

STORMWATER REGULATORY COMMITTEE
June 16, 2021 Minutes

1. CALL TO ORDER

Members of the Stormwater Regulatory Committee met on the above date at 9:00 am via Microsoft Teams. Daryl Norris, the Facilitator, called the meeting to order and welcomed all those present. The following attended the meeting:

MEMBERS:

Landon Weaver
Michael Odriscoll
Ken Malpass
Igor Palyvoda
Michelle Clements

Rocky Russell
Richie Brown
Steve Janowski
Jill Howell

OTHERS PRESENT:

Lisa Kirby
Daryl Norris
Amanda Braddy
Travis Welborn
Kendal Paramore
Jonas Hill
Todd Tripp

2. APPROVAL OF MINUTES

A motion was made by Ms. Clements to approve the agenda as presented. The motion was seconded by Mr. Odriscoll and passed unanimously.

3. APPROVAL OF AGENDA

Mr. Weaver made a motion to approve the May 5, 2021 minutes. The motion was seconded by Mr. Russell and passed unanimously.

4. DRAINAGE AND PIPING POLICY

Mr. Norris presented suggested ordinance changes regarding piping policy. Mr. Norris invited discussion about the requirement to pipe ditches that can be piped with less than 48" diameter pipe balancing maintenance and nuisance response with water quality impact.

Mr. Weaver expressed that we need to keep open the option of having swales to provide better water quality, make development affordable, and lower the long term replacement costs to the City. These swales need to have detailed specifications requirements. Staff will work to develop specifications and talk with City Public Works about maintenance concerns.

Mr. Norris reviewed suggested ordinance changes regarding the City participation in piping assistance and streambank stabilization assistance. He indicated that changes were to clarify, condense and update to fit current department organization.

Mr. Paramore expressed concerns about encroachments by homeowners into the drainage district easements and difficulty with conducting maintenance and streambank stabilizations.

5. VIOLATIONS AND ENFORCEMENTS

Mr. Norris reviewed suggested ordinance changes regarding the violations and enforcement sections to clarify some texts. He also reviewed a new suggested section to specifically call out a violation for exposure of substances to stormwater in order to facilitate addressing potential discharges prior to actually discharging to the stormwater system.

Mr. Weaver asked about how the City handles discharge violations when the property owner or developer wasn't the person who caused the discharge and what liability owners have. Mr. Norris explained that when the City can identify an entity causing a violation, enforcement will be handled with that entity. When the violator cannot be identified, the property owner is ultimately responsible for discharges coming from their property.

Mr. Norris reviewed suggested ordinance changes regarding the sections for civil penalties to allow flexibility for the City Engineer to determine penalty based on 7 assessment factors similar to the methods used in the Erosion Control ordinance. Any violation of the ordinance has the potential to result in a civil penalty from \$0 to \$10,000 per violation per day.

Mr. Weaver asked about ability for the City Engineer to consider situations that are beyond the control of the responsible party. Mr. Norris reviewed the assessment factors that allow the City Engineer to use discretion to determine the penalty.

Ms. Howell expressed concerns about flexibility encouraging penalties to be minimal or less than what is deserved or necessary to discourage and stop discharges. Mr. Norris expressed that those are things the City Engineer must balance and consider and also explained the City's efforts ahead of large storm events to try to help minimize discharges in advance.

Ms. Clements mentioned that flexibility will help ensure proper maintenance of SCM maintenance rather than a specific penalty that did not seem to provide appropriate motivation.

Mr. Norris reviewed suggested ordinance changes regarding appeals and the use of a stop-work order.

Mr. Norris reviewed the need and potential language for establishing a permit for connecting or modifying the storm drainage system to ensure proper construction methods, design, and materials.

6. NEXT SRC MEETING AGENDA

7. QUESTIONS AND COMMENTS

8. CLOSING REMARKS

The next meeting will be on July 7, 2021.