

# **Stormwater Management, Land Disturbance, and Erosion & Sediment Control Model Ordinance**

## **Executive Summary**

The Hillsdale Water Quality Project is a non-profit 501c3 corporation initiated in 1993 by local residents concerned about the degradation of Hillsdale Lake. In September 2001 the project was awarded a grant to develop a water quality protection measure, focusing on the prevention on sediment deposits. Over the past six months, a local consultant has assisted in collecting information from municipalities surrounding Hillsdale Lake. The results of these interviews were presented to a task force in January 2002 in an effort to determine a protection measure approach which met the issues identified as part of these municipal interviews.

The resulting direction taken by the Hillsdale team was to develop an erosion and sediment control model ordinance. This model ordinance was to complement the existing American Public Works Association (APWA) effort to develop new design criteria for erosion and sediment control practices. In addition to the APWA coordination issue, the task force also expressed the need to meet the new National Pollution Discharge Elimination System (NPDES) Phase II requirements.

The primary focus of the model ordinance was to create a regulation, which focused on the prevention of sediment leaving construction sites. Due to the complexity of the NPDES regulations, and the compounding results of the municipal interviews, a section for stormwater management and land disturbance activity was added. Realizing that all three of these aspects impact the other the model was drafted as a single document with the ability to be separated.

## **Scope**

This regulation focuses on the need to consider storm drainage, grading activities, and erosion and sediment control practices as part of land development process. The model ordinance developed, as part of this grant is general in nature, however was developed with the ability to modify specifically to any one city code or county resolution. The overriding principal of this regulation is to prevent sediment from leaving construction sites to the maximum extent practical.

Section one of the regulation focuses on the general provisions, which include the purpose, definitions, and the responsibilities for the public and private drainage systems. For the purposes of the model ordinance the definition section was purposely lengthened to allow for individual cities to modify this section based on need.

Section two focuses on the prohibitions and requirements of the regulations. This section includes language on exemptions, requirements of certain dischargers, reporting, and a city's ability to impose best management practices.

Section three of the regulation was added based on comments received during the interview process with local municipalities. This section relates to storm water discharge from construction site activities. As part of this section the concept of a storm water

pollution prevention plan (SWP3) is introduced. A SWP3 is a written document identifying the impacts of a development project. The SWP3 shall be submitted as part of the plan review process, and include an erosion control plan, grading plan, and land disturbance permit. Each of these items is discussed through out this regulation. This section includes design criteria, and performance measures that COULD be deleted once APWA has completed the Section 5600 Design Criteria update project.

Section four of the regulations includes the erosion and sediment control regulations. This section includes the criteria for the land disturbance permit and regulation of all construction activity for sites one-acre and larger. This meets the criteria for the NPDES phase II regulations, and follows the exception for agricultural activities. This section also includes design criteria, and performance criteria that COULD be eliminated once APWA completes the effort of developing the Kansas City Metro wide criteria. Currently the land disturbance permit includes a fee to assist in the offset of cost to administer the program.

Section five of the regulation relates to the recommended enforce procedures. This information focuses on the process for notifying violators and includes a criminal penalty of \$250 to \$1500 per day. This section also includes an appeal process to the regulation.

The content of the model ordinance is subject to review of the task force developed as part of this project. All comments will be considered to modify the draft version to accommodate the task force members. This is a model ordinance and thus should not be considered a final working document. Each city will need to modify this regulation based on individual city code and administrative abilities.

The model ordinance has been revised based on comments received from the steering committee. A majority of the changes made include grammatical and formatting changes. Other changes include revisions to Section 3 (three) item 6 (six). The word *contractor* was added following the word *owner* to clarify that in rural building situations that either the owner or contractor will be responsible for submitting a SWP3. The final change includes revisions to Section 3 (three) item 3 (three) in Prohibitions. The sentence "*this prohibition expressly includes, without limitation, illicit connection made in the past, regardless of whether the connection was permissible under law or practice acceptable or prevailing at the time of connection*" was removed.

Peridian Group Inc, is pleased to submit this model ordinance for stormwater management, and erosion and sediment control. The firm has experience in project management, storm water master planning, storm water construction and the National Discharge Pollution Elimination System Phase II requirements. For additional assistance in any of these areas, contact Joel Riggs, PE, at (913) 856-7899.