

**CASE NO EE19-044– Stormwater Management Manual Update Based on New MS4 Permit**

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**Case Manager: Chuck Haskins, Engineering Services Division      June 12, 2019**

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**PROPOSAL:**

Arapahoe County's Engineering Services Division (ESD) is in the process of amending the Stormwater Management Manual (SMM) to address changes as a result of the December 1, 2016 Municipal Separate Storm Sewer (MS4) Permit.

The purpose of this Planning Commission Public Hearing item is to review the proposed changes, answer questions, receive public comments (though this is not required to be a public hearing and has not been noticed for a formal public hearing), and to make a recommendation to the Board of County Commissioners relative to adoption of the proposed amendments. On June 4, 2019, ESD staff reviewed this matter with the Planning Commission in a study session.

On December 1, 2016, the Colorado Department of Public Health and Environment (CDPHE) re-issued the CDPS General Permit CORO80000 Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems (MS4's) that Discharge to the Cherry Creek Reservoir Drainage Basin Authorization to Discharge under the Colorado Discharge Permit System. This new permit imposes new requirements for MS4 communities that must be approved by 7/1/2019. Staff has been working with the Southeast Metro Stormwater Authority (SEMSWA) on this update to the SMM.

Due to the urgency of complying with the MS4 permit deadline of 7/1/2019, staff only updated Chapter 14 "Stormwater Quality" of the SMM. The remaining chapters will go through a similar process later this year.

Changes to the renewed MS4 permit in 2016 have made the regulations more clear, measurable, and enforceable and have resulted in several alterations to Chapter 14. The updated SMM includes updated definitions, differentiates the development activities within and outside of the Cherry Creek basin, adds record keeping requirements and documentation of the County's use of exemptions and exclusions at a development site to ensure uniform application of criteria. Specifically, the updated Chapter 14 -Stormwater Quality, of the SMM expands the enforceable design standards for permanent control measures, provides exclusions and exemptions to post-construction water quality requirements for routine roadway maintenance, installation of above and below ground utilities, and selected large lot/park/trail projects. SMM references UDFCD Volume 3 and revised construction details to provide the best available design and installation data for permanent water quality facilities; and synchronizes language, methodology, and processes to allow for one uniform Chapter 14 for both SEMSWA and the County, to assist Developers in the City of Centennial and unincorporated Arapahoe County with consistent requirements. Also, included in

the updated chapter are checklist, matrix, and spreadsheet calculator to aide designers in sizing water quality control measures.

**OUTREACH:**

On March 19, 2019, staff presented the SMM changes to the Home Builders Association (HBA). On May 6, 2019, staff attended an Open House at SEMSWA to answer questions from Stakeholders on changes to the manuals. In general, the comments we received related to clarification of the requirements and many Stakeholders applauded SEMSWA and the County for developing similar requirements.

Notice of the 6/25/2019 BOCC Public Hearing was posted in The Villager on 6/6/2019. All documents proposed for revision are available on Arapahoe County's website.

**STAFF FINDINGS:**

Staff has reviewed the proposal and supporting documentation, as well as, outreach comments and provides the following findings:

1. The proposed revisions to the Stormwater Management Manual update appear to comply with the Colorado Department of Public Health and Environment (CDPHE) Municipal Separate Storm Sewer Systems (MS4) permit.
2. Arapahoe County has the authority to amend the Stormwater Management Manual (SMM) as proposed by this update.
3. The updated Stormwater Management Manual (SMM) will be effective on 7/1/2019.

**STAFF RECOMMENDATION:**

Based on the three (3) findings described herein, staff recommends approval of this Amendment with the following conditions of approval:

1. All minor modifications to the text are required prior to final adoption.
2. The update Stormwater Management Manual (SMM) will be effective on July 1, 2019.

**DRAFT MOTION:**

1. In the case of EE19-044 – Stormwater Management Manual (SMM), the Planning Commission finds ourselves in agreement with staff findings one (1) through three (3) including all attachments as set forth in the staff report dated June 12, 2019 and recommend approval to the Board of County Commissioners.

- 1) All minor modifications to the text are required prior to final adoption.
- 2) The updated Stormwater Management Manual will be effective on July 1, 2019.

2. I move an alternate motion.