

CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON:	May 11, 2011
SUBJECT/TITLE:	Review and Approval of Amended Stormwater, Sediment and Erosion Control Policy – City Commission Policy 417
TARGET ISSUE:	Environmental and Energy Resources

STATEMENT OF ISSUE

The City Commission's Policy #417, Stormwater, Sediment and Erosion Controls, was effective on February 20, 2006. The Policy establishes procedures to ensure proper implementation of the City's sediment and erosion control regulations, found in Chapter 5 of the Land Development Code, for work done by City staff, by contractors doing work for the City, or by developers who have entered into Utility Agreements with the City. The Policy was adopted in lieu of a consent order from the Florida Department of Environmental Protection (FDEP). The Policy is due for a Sunset Review, and is before the City Commission for review and action. The City Attorney's Office has corresponded with affected City departments, and, at the request of some departments, has drafted amendments to the Policy. The amendments are reflected in **Attachment 1** in strike/add format.

RECOMMENDED ACTION

Approve Option 1: Approve continuance of City Commission Policy #417, related to Stormwater, Sediment and Erosion Controls, as amended. (**Attachment 1**)

FISCAL IMPACT

No change expected.

James R. English, City Attorney

For Information, please contact: Linda Hudson, Assistant City Attorney, ext. 8554

ITEM TITLE: Review and Approval of Amended Stormwater, Sediment and Erosion Control Policy – City Commission Policy 417

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

In September, 2003, the City received a warning letter from FDEP resulting from failure of stormwater, erosion, and sediment controls at the Enclave subdivision during a heavy rain storm. City staff met with FDEP, and outlined a plan whereby the City would improve implementation of its rules and regulations related to sediment and erosion controls on projects within the City. The City approved City Commission Policy #417 (**Attachment 1**) to ensure that City employees, outside contractors doing City work, developers who install utilities and other infrastructure to be dedicated to the City, and residential/nonresidential builders in the City all comply with sediment and erosion control rules and regulations. On November 22, 2005, the City Commission approved Policy #417 - Stormwater, Sediment and Erosion Controls for City Employees, City Contracts, City Utility Developer Agreements, and City-issued Building and Environmental Permits (Sediment and Erosion Control Policy), which became effective on February 20, 2006.

The Sediment and Erosion Control Policy established procedures to ensure proper implementation of the City's sediment and erosion control regulations, found in Chapter 5 of the Land Development Code, for work done by City staff, by contractors doing work for the City, or by developers who have entered into Utility Agreements with the City. The Policy was adopted in lieu of a consent order from FDEP. The City submitted 2 status reports to FDEP following adoption of Policy 417, and FDEP closed its case against the City related to the Enclave. The Policy has been in effect for 5 years, and is due for a Sunset Review.

The following City departments participated in this Sunset Review: Growth Management; Underground Utilities; Procurement; Public Works; Electric Utility; Parks, Recreation, and Neighborhood Affairs Departments, and the Airport.

Staff in the Stormwater Division, Underground Utilities, conducts sediment and erosion control training for both City and non-City employees. Since 2005, training has been completed, as indicated below:

- Number of Training Courses Offered: 19
 - Two-Day Training Courses: 8
 - Short Course Training: 11
- Total Number of Persons Trained: 517
 - Two-Day Training - City of Tallahassee Employees: 56
 - Two-Day Training – Non-City Employees: 281 (includes outside contractors, state, federal, and other local government employees)
 - Short Course Training (only offered to COT employees): 180

ITEM TITLE: Review and Approval of Amended Stormwater, Sediment and Erosion Control Policy –
City Commission Policy 417

The training is funded by the stormwater utility fee and conducted through Stormwater Management's NPDES Municipal Separate Storm Sewer System (MS4) program. Dean Chabaan, Supervisor, Aquifer Protection and Industrial Pretreatment, is a FDEP qualified instructor. Each year, both a two-day training and short course training class are offered to applicable departments. The short course is designed only for applicable City of Tallahassee (COT) employees while the two-day course is initially offered to COT employees prior to being opened to the public through advertisement on the FDEP website. The training schedule for 2011 has been developed and distributed. Training dates will be held in May, September, and October.

The Growth Management Department reports that all Building and Environmental permits include references to the policy, as required.

The Parks, Recreation, and Neighborhood Affairs Department reports full compliance with the policy, recommends no changes, and has 10 employees on staff who have been trained in sediment and erosion control. The golf courses are also in compliance although staff endeavors to avoid the need for sediment and erosion control by resodding bare areas quickly

The Airport reports full compliance with the policy. It has several staff members who are Stormwater and Sediment Control Inspectors. In addition to the City Commission Policy, the Airport's General Environmental Permit requires the placement of sediment controls for certain projects. Engineers design sediment and erosion controls into all projects. Contractors are required to have those sediment and erosion controls in place and comply with all regulations on sediment and erosion control.

The Electric Utility is in full compliance, and has no suggested changes to the policy. Procurement reports that the appropriate language is included in specifications for bids provided by each department; and the language is currently included in applicable utility, water and roadway bids.

In response to the recommendations of the various departments, the City Attorney's Office has drafted amendments to the Policy. The amendments are reflected in **Attachment 1** in strike/add format. The policy is before the City Commission for review and action on the amended policy.

OPTIONS

ITEM TITLE: Review and Approval of Amended Stormwater, Sediment and Erosion Control Policy –
City Commission Policy 417

1. Approve continuance of City Commission Policy #417, related to Stormwater, Sediment and Erosion Controls, as amended. (**Attachment 1**)
2. Approve continuance of City Commission Policy #417, related to Stormwater, Sediment and Erosion Controls, as revised by the City Commission.
3. Do not approve continuance of City Commission Policy #417, related to Stormwater, Sediment and Erosion Controls, and provide directions to staff.

ATTACHMENTS/REFERENCES

1. Revised City Commission Policy #417, related to Stormwater, Sediment and Erosion Controls.