

Legislation Text

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Agenda Date: 3/12/2019

Subject:

Ordinance review: revising Title 7, Chapter 7 of the Municipal Code, titled Littleton Storm Drainage Ordinance

Presented By: Carolyn Roan, Water Resource Manager

REQUESTED COUNCIL ACTION:

Does city council support revisions to the Littleton Storm Drainage Ordinance, Municipal Code Title 7 Chapter 7?

BACKGROUND:

The City of Littleton has been covered under the State of Colorado General Permit: “Certification to Discharge Under CDPS General Permit COR090000 Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems (MS4)” since 2002 when the state first initiated this permit for smaller MS4s. This permit coverage is mandated under federal law, issued by the United States Environmental Protection Agency (EPA), as part of the Clean Water Act of 1972. The Phase I rule implemented the National Pollutant Elimination System (NPDES) programs for populations over 100,000 in 1990. The Phase II rule was initiated in 2002 that incorporated regulations for municipalities with populations under 100,000.

The Colorado Department of Public Health and Environment (CDPHE) is the permitting authority for the NPDES program. Many states have such permitting authority but a few are regulated directly by the EPA.

An MS4 is a system of conveyances (pipes, catch basins, curb/gutter, ditches, etc.) owned or operated by a public body that discharges to public waters. The purpose of the city’s MS4 program is to promote, preserve, and enhance the natural resources within the city and to protect them from activities that would have an adverse and potentially irreversible impact on water quality. The city’s MS4 program entails a variety of activities that are specifically required by the MS4 Permit aimed at protecting and improving water quality.

The MS4 permit is renewed every five years. Each renewal typically includes additional or revised requirements for stormwater programs. The current permit term began in July 2016. There is an implementation period for new or revised permit elements with various due dates extending into 2021 when the permit expires. Updated and revised “regulatory mechanism” language is required to be implemented by July 1, 2019. These MS4 permit requirements are the basis for the proposed revisions to the Littleton Storm Drainage Ordinance, in addition to other organizational changes and revisions for clarity.

STAFF ANALYSIS:

Public Works Department staff has been diligent in meeting permit deadlines for implementation of new or revised programs to protect water quality of stormwater in the city. Failure to implement the changes risks potential harm to water quality as well as violations and fines from the CDPHE.

The city is a member of committees such as: Colorado Stormwater Council, Stormwater Permittees for Local Stream Health, and Colorado Stormwater and Floodplain Managers, all of which meet regularly. These coalitions review and interpret permit requirements, and in some cases, collectively meet those requirements.

Attached to this staff communication is a summary table of the proposed code changes and the revised code sections.

The proposed revisions to the Storm Drainage Ordinance are based upon information gathered from the coalitions above, the specific MS4 permit requirements, and review of several surrounding jurisdictions' stormwater ordinances. The language has been thoroughly analyzed by city engineering, code enforcement, and legal staff.

FISCAL IMPACTS:

The ordinance revisions have no fiscal impact. However, contracting for preparation, implementation, and enforcement of the stormwater programs, and construction of necessary improvements at municipal facilities does have a fiscal impact. Funding for the programs is provided through the Storm Drainage Enterprise Fund with revenue from the Storm Drainage Utility Fee. This fund also provides for staff compensation, storm drainage capital improvement projects, and maintenance of storm drainage infrastructure. Total fund annual revenue for 2019 is approximately \$1.1 million. Of this amount, MS4 programs and construction costs are estimated at 10%.

STAFF RECOMMENDATION:

Staff recommends approval of revisions to the Littleton Storm Drainage Ordinance, Municipal Code Title 7 Chapter 7.

OPTIONS/ALTERNATIVES:

Direct staff to bring forward an ordinance for first reading and:

- approve revisions to the Littleton Storm Drainage Ordinance; or
- do not approve revisions to the Littleton Storm Drainage Ordinance and risk harm to water quality and violations or fines from the CDPHE.