operator of a premises, facility or site at the Airport to install sampling and monitoring equipment, as the Executive Director deems necessary to assist in monitoring storm water discharges from the premises, facility or site. Such sampling and monitoring equipment shall be maintained at all times by the tenant or operator of the premises, facility or site in a safe and proper operating condition at such tenant or operator's expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

- (D) Any temporary or permanent obstruction to safe and easy access to the facility premises, or site to be inspected and/or sampled shall be promptly removed by the tenant or operator of the premise, facility or site at the written or verbal request of the Executive Director or designated representative(s) and shall not be replaced. The costs of clearing such access shall be borne by the tenant and operator of the premises, facility or site.
- (E) Unreasonable delays in allowing the Executive Director or designated representative(s) access to a facility, premises, or site at the Airport for the purposes described in this Section shall be a violation of this Chapter.

SEC. 6A-15. SEARCH WARRANTS.

If the Executive Director or designated representative(s) has been refused access to all or any part of a premises, facility or site at the Airport and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Board designed to verify compliance with this Chapter or to protect the overall public health, safety and welfare of the community, then the Executive Director may seek issuance of a search warrant from a court of competent jurisdiction..

ARTICLE VII.

ADMINISTRATIVE ENFORCEMENT REMEDIES.

SEC. 6A-16. NOTICE OF VIOLATION.

- (A) When the Executive Director finds that any person has violated, or continues to violate, any provision of this Chapter, or order, procedure or guidance document issued hereunder, or any other regulatory standard or requirement promulgated pursuant to this Chapter, the Executive Director may issue or cause to be issued to such person(s) a written Notice of Violation (NOV).
- (B) Within the time frame specified in the NOV which is usually, but not always, not later than the tenth day after receipt of the notice, the person issued the notice of violation ("violator") shall submit to the Executive Director or designated representative, as indicated by the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention of a reoccurrence of the violation. Such plan shall include

specific actions to be taken by the violator.

- (C) If the violator denies that any violation occurred, or contends that no corrective action is necessary, the person shall submit to the Executive Director or designated representative, as indicated by the notice of violation, no later than the date specified in the NOV, a written notice of appeal with an explanation of the basis of any such denial or contention.
- (D) Submission of an explanation and/or plan in no way relieves a person of liability for any violations occurring before or after receipt of the notice of violation.
- (E) Issuance of an NOV shall not be a bar against, nor a prerequisite for, taking any other action against a violator.

SEC. 6A-17. CONSENT ORDER.

- (A) The Executive Director may enter into a consent order, assurance of voluntary compliance, or similar agreement with any person responsible for a noncompliance with any provision of this Chapter.
- (B) Such agreement may include specific action to be taken by the violator to correct the noncompliance within a time period specified by the agreement.
- (C) Such agreements shall be judicially enforceable.

SEC. 6A-18. SHOW CAUSE HEARING.

- (A) The Executive Director may order any person or operator who has violated or who continues to violate any provision of this Chapter to appear before the Executive Director and show cause why a proposed enforcement action should not be taken.
- (B) Notice of the show cause hearing shall be served on the person or operator specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the operator show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. If the hearing is rescheduled for any reason, a revised notice shall be served at least three (3) days prior to the rescheduled hearing date. Such notice may be served on any authorized representative of the person or User.

- (C) A show cause hearing shall not be a bar against, or a prerequisite for, taking any other action against a person or operator.

SEC. 6A-19. COMPLIANCE ORDER.

- (A) When the Executive Director finds that any person has violated, or continues to violate, any provision of this Chapter, any permit or lawful order issued hereunder, or any other applicable water quality standard or requirement, the Executive Director may issue a compliance order to such person or operator, directing it to come into compliance within a specified time limit. If the person or operator does not come into compliance within the time provided, the person's/operator's water service may be discontinued unless corrective measures properly implemented.
- (B) Compliance orders may contain other requirements to address noncompliance, including additional management practices and self-monitoring to minimize the amount of pollutants discharged.
- (C) A Compliance order may not extend the deadline for compliance established by a state or federal standard or requirement.
- (D) A Compliance order shall not relieve a person or operator of liability for any violation, including any continuing violation.
- (E) A person or operator receiving a compliance order may file a written notice of appeal with the Executive Director or his designated representative, as indicated by the compliance order, no later than the tenth day after receipt of the order. Such notice of appeal shall include an explanation as to why the person believes the enforcement action should not be taken.
- (F) Issuance of a compliance order shall not be a bar against, nor a prerequisite for, taking any other action against a person or User.

SEC. 6A-20. CEASE AND DESIST ORDER.

- (A) Whenever the Executive Director finds that any person or operator has violated, or continues to violate, any provision of this Chapter, or any other applicable water quality standard or requirement, or finds that the person/operator's past violations are likely to

recur, the Executive Director may issue an order to such person/operator directing it to cease and desist all such violations and directing the operator to: (1) immediately comply with all requirements; and (2) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

- (B) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against a person or operator.

SEC. 6A-21. STOP WORK ORDER.

- (A) Whenever the Executive Director finds that any person or operator who has been issued a construction permit by the Airport has violated, or continues to violate, any provision of this Chapter, the Executive Director may cause a stop work order to be issued to the operator, to be posted at the construction site or other location specified in the order, and to be distributed to all Airport Board departments and divisions whose decisions affect any construction permit or activity at the affected site(s).

- (B) Unless express written exception is made by the Executive Director, the stop work order shall prohibit any further construction or related activity at the site and shall bar any further inspection or approval by the Airport Board associated with any Airport Board permit or any other Airport Board approval necessary to commence or continue construction or to assume occupancy at the permitted location or site.

- (C) A person receiving a stop work order under this Section may file a written notice of appeal with the Executive Director, no later than the tenth day after receipt of the stop work order. Such notice shall include an explanation as to why the person believes the enforcement action should not be taken.

- (D) Issuance of a stop work order shall not be a bar against, or a prerequisite for, taking any other action against a person or User.

SEC. 6A-22. ADMINISTRATIVE FINES.

- (A) The Executive Director shall have the authority to levy one or more administrative fines against a person, User, or operator who violates any provision or order issued pursuant to this Chapter.

- (B) Administrative fines under this Chapter shall be enforced in accordance with the Schedule of Charges as amended.
- (C) Delinquent or past due fines shall constitute cause for the Executive Director to immediately suspend any Airport issued permit or other written authorization of any person/User issued under this Chapter until such fines are paid in full and/or to take any other legal action deemed necessary to recover delinquent or past due fines.

SEC. 6A-23. AUTHORITY TO REMOVE/IMPOUND VEHICLES AND REVOKE VEHICLE AOA PERMITS.

- (A) DPS has the authority to remove or impound any vehicle or equipment in violation of Section 2-7 of these Rules and Regulations if:
 - (1) The vehicle or equipment is staged in manner that poses an immediate threat to the environment;
 - (2) The owner or operator fails to correct previous environmental violations; or
 - (3) The owner or operator cannot be identified or contacted to correct the environmental violation/s.
- (B) DPS has the authority to revoke AOA permits for vehicles or equipment with a repeated history of leaking or releasing chemicals and/or lavatory fluids. AOA permits will be revoked for any vehicle cited for leaking more than two times in six months.

**ARTICLE VIII.
JUDICIAL ENFORCEMENT REMEDIES.**

SEC. 6A-24. INJUNCTIVE RELIEF.

Whenever the Executive Director finds that a person has violated, or continues to violate, any provision of this Chapter, including any order, procedure, regulatory standard or requirement issued hereunder or any regulatory standard or requirement promulgated pursuant to this Chapter, the Executive Director may petition an appropriate Court through the Airport Board's legal counsel for the issuance of a temporary or permanent injunction, as appropriate, to restrain the person from further acts in violation of this Chapter or to compel compliance with this Chapter, including performance of abatement and remediation of the violation. Executive Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the person or User to conduct environmental

remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person or User.

SEC. 6A-25. CIVIL PENALTIES.

In accordance with State law, the Airport Board may file a civil suit seeking a civil penalty, and other available relief, against a person in control of a premises at the Airport who is in violation of this Chapter, or of any order, procedure, regulatory standard or requirement issued hereunder, and who, after notice of a violation, continues to take action in violation of this Chapter or fails to take actions necessary for compliance with this Chapter. A civil penalty under this Chapter may not exceed \$5,000 a day for a violation. Filing a civil suit for a civil penalty shall not be a bar against, or a prerequisite for taking any other action against a person in violation of this Chapter.

SEC. 6A-26. CRIMINAL PROSECUTION.

(A) Criminal Offenses

- (1) A person commits an offense if the person violates, or causes or permits another person to violate, or assists in the commission of a violation of, any applicable provision of this Chapter or of any order, procedure, regulatory standard or requirement issued hereunder.
- (2) A person commits an offense if the person makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter or any permit or order issued hereunder, or if the person falsifies; tampers with, or renders inaccurate any monitoring device or method required under this Chapter.

(B) Criminal Penalties

- (1) A person, who violates any provision of this Chapter, or any term or condition of any permit or order issued hereunder, is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) or the maximum allowable by law; provided, however, that where the offense is one for which a penalty is otherwise fixed by state or federal law, such law shall govern, if either is exclusive.

- (2) Prosecution for an offense under Section 6A-26 does not preclude the use of other enforcement remedies or procedures applicable to the person charged with, or the conduct involved in, the offense.

**ARTICLE IX.
FEES AND CHARGES.**

SEC. 6A-27. FEES AND CHARGES.

- (A) Fees or charges under this Chapter shall be set out in the Airport Board's Schedule of Charges and shall be paid in a manner prescribed by the Executive Director. The fees provided for in this Chapter relate solely to the matters covered by these Rules and Regulations and are separate from all other fees, fines, and penalties chargeable by the Board. No refund of fees collected pursuant to this Chapter shall be made.

