

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION 12-30

Authorization for Enforcement Related to the CDPS MS4 Permit

WHEREAS, pursuant to 29-1-204.2, C.R.S., the Southeast Metro Stormwater Authority (SEMSWA) was established on September 19, 2006, by the Intergovernmental Agreement (IGA) Concerning the Formation of a Drainage Authority Amongst County of Arapahoe, City of Centennial, Arapahoe County Water and Wastewater Authority, East Cherry Creek Valley Water and Sanitation District and Inverness Water and Sanitation District Pursuant to Section 29-1-204.2, C.R.S.; and

WHEREAS, the City of Centennial (City) and SEMSWA have entered into an Implementing Intergovernmental Agreement (IIGA), Resolution No. 63, SERIES OF 2007, allowing for the transfer of the Colorado Department of Public Health and Environment (CDPHE) issued Colorado Discharge Permit Systems (CDPS) for Municipal Separate Storm Sewer System – Phase II requirements permit (Permit), from the City to SEMSWA; and

WHEREAS, in accordance with the IGA, Section 1.5(a), the City delegated in the IIGA such police powers as may be necessary to enable SEMSWA to enforce any and all provisions of the CDPS MS4 Permit; and

WHEREAS, in accordance with the IIGA, Article I (6), SEMSWA was to adopt rules and regulations as authorized by law pertaining to compliance and enforcement of its Permit Requirements after Permit transfer; further, the City delegated its authority and police powers to SEMSWA to the extent necessary to implement and enforce SEMSWA's rules and regulations as they relate to the SEMSWA Permit requirements in the City; and

WHEREAS, in accordance with the IIGA, SEMSWA previously utilized the City adopted and delegated authority and police powers in Title 11 – Land Development Code of the City of Centennial Municipal Code (as may be amended), Ordinance No. 2005-O-05, and Ordinance No. 2007-O-01; and

WHEREAS, SEMSWA has now adopted the *Grading, Erosion, and Sediment Control (GESC) Manual* pursuant to RESOLUTION No. 42, Series of 2010 and the *Stormwater Management Manual* (SMM) pursuant to RESOLUTION No. 14, Series of 2012 to set forth the standards and criteria for the Permit, in addition SEMSWA has established the *Illicit Discharge, Detection, and Eliminate (IDDE) Manual* specifically outlining the procedures associated with Program 3 of the Permit; and

WHEREAS, in addition to the GESC Manual, SMM, and IDDE Manual, SEMSWA has established enforcement procedures for the Permit identified as *Implementation of Enforcement Procedures Associated with Program 3 – IDDE* and Implementation Procedures Associated with *Programs 4 and 5 – Construction and Post Construction BMPs* (Implementation Procedures) outlining SEMWA’s internal procedures for implementing enforcement related to Permit violations; and

WHEREAS, SEMSWA may enter a site during normal business hours, and at other reasonable times, to inspect, investigate, or monitor activities subject to the Permit.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby authorizes enforcement related to Permit violations in a manner consistent with the *Penalties for Enforcement Related to the CDPS MS4 Permit* Resolution subsequently adopted by the Board.

SOUTHEAST METRO STORMWATER AUTHORITY
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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:
Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor