



# City of Grand Island

Tuesday, July 26, 2005

Council Session

## Item G19

**#2005-215 - Approving Authorized Representative for NDEQ  
Storm Water Permit**

Staff Contact: Steve Riehle, City Engineer / Public Works Directo

# **Council Agenda Memo**

**From:** Steven P. Riehle, P.E., Director of Public Works

**Meeting:** July 26, 2005

**Subject:** Authorizing Mayor to designate City Engineer as authorized representative for Storm Water Permit application and related correspondence

**Item #'s:** G-19

**Presenter(s):** Steven P. Riehle, P.E., Director of Public Works

## **Background**

The U.S. Environmental Protection Agency (EPA) is in charge of the National Pollutant Discharge Elimination System (NPDES) permit requirements of the Clean Water Act of 1977. The EPA has mandated the expansion of this program to include the management of storm water runoff from Municipal Separate Storm Sewer Systems (MS4's), from all Nebraska communities over 10,000 population. In Nebraska, the Nebraska Department of Environmental Quality (NDEQ) administers the NPDES permit system. The city will submit an application for an NPDES permit for its Storm Water System to the NDEQ for its MS4 on August 10, 2005.

## **Discussion**

In conjunction with the administration of the permitting process substantial correspondence, including permit applications will be required. NDEQ procedures allow for the designation of an Authorized Representative. To assist with the work effort required by this unfunded federal mandate, administration is proposing to add a Storm Water Technician for the Public Works Department in the upcoming budget. Administration recommends that the Mayor be authorized to designate the City Engineer as the authorized representative for the City in regards to NPDES for the City's Storm Water System. The authorized representative will act as the primary facility contact for the storm water permit, and any related correspondence and monitor reporting.

## **Alternatives**

1. Make a motion to authorize the Mayor to designate the City Engineer as the authorized representative in administering the storm water permit program.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

## **Recommendation**

City Administration recommends that the Council approve the authorization for the Mayor to designate the City Engineer as the authorized representative in administering the storm water permit program.

## **Sample Motion**

Move to approve authorization for the Mayor to designate the City Engineer as the authorized representative in administering the storm water permit program.



# Nebraska Department of Environmental Quality

## Wastewater Section

The Atrium Building, Suite 400, 1200 N Street

PO Box 98922

Lincoln, NE 68509-8922

Tel. 402/471-4220

### NPDES Small Municipal Separate Storm Sewer System Notice of Intent

#### (SMS4 – NOI)

(Revised: April 7, 2005)

This form is designed for use by cities, counties and other governmental bodies seeking NPDES permits for a General NPDES Small *Municipal Separate Storm Sewer System* (SMS4) pursuant to NDEQ Title 119, Chapter 10 002.11A.

#### 1. Identification of Applicant and Designation of Cognizant Official\*

Name of Applicant: \_\_\_\_\_

Cognizant Official\*: \_\_\_\_\_

Title of Cognizant Official: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: (     ) \_\_\_\_\_

\*The Cognizant Official will need to sign on page 4 of this application, and must meet the following qualifications:

All permit applications submitted to the Department shall be signed:

001.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;

001.02 In the case of a partnership of a sole proprietorship, by a general partner or proprietor; and

001.03 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official.

#### 2. Designation of Authorized Representative\*\*

Completion of this section is not required if the Cognizant Official is to be the sole contact concerning this application.

Name of Authorized Representative: \_\_\_\_\_

Title of Authorized Representative: \_\_\_\_\_

Employer of Authorized Representative (if not the applicant): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: (     ) \_\_\_\_\_

\*\*The "authorized representative" is the primary facility contact for correspondence and monitor reporting, and must meet the requirements set forth in NDEQ Title 119 Chapter 13.002:

All other correspondence, reports and DMR's shall be signed by a person designated in 002.01 through 002.03 or a duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge originates; the authorization is made in writing by the person designated under 002.01 through 002.03 and the written authorization is submitted to the Director.

### 3. Standard Industrial Classification (SIC) Codes

Check or list up to four SIC codes that apply to the applicant. At least one SIC code must be checked or listed, but no more than 4 should be identified. If more than four potentially apply to the applicant, pick those most applicable to the administration of Small Municipal Separate Storm Sewer System (SMS4) issues. See examples:

\_\_\_ 9111 - Executive Offices (i.e., Government Administration)

\_\_\_ 9411 - Public Education Program

\_\_\_ 9431 - Public Health Program

\_\_\_ 9511 - Environmental Quality Program (e.g., water resource management including storm water transport)

\_\_\_ 9532 - Urban Planning and Development

\_\_\_ 9621 - Public Administration of Transportation Programs

\_\_\_ 9711 - National Security

Other (list): \_\_\_\_\_

**Example 1:** A city that anticipates both its public works and planning departments having responsibilities under the NPDES permit for SMS4 discharges would check 9111, 9511 and 9532.

**Example 2:** A county that anticipates both its health, roads and planning departments having responsibilities under the NPDES permit for SMS4 discharges would check 9111, 9431, 9532 and 9621.

**Example 3:** A public university that operates its own SMS4 would check 9411.

### 4. Identification of the Small Municipal Separate Storm Sewer System (SMS4) Area

- a. **Attach a map (or maps) of the Small Municipal Separate Storm Sewer System (SMS4)** that shows the location of all outfalls identified to date (Also see "C" below) and the receiving water to which they discharge. The receiving waters may be identified either on the map or in an associated map index or attachment.
- b. **What is the approximate size of the Small Municipal Separate Storm Sewer System (SMS4) area in square miles?** \_\_\_\_\_
- c. **Provide an explanation** (below or in the map or associated index/attachment) as to the extent to which the map identifies all storm water outfalls. See examples below.

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**Example 1:** It is believed that the attached map identifies all storm sewer discharge points that exist in the Small Municipal Separate Storm Sewer System (SMS4).

**Example 2:** The attached map identifies all storm sewer discharge points constructed since 1950, and all known discharge points that were constructed prior to 1950. There may be unidentified outfalls in the older areas of the city and if such discharges exist they will be identified as part of the Illicit Discharge Detection and Elimination efforts to be carried-out under the permit.

## 5. Shared Responsibilities

### a. Check the appropriate statement below. Only one may be checked.

Completion of this section does not preclude the applicant from changing plans relative cooperative agreements or shared permit implementation efforts. If such a change occurs, the applicant (or a representative of the cooperative group) needs to provide the NDEQ with a written notification of the change.

- (1)  At this time, the applicant anticipates implementing all provisions and requirements of the NPDES permit without entering any cooperative agreements with other public or private entities.
- (2)  At this time, the applicant is considering the possibility of implementing the provisions and requirements of the NPDES permit in a conjunction with the other public entities identified below, but no commitments have been made.
- (3)  At this time, the applicant anticipates implementing the provisions and requirements of the NPDES permit in a conjunction with the other public entities identified below, but no formal interagency agreement has been established.
- (4)  The applicant has entered into an inter-local agreement to facilitate permit implementation with the public entities identified below.
- (5)  Other - Provide explanation below (See Additional Information).

### b. Cooperative Partners: If B, C or D were checked, identify the cooperative partners or potential partners.

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### c. Additional Information: Provide any other information that may be pertinent.

If (5) was checked, provide an explanation in the following spaces.

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**6. Storm Water Management Plan (SWMP) and Monitoring Plan Implementation**

Include the following information as an attachment to this application.

- a. Identify the best management practices (BMPs) or SWMP elements that are proposed for implementing each of the Minimum Control Measures set forth in NDEQ Title 119, Chapter 10 002.12B through 002.12E\*\*\*\*.
- b. Establish measurable goals for each of the BMPs or SWMP elements (Examples of measurable goals: Pass local regulations establishing construction site erosion control requirements; Paint "No Dumping" signs on 20% of curb inlets each year; Hold public information meetings on storm water protection once each year; Conduct a stream/lake-side clean-up day each year).
- c. Provide a proposed implementation schedule for the BMPs or SWMP elements. Implementation needs to be completed within the 5-year permit term.
- d. Provide a proposed wet-weather monitoring plan for representative storm water outfalls and/or in-stream water quality monitoring\*\*\*\*.

\*\*\*\*The monitoring plan may be used to supplement proposed measurable goals. Alternatively, justification may be provided for using measurable goals proposals in lieu of wet-weather monitoring.

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. (See 18 U.S.C. § 1001 and 33 U.S.C. § 1319, and Neb. Rev. Stat. §§ 81-1508 thru 81-1508.02.)

\_\_\_\_\_  
Cognizant Official's Signature\*\*\*\*

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Cognizant Official's Printed Name

\_\_\_\_\_  
Cognizant Official's Title

\*\*\*\*The Cognizant Official identified in Section 1 of this application must sign above.

**7. Completeness Review:**

- \_\_\_\_\_ Have the NOI sections 1 thru 6 been completed?
- \_\_\_\_\_ Was the proper signature provided in NOI Section 6?
- \_\_\_\_\_ Is a map of the Small Municipal Separate Storm Sewer System (SMS4) as required in NOI Section 4 attached?
- \_\_\_\_\_ Is the SWMP and Monitoring Plan information as required in Section 6 attached?

RESOLUTION 2005-215

WHEREAS, the U.S. Environmental Protection Agency (EPA) is in charge of the National Pollutant Discharge Elimination System (NPDES) permit requirements of the Clean Water Act of 1977; and

WHEREAS, the EPA has mandated the expansion of this program to include the management of storm water runoff from Municipal Separate Storm Sewer systems (MS4's), from all Nebraska communities with a population over 10,000; and

WHEREAS, in Nebraska, the Nebraska Department of Environmental Quality (NDEQ) administers the NPDES permit system; and

WHEREAS, the administration of the permitting process requires substantial correspondence, including permit applications; and

WHEREAS, it is recommended that the City Engineer be designated as the city's authorized representative to act as the primary facility contact for the storm water permit and any related correspondence and monitor reporting.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City Engineer is hereby designated as the authorized city representative to administer the storm water permit program in conjunction with the National Pollutant Discharge Elimination System (NPDES) permit requirements of the Clean Water Act of 1977 as monitored by the Nebraska Department of Environmental Quality.

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Adopted by the City Council of the City of Grand Island, Nebraska, July 26, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 21, 2005	☐ City Attorney