



Board Summary Report

To: Board of Directors

From: Lanae Raymond, WQ Program & Special Projects Program Manager

Date: December 6, 2010

Re: Adoption of a SEMSWA GESC Manual

Board Meeting Date: December 15, 2010

Purpose and Recommendation

The purpose of adopting a SEMSWA Grading, Erosion, and Sediment Control (GESC) Manual is to establish the criteria for SEMSWA to administer their Municipal Separate Storm Sewer System (MS4) Permit, specifically Program 4, Construction Site Controls in the City of Centennial. Staff recommends adoption of the SEMSWA GESC Manual that establishes the GESC Program as an enforceable GESC Regulation and provides for a permitting program that will promote environmentally-sound construction practices in the City of Centennial.

Background

The Southeast Metro Stormwater Authority (SEMSWA) Board accepted the transfer of the City MS4 Permit to SEMSWA in 2007. As part of the MS4 Permit, the State requires SEMSWA to implement six stormwater management programs, or minimal control measures. One of these six measures, Program 4, is *construction site stormwater runoff control*. The GESC program was developed to ensure adequate design, implementation, maintenance and enforcement of best management practices (BMPs) at construction sites within the City of Centennial under the SEMSWA MS4 permit. SEMSWA has been utilizing the City's GESC Manual to implement the GESC Program and meet Program 4 requirements.

The Formation Intergovernmental Agreement (IGA) anticipated this occurrence: "*The Authority shall promptly draft and submit...draft model ordinances, resolutions, and regulations designed to enable the Authority to use its delegated police powers to enforce and ensure compliance with all NPDES MS4 Stormwater Permits in the Authority's name.*"

The Centennial-SEMSWA Implementing IGA specifically states that SEMSWA would need to complete their own Program 4 manual and regulation, stating: "*SEMSWA will administer and enforce City's Ordinance No. 2005-O-05 regarding grading, erosion, and sediment control activities, and will adopt City's GESC Manual to provide construction site stormwater runoff control for all land disturbance projects within City. Once SEMSWA holds a NPDES MS4 Permit in its own name covering the boundaries of the City, SEMSWA may adopt its own construction*

site stormwater runoff control regulations and enforcement mechanisms and, if legally necessary, City shall reasonably assist SEMSWA in regard to enforcement of those regulations at no cost to the City.”

SEMSWA has been utilizing the City GESC Manual for all construction sites in the City since 2007.

Discussion

In accordance with Centennial-SEMSWA Implementing IGA, and after discussions with the City of Centennial and SEMSWA's attorney, SEMSWA staff has revised the City's GESC Manual to reflect SEMSWA as the MS4 Permittee responsible for Program 4 requirements in the City. This has entailed searching the City GESC Manual for references to the City as the MS4 administering the GESC Program and revising to SEMSWA as the administering organization. (Not all references to the City in the manual have been changed to SEMSWA; those that refer to the City as a jurisdiction entity, right-of-way, or Building Code references have been retained in the document, for example). A few typos were caught, but no substantive changes have been made to the Manual that revises intent or implementation of the GESC Program.

The City is no longer the MS4 Permit holder, so a City of Centennial GESC Manual is not necessary. SEMSWA is now the MS4 Permit holder, so a SEMSWA GESC Manual is appropriate.

Alternative

The Board may choose not to revise the City GESC Manual to reflect SEMSWA as the MS4.

Fiscal Impacts

There are no fiscal impacts with a SEMSWA GESC Manual. Per the City-SEMSWA Implementing IGA, SEMSWA's adoption of the GESC Manual was anticipated.

Concurrence

Discussions with the SEMSWA Attorney and Executive Director, as well as City Engineering staff indicate concurrence with adopting a SEMSWA GESC Manual.