

Legislation Text

File #: Ordinance 12-2019, **Version:** 2

Agenda Date: 04/16/2019

Subject:

Ordinance 12-2019: Second introduction of an ordinance revising the Littleton Storm Drainage Ordinance, Title 7, Chapter 7 of the city code, and associated cross references in Title 7, Chapter 8

Presented By: Keith Reester, Public Works Director

POLICY QUESTION:

Does city council support adoption of Ordinance 12-2019 revising the Littleton Storm Drainage Ordinance, Title 7, Chapter 7 of the Municipal Code and associated cross references in Title 7, Chapter 8?

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.

PRIOR ACTIONS OR DISCUSSIONS:

A study session and presentation on the proposed changes to Title 7, Chapters 7 and 8 was conducted on March 12, 2019.

This ordinance was approved on first reading at the April 2, 2019 regular meeting of city council.

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.

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.

OPTIONS/ALTERNATIVES:

Approve revisions to the Littleton Storm Drainage Ordinance.

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

FISCAL IMPACTS:

Provisions contained within Ordinance 12-2019 have fiscal impacts including: staff time, or external consultation for the preparation, implementation, and enforcement of the stormwater programs, and construction of necessary improvements at municipal facilities are funded 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 that council adopt on first reading Ordinance 12-2019 revising the Littleton Storm Drainage Ordinance, Municipal Code Title 7 Chapter 7, and associated cross references in Title 7, Chapter 8, and sending Ordinance 12-2019 to second reading and public hearing.

PRESENTATIONS:

Staff Presenter(s): Keith Reester, Public Works Director
Carolyn Roan, Water Resource Manager

Additional Presenter(s):

PROPOSED MOTION:

I move to approve on second reading the ordinance revising the Littleton Storm Drainage Ordinance, Title 7, Chapter 7 of the Municipal Code and associated cross references in Title 7, Chapter 8.