

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

RESOLUTION 12-14

Adoption of the SEMSWA Stormwater Management Manual for the City of Centennial

WHEREAS, the City of Centennial (City) and the Southeast Metro Stormwater Authority (SEMSWA) have entered into an Implementation Intergovernmental Agreement (IIGA), RESOLUTION NO. 63, SERIES OF 2007, allowing for the transfer of the Colorado Department of Public Health and Environment (CDPHE) issued National Pollution Discharge Elimination System (NPDES) for Municipal Separate Storm Sewer System – Phase II requirements permit, in addition to general stormwater related functions, from the City to SEMSWA; and

WHEREAS, in accordance with the NPDES MS4 permit, CDPHE requires permittees to implement six stormwater control measures (Programs), of which Program Five requires permittees to ensure adequate design, implementation, maintenance, and enforcement related to post construction best management practices; and

WHEREAS the City developed and adopted the City of Centennial Stormwater Management Manual (SMM) as City Ordinance No. 2007-O-01. The purpose of the SMM was to set forth Program 5 post construction stormwater best management practices to ensure adequate design, implementation, maintenance, and enforcement of best Management Practices (BMPs) in accordance with its MS4 permit, in addition to general stormwater management; and

WHEREAS, in accordance with the IIGA, “SEMSWA may adopt its own post-construction stormwater management regulations”; and

WHEREAS, until such time as SEMSWA adopts its own enforcement provisions, SEMSWA has been utilizing the City’s ordinance No. 2007-O-1 to achieve the Program 5 goals; and

WHEREAS, the City of Centennial SMM has been modified to replace references, where appropriate, of the City with SEMSWA so that it reflects SEMSWA as administering the MS4 Program 5 and other stormwater related responsibilities within the City. The SEMSWA SMM document has been prepared by SEMSWA staff and reviewed and approved by legal counsel.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board adopts the SEMSWA Stormwater Management Manual, as attached hereto as **Exhibit A**.
2. The Board authorizes the use of the SEMSWA Stormwater Management Manual in administering and enforcing Program 5 and other stormwater management within the boundaries of the City of Centennial.
3. The Board authorizes the Executive Director to make any minor non-substantive modifications to the SEMSWA Stormwater Management Manual without prior Board approval.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor



Board Summary Report

To: Board of Directors

From: Ashley Byerley, Water Quality and Special Projects Coordinator

Through: Lanae Raymond, Water Quality and Special Projects Program Manager
Paul Danley, Land Development Program Manager

Date: March 27, 2012

Re: Adoption of the SEMSWA Stormwater Management Manual

Board Meeting Date: April 25, 2012

Purpose and Recommendation

The purpose of adopting a SEMSWA Stormwater Management Manual (SMM) is to establish the criteria for SEMSWA to administer its Municipal Separate Storm Sewer System (MS4) Permit, specifically Program 5, Post Construction Site Controls, in addition to general stormwater management, in the City of Centennial. Staff recommends adoption of the SEMSWA SMM to establish enforceable regulations in the City of Centennial for the purpose of stormwater management.

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 5, is post *construction best management practices*. The SMM was developed, in part, to ensure adequate design, implementation, maintenance and enforcement of best management practices (BMPs) within the City of Centennial under the SEMSWA MS4 permit. SEMSWA has been utilizing the City's SMM to meet the MS4 permit requirements, as well as for guidance related to general stormwater management for topics such as flood control, channel preservation, infrastructure sizing, and standard details.

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 implement Program 5 within the City of Centennial, and that upon transfer of the MS4 permit from the City to SEMSWA, SEMSWA may adopt its own regulations.

SEMSWA has been utilizing the City SMM for stormwater management 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 SMM to reflect SEMSWA as the MS4 Permittee responsible for Program 5 requirements in the City, along with general stormwater management. This has entailed searching the City SMM for references to the City and revising to SEMSWA. (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 Land Use Agency references have been retained in the document, for example). No substantive changes have been made to the Manual. In areas where SEMSWA could not be directly substituted (for example, references to the City of Centennial Planning Manager) the SEMSWA equivalent was inserted (City of Centennial Planning Manager edited to be SEMSWA Executive Director).

Alternative

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

Fiscal Impacts

There are no fiscal impacts with a SEMSWA SMM. Per the City-SEMSWA Implementing IGA, SEMSWA's adoption of the SMM as the means for regulating Program 5 was anticipated.

Concurrence

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