



Council Communication

Office of the City Manager

Date

August 20, 2007

Agenda Item No. 56

Roll Call No. 07-

Communication No. 07-500

Submitted by: William G. Stowe, Assistant City
Manager/Public Works/Engineering

AGENDA HEADING:

Amending Chapters 42, 82, and 106 of the Municipal Code regarding Post-construction Run-off Requirements for the City's National Pollution Discharge Elimination System.

SYNOPSIS:

Recommend Council amend Chapters 42, 82, and 106 of the Municipal Code regarding post-construction run-off requirements for the City's National Pollution Discharge Elimination System (NPDES). These changes are required by the NPDES permit issued to the City of Des Moines. Staff recommends revisions to Chapter 106 of the Municipal Code in order to address post-construction run-off control; the changes provide for administrative penalties and an administrative hearing process. Revisions to Chapter 42 reflect changes in the State of Iowa Administrative Code and the Iowa Department of Natural Resources Storm Water General Permit Number 2 for Construction Activities. Revisions to Chapter 82 add requirements to designs submitted to City staff in response to Chapter 106 revisions.

FISCAL IMPACT:

Amount: Unknown

Funding Source: Revenue from administrative penalties will be deposited in:
2007-08 City of Des Moines Operating Budget, Storm Water Utility Operations Fund EN301, Org Code:
PWK077006, Administrative Penalties Account 457100.

ADDITIONAL INFORMATION:

Since 1972, the Clean Water Act and its amendments have prohibited the discharge of any pollutant into a body of water in the United States, unless it has been authorized by a national pollutant discharge elimination system permit. The NPDES program is designed to track point sources, single identifiable sources that discharge pollutants into the environment, and requires the implementation of necessary controls to minimize the pollutant discharges.

Phase I was promulgated on November 16, 1990. The Phase I regulations required large sources of stormwater discharge to apply for NPDES permits. Large sources include medium and large municipal storm sewer systems usually serving 100,000 people or more as well as several categories of industrial activity. The NPDES permits require cities to develop a stormwater management program, track and oversee industrial facilities that are also regulated under the NPDES stormwater program, conduct monitoring, and submit periodic reports.

In response to, and as required by, the NPDES permit issued to the City of Des Moines, Public Works is proposing revisions to Chapter 106 of the City Code addressing post-construction run-off control. The proposed revisions provide regulation to reduce pollutants caused by run-off from private property by encouraging the implementation of stormwater management facilities that minimize the introduction of pollutants into the City's municipal storm sewer system. The proposed revisions provide for administrative penalties and an administrative hearing process; these changes also provide administrative penalties for improper maintenance.

The code revisions specify the City's responsibilities for storm water management facilities as well as those of other parties. Major and routine maintenance of all storm water management facilities situated on private property are not the responsibility of the City and shall be the responsibility of the owners of the properties upon which such facilities are located or of another pre-designated party. Further, it is incumbent upon the City to work with developers during the subdivision review process to ensure that workable maintenance plans are in place. As the Community Development Department reviews new subdivision plats and storm water plans for new development, care will be taken to avoid creating undue hardships on private owners. For example, when appropriate and feasible, homeowners associations may be asked to share maintenance responsibilities.

Chapter 106 also includes administrative penalties and an administrative hearing process for the failure by a private party to adequately maintain a management facility.

Public Works is also proposing revisions to Chapter 42 to reflect changes in the State of Iowa Administrative Code and the Iowa Department of Natural Resources Storm Water General Permit Number 2 for Construction Activities.

Revisions to Chapter 82 are proposed to add requirements to designs submitted to City staff in response to revisions to Chapter 106.

PREVIOUS COUNCIL ACTION(S):

Date: September 12, 2005

Roll Call: 05-2237

Action: Amending Chapter 42 of the Municipal Code regarding run-off and illicit discharge requirements of the City's National Pollution Discharge Elimination System and maintenance of drainage facilities. Moved by Hensley that this ordinance do now pass, #14,484. Motion Carried 6-1.
Nays: Brooks.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and final reading of recommended ordinance amendment.