



MAYOR & COUNCIL COMMUNICATION

DATE: 6/1/10

REGULAR

ITEM #: 9

PUBLIC MEETING & MOTION

AGENDA ITEM: Conduct Public Meeting for the 2009 Municipal Separate Storm Sewer Systems (MS4s) Permit Annual Report

SUBMITTED BY: Ryan Stempiski, Assistant City Engineer

THROUGH: Bruce Messelt, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Mike Bouthilet, Public Works
Carol Kriegler, Project Assistant

SUMMARY AND ACTION REQUESTED: The City Council is asked to conduct the annual Public Meeting on the City's Storm Water Pollution Prevention Program (SWPPP). Following this Meeting, the City Council is asked to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2009 and authorize staff to submit this report to the MPCA by June 30, 2010. The suggested motion to act on this is as follows:

SUGGESTED MOTION: *"Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2009, and authorize staff to submit this report to the MPCA by June 30, 2010."*

BACKGROUND INFORMATION: A 1987 Amendment to the Federal Clean Water Act requires implementation of a two-phase comprehensive national program to reduce pollution from storm water runoff. A National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency (MPCA) is required as part of this program. The permit identifies a number of measures that must be met or implemented by each community. The six minimum measures are:

1. Public Education and Outreach
2. Public Involvement and Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Storm Water Controls
5. Post-Construction Storm Water Management for development and redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

In addition to these minimum measures, the City of Lake Elmo must address any impaired waters as identified by the USEPA list and review whether changes may be warranted in the City's SWPPP. Also, the City of Lake Elmo does ultimately discharge to outstanding resource value water (ORVW) (the St. Croix River) and must work to identify all discharges to the ORVW and document measures that will allow the existing high quality of the ORVW to be maintained.

A copy of the SWPPP is available on the City of Lake Elmo's website. The City is required to conduct a Public Meeting on the City's Storm Water Pollution Prevention Program (SWPPP) to encourage public discussion and participation regarding its storm water quality and the steps that the City is taking to address the six minimum control measures. Public notice was published in the Oakdale-Lake Elmo Review on April 28, 2010, for tonight's public meeting. Both the public meeting and the submittal of the Annual Report are required by the City's NPDES permit. An annual report for 2009 MS4s must be submitted to the MPCA by June 30, 2010. The minutes of the annual public meeting will be incorporated into the City's annual report.

STAFF REPORT: The City's Storm Water Pollution Prevention Program (SWPPP) specifies best management practices intended to satisfy the permit requirements for each of the minimum measures. Tonight's Public Meeting is held as part of the regular City Council meeting at City Hall. The agenda for this meeting will include:

- A Presentation about implementation of the City's Surface Water Pollution Prevention Program in 2009,
- Affording interested persons an opportunity to make oral statements concerning the Storm Water Pollution Prevention Program,
- Consideration of relevant written materials that interested persons submit concerning the Storm Water Pollution Prevention Program; and,
- Consideration of public input in making adjustments to the 2010 implementation plan for the Storm Water Pollution Prevention Program.

During the past year, the MPCA conducted an audit of the MS4 Program Implementation for the City of Lake Elmo. The MPCA did not issue any required actions after their review. They recommended that standard operating procedures be created for the inspection process, which the City will detail prior to the next round of inspections (completed each fall).

The City of Lake Elmo continues to be a member of the East Metro Water Resource Education Program, which covers the majority of Minimum Control Measures 1 and 2 (Public Education, Outreach, Involvement, and Participation). A copy of the EMWREP Annual Report has been included as attachment no. 2 in this report.

The City also continues to update its standard details each year for erosion control. Enforcement of building and construction sites has been increased to bring builders/contractors into

compliance. This past year, there were 3 violations cited to builders for non-compliance to the City's Erosion and Sediment Control Ordinance.

The Public Works Department completed inspection of a minimum of 20% of the MS4 Outfalls again this fall. They completed inspections in the NW Quadrant of the City. Inspections and follow-up maintenance prioritization lists are available upon request at the Public Works Building. Public Works also keeps a list of all the storm water maintenance activities they complete throughout the year (structure repair, street sweeping, ditch cleanout, BMP maintenance, and drainage issues, etc.).

Staff has also created educational materials for the public on illicit discharge (available at City Hall or on the City's website). We are currently documenting an annual inspection process and list of potential contamination sites across the City. In 2010, an Illicit Discharge Ordinance will be created by Staff to be implemented and enforced in the City Code.

The requirements of the ORVW Assessment were initiated this year. We compiled mapping of the discharges to the St. Croix River and documentation of Lake Elmo Ordinance language that manages storm water impacts to not allow a negative impact to the ORVW with future land disturbances.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council hold the required Public Meeting and, upon completion of this, approve the recommendation by undertaking the following action:

“Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2009, and authorize staff to submit this report to the MPCA by June 30, 2010.”

Alternatively, the City Council does have the authority to table this item at its discretion for future consideration, take no action (in essence denying the recommendation), or amend the recommended action. If the later is done so, the appropriate action of the Council following such discussion would be:

“Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2009, and authorize staff to submit this report to the MPCA by June 30, 2010, [as amended at tonight's meeting].”

ATTACHMENTS:

1. 2009 MS4 Annual Report
2. EMWREP Annual Report

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... City Engineer
- Questions from Council to Staff Mayor Facilitates
- Public Meeting and Input..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates