CITY OF BRYAN
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ACTION FORM
BRYAN CITY COUNCIL

Meeting Date (?) 01/12/2016

Subject Matter* (?) Second Read of Revision to Chapter 46, Article III "Municipal Stormwater Protection"
This must match rolling agenda entry

Department of Origin* WATER SERVICES

Submitted By* J. Barfknecht

Type of Meeting* ○ BCD ○ Special ◉ Regular

Classification* ○ Public Hearing ◉ Consent ○ Statutory ○ Regular

Ordinance* ○ None ○ First Read ◉ Second Read ○ First & Only Read

Strategic Initiative* ☐ Public Safety ☑ Service ☐ Economic Development ☑ Infrastructure ☑ Quality of Life

Agenda Item Description* Consider revision of an ordinance repealing and replacing Chapter 46 “Stormwater Management”, Article III, Municipal Stormwater Management of the City of Bryan Code of Ordinances.

Summary Statement *

The Texas Commission on Environmental Quality (TCEQ) is the State agency appointed for regulating water quality in Texas. Permits associated with stormwater discharge are issued by TCEQ through the Texas Pollution Discharge Elimination System (TPDES). TPDES General Permit No. TXR040000, governing small Municipal Separate Storm Sewer Systems (MS4), was issued by TCEQ on December 13, 2013. The City of Bryan is currently permitted under the General Permit as a small MS4 (TXR040336).

The term "MS4" is used to describe the system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains owned and operated by the City to convey stormwater runoff.

The City is required under its permit to develop and implement a Stormwater Management Program (SWMP). The SWMP includes an overview of the ordinances and other regulatory mechanisms that provide legal authority to implement and enforce the requirements of its discharge permit, and outlines the stormwater control measures (SCMs) used by the City to meet permit requirements. The SWMP provides the City with a comprehensive plan that serves as a guide for expansion, development, and management of the City's MS4, and is executed to comply with TPDES General Permit requirements. The City's SWMP and application for renewal of coverage under the General Permit was accepted by TCEQ on October 27, 2014.

The TPDES General Permit requires permittees (e.g., City of Bryan) review and revise, if needed, its relevant ordinance(s) so the permittee can control pollutant discharges into and from its MS4. The City has multiple ordinances that relate to stormwater quality in one fashion or another; however, requested changes outlined for this request pertain solely to Chapter 46, Article III, Municipal Stormwater Protection.

Staff recommends City Council repeal Article III and replace with new language. New regulations found within the TPDES General Permit combined with shortcomings in the current ordinance (Chapter 46, Article III, Municipal Stormwater Protection) present a situation where greater economy is found adopting new language opposed to amending existing. Background regarding this recommendation was provided to City Council during the September 8, 2015 City Council Workshop.

Major changes found in the proposed ordinance include:
(1) Permitting Process. TPDES General Permit requires that the City regulate construction and property development within its corporate limits. Staff recommends an ordinance-defined permitting process be established for construction and property development.
(2) Prohibitions. Exceptions to enforcement were updated to reflect the expectations found in the TPDES General Permit. Specific prohibitions for discharge into the MS4 are expanded to provide clarity for the reader and meet the objectives of the City's SWMP and TPDES General Permit.
(3) Pollution Control Measures. Construction-specific standards and best management practices (BMPs) are incorporated into the ordinance.
(4) Monitoring Requirements. Provisions expanding City access for facility inspection and water quality monitoring are incorporated into the ordinance.

Staff Analysis & Recommendation *

Water Services respectfully requests City Council approval of the recommended changes to Chapter 46, Article III, Municipal Stormwater Protection Section of the City of Bryan Code of Ordinances. Approval of the proposed changes will improve management and oversight of the City's MS4 and is necessary to satisfy permit requirements of the TXR040000 General Permit.

Options *

(In Suggested Order of Staff Preference)
1.Approve proposed ordinance change
2.Do not approve the proposed ordinance change and provide alternative direction

Funding Source *

NA

Attachments

Revision to Chapter 46, Article III _Municipal Stormwater Protection_Attachment.docx 68.45KB

Please detail attachments and note attachments available for viewing in City Secretary's Office:

Dept. Head Signature

JAYSON E. PALFINECHT 11/30/15

Deputy City Manager Signature	Hugh R. Walker
City Manager Signature	
City Attorney Signature	Janis K Hampton