



# Presentation to Water Protection Advisory Board

Storm Water Quality Ordinance,  
Revisions to Drainage Ordinance

September 9, 2016

# Outline of Presentation

- Ordinances in Context of MS4 Permit Requirements
- Storm Water Quality Ordinance
  - Stipulations/Prohibitions
  - Compliance/Enforcement/Penalties
  - Potential Implementation Difficulties
- Drainage Ordinance Revisions
  - Portions that must undergo revision/Deadlines
  - Potential Implementation Difficulties
- Legislative Impacts
- Fiscal Impacts



# Watershed Based Permit

## 6 Minimum Measures

- Construction Site Storm Water Runoff Control (Drainage and SWQ)
- Post-Construction Storm Water Management in New Development & Redevelopment (Drainage and SWQ)
- Pollution Prevention/Good Housekeeping for Municipal Operations (SWQ)
- Industrial & High Risk Runoff (SWQ)
- Illicit Discharges & Improper Disposal (SWQ)
- Public Education, Outreach & Involvement on Storm Water Impacts (public comment must be solicited on both)

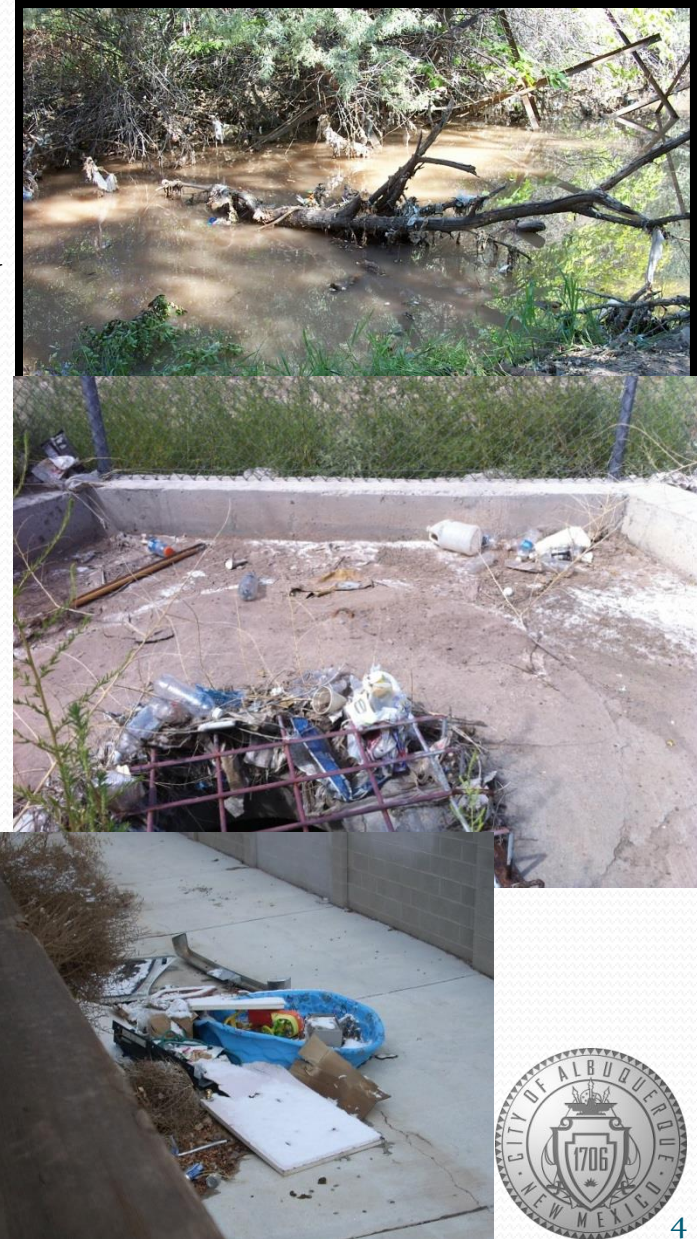




# Stormwater Quality Ordinance

## Prohibitions/Stipulations

- Prohibits introduction of any discharge into the MS4 that is not composed entirely of pollutant free stormwater (e.g. animal waste, motor vehicle fluids, dirt, leaves, other organic or inorganic materials, sanitary sewer overflows—48 hrs to stop, sanitary cross connections)
- Requires “Industrial Activity Certification” (IAC) or submission of Notice of Intent or No Exposure Certification for industries with Standard Industrial Classification (SIC) codes required to obtain a Federal Multi-Sector General Permit (MSGP)
- Cites inspection of these facilities by the “stormwater engineer”



# Stormwater Quality Ordinance

## Compliance/Enforcement/Penalties

- Authorizes COA to ensure facility compliance with the MSGP including any sampling or monitoring requirements.
- Allows for the COA to install monitoring equipment, if necessary, to sample or meter facility discharges.
- Provides the COA with capability to issue a Notice of Violation that results in corrective actions and possible fine.
- Fine of \$250 to \$500 per day may be assessed for noncompliance.

## Implementation Difficulties

- Ordinance designates stormwater engineer rather than City staff or designee as enforcement authority
- Current lack of staff
- Difficulty linking/proving discharge to discharger





# Drainage Ordinance

## Drainage Ordinance Revisions

- Delete reference to a specific number for the 90% storm event. 0.44 inches the current reference. Watershed Based Permit Guidance specifies 0.615
- Change time for corrective action at construction sites from 30 days to that specified in the federal Construction General Permit (CGP) (NOTE: 7 days in CGP)
- Deadline: December 22, 2017

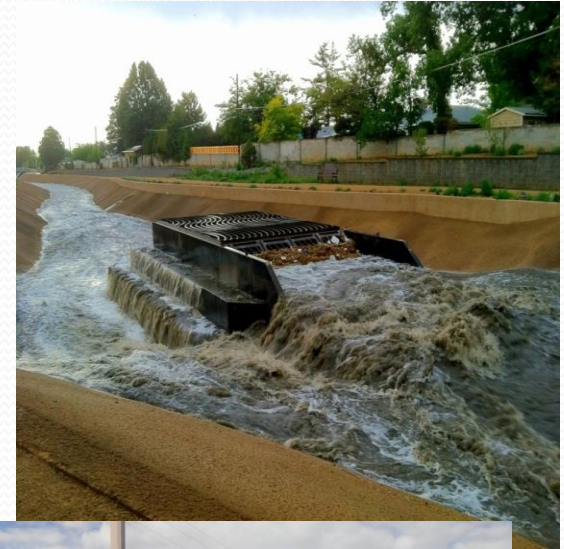
## Implementation Difficulties

- Requires self-inspections of ponds/drainage facilities and submittal of proof of maintenance and inspection 3 years following Notice of Termination (NOT). No staff or mechanism exists in Planning or DMD.



# Legislative Impact of Ordinances

- Potential conflict between LID requirements with Office of the Engineer (OSE) water rights regulations (can only capture water from roof tops, not allowed to detain storm runoff longer than 96 hours)
- Must comply with infiltration permitting required by the NM Environment Department Ground Water (GW) Bureau (e.g. “engineered” infiltration, such as wells or galleries require a GW permit)
- NMED, OSE, ISC, EPA Region 6 still in discussion





# Fiscal Impact of Ordinances

- Increased tracking and reporting requirements will require additional database systems, computers and staff. 5 staff positions were requested.  
4. Head inspector and 3 assistants have been approved and are in HR.
- Monies from future bond cycles for NPDES compliance have been gradually increased in the Decade Plan from levels of \$750,000 in 2009 to \$2.5 million in 2015 through 2020.
- SWQ: Stormwater Quality User Fee (to be added to water bill)? Proposed but unlikely. Surveys show that over 90% of citizens would accept a fee of \$2 or more. Though nominal, would serve as an educational benefit.
- DO: In-lieu payments if unable to accommodate capture of 90% storm on site. Use of regional (i.e. AMAFCA facilities) a possibility. Details being worked out. Potential difficulty: Assessment of future maintenance costs.





# QUESTIONS AND DISCUSSION

