



Board Summary Report

Date: May 21, 2019
To: Board of County Commissioners
From: Ron Carl, County Attorney
Subject: Resolution adoption of an Update to Arapahoe County Stormwater Ordinance No. 2012-01 First Reading

Request and Recommendation

The purpose of this report is to discuss the recommended adoption of an updated resolution approving and adopting revisions to Arapahoe County Ordinance No. 2012-01, concerning the detection and elimination of illegal discharges into the County's storm drainage systems and providing enforcement procedures and penalty provisions for violations (see attached draft resolution).

Background & Discussion

On October 9, 2012, the Board of County Commissioners approved Ordinance 2012-01. The purpose of the Ordinance was to provide an enforcement mechanism for the County's MS4 permit, as required by the terms of the permit. The Ordinance applied only in-unincorporated Arapahoe County and it prohibited discharges of non-stormwater into the County's stormwater systems. The Ordinance exempted certain types of discharges from the prohibition. In addition, the Ordinance required that stormwater drainages be kept free from trash and debris, and requires containment and notification in the event of an unauthorized discharge.

The Ordinance provided for criminal enforcement, including a graduated fine schedule of \$250 for a first offense, \$500 for a second offense, and \$1,000 for a third offense. In addition, it provides a civil enforcement mechanism through an administrative entry and seizure process. The Ordinance was authorized by state law pursuant to C.R.S. Section 30-15-401(11) (a) (1).

The ordinance now requires an update to comply with the Colorado Department of Public Health and Environment MS4 permit dated 12-01-2016.

On May 28, 2019, a first reading of the proposed update to Arapahoe County Ordinance No. 2012-01 will be heard as a General Business item before the Board of County Commissioners, and at that hearing a subsequent public hearing to consider the final adoption of the Ordinance will be set for June 25, 2019. On June 6, 2019, the proposed Ordinance was published in full in the Villager Newspaper, as required by state statute.

The purpose of this updated Ordinance is to ensure compliance with the Colorado Department of Public Health and Environment General Permit CORO80000 Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems (MS4s) That Discharge to the Cherry Creek

Reservior Drainage Basin dated December 1, 2016. The BoCC must adopt this updated ordinance prior to July 1, 2019 to meet the new MS4 permit requirements.

Only minor modifications are proposed to the existing Ordinance such as the definition of a storm drainage system (see paragraph J) and a provision is added in section 4.3 that any person responsible for an illicit discharge must cease and remove all contamination.

The Ordinance is authorized by state law pursuant to C.R.S. Section 30-15-401(11) (a) (1).

The full text of proposed updated Ordinance No. 2012-01 is contained within the attached draft resolution.

Link to Align Arapahoe County Government

Foster a heather and vibrant County.

Alternatives

The alternative would be for the BOCC to decline to approve the Ordinance but this would place the County out of compliance with our MS4 permit.

Fiscal Impact

The adoption of the Ordinance is anticipated to result in some additional minor enforcement expenditures, in an amount that is unknown. If the Ordinance is not adopted, there may be expenses associated with compliance issues pertaining to the County's MS4 permit.

Reviewed by

Public Works and Development
County Attorney

Attorney Comments

The County Attorney's Office recommends the adoption of the resolution.