

Congaree Riverkeeper's Proposed Language for Chapter 21, Article II, Storm Water Quantity and Quality Control

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ARTICLE IV. STORM WATER QUANTITY AND QUALITY CONTROL

DIVISION 1 – GENERALLY

Sec. 21-31. Findings ~~and Purpose, and Objectives.~~

(A) The City Council of the City of Columbia finds that:

1) Uncontrolled stormwater runoff can have a significant, adverse impact on the health, safety, welfare and natural environment of the City of Columbia and the quality of life of its citizens by altering the hydrologic response of local watersheds and increasing stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

2) These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff.

3) Proper management of stormwater runoff will minimize damage to public and private property, promote a functional drainage system, reduce the effects of development on land and stream channel erosion, attain and maintain water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, reduce pollutant loading to the maximum extent practicable and maintain to the extent practicable the pre-development runoff characteristics of the area, and facilitate economic development while mitigating associated pollutant, flooding and drainage impacts.

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4) The City of Columbia is required by federal and state law [33 U.S.C 1342, 40 CFR 122.26, S.C. Code Ann. §§ 48-1-10 et seq., and S.C. Regulation 61-9.122.26] to obtain a National Pollutant Discharge Elimination System ("NPDES") permit from the South Carolina Department of Health and Environmental Control ("DHEC") for storm water discharges to the waters of the State from the City of Columbia Municipal Separate Storm Sewer System ("City of Columbia MS4"). The NPDES MS4 Permit requires the City to develop and implement a comprehensive Storm Water Management Program to effectively prohibit the discharge of non-storm water into the MS4 and to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable.

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~~1) Uncontrolled storm water runoff may have a significant, adverse impact on the health, safety and general welfare of the City of Columbia and the quality of life of its citizens by transporting pollutants into receiving waters and by causing erosion or contributing to conditions which may increase the incidence and severity of flooding.~~

~~2) Proper management of storm water runoff will minimize damage to public and private property, promote a functional drainage system, reduce the effects of development on land and stream channel erosion, attain and maintain water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, reduce pollutant loading to the maximum extent practicable~~

~~and maintain to the extent practicable the pre-development runoff characteristics of the area, and facilitate economic development while mitigating associated pollutant, flooding and drainage impacts.~~

~~3) Non-storm water discharges to a Municipal Separate Storm Sewer System ("MS4") can contribute to the pollution of the waters of the State.~~

~~5) _____ The City of Columbia is required by federal and state law [33 U.S.C 1342, 40 CFR 122.26, S.C. Code Ann. §§ 48-1-10 et seq., and S.C. Regulation 61-9.122.26] to obtain a National Pollutant Discharge Elimination System ("NPDES") permit from the South Carolina Department of Health and Environmental Control ("DHEC") for storm water discharges to the waters of the State from the City of Columbia Municipal Separate Storm Sewer System ("City of Columbia MS4"). The NPDES MS4 Permit requires the City to develop and implement a comprehensive Storm Water Management Program to effectively prohibit the discharge of non-storm water into the MS4 and to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable.~~

~~5) Certain facilities that discharge storm water associated with an industrial activity, including land disturbing activities, are required to obtain NPDES permits. Also, the South Carolina Storm Water Management and Sediment Reduction Act [S.C. Code Ann. §§ 48-14-10 et seq.] requires a state permit for certain land disturbing activities.~~

~~(B) The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff and nonpoint and point source pollution. It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources by proper management of construction-related and post development stormwater runoff.~~

~~It is the purpose of this Article to protect, maintain, and enhance the environment of the City of Columbia and the short-term and long-term public health, safety, and general welfare of the citizens of the City of Columbia by establishing requirements and procedures designed to:~~

- ~~1) control the potential adverse effects of increased storm water runoff associated with both future development and existing development;~~
- ~~2) reduce the discharge of pollutants to the City of Columbia MS4 and its receiving waters to the maximum extent practicable using management practices, control techniques and system, design and engineering methods and such other programs and controls as are required by the NPDES MS4 Permit.~~
- ~~3) control and reduce the contribution of pollutants to the NPDES MS4 Permit and receiving waters of the State by storm water discharges associated with residential, commercial, industrial and related facilities activity; and~~
- ~~4) assure compliance with federal and state NPDES regulations and the NPDES MS4 Permit.~~

(C) The City shall fulfill this Article's general purpose through adherence to the following policy objectives:

- 1) Establish decision-making processes for development that protects the integrity of watersheds and preserves the health of water resources;
- 2) Require that development maintain the pre-development hydrologic response in its post-development state as nearly as practicable for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
- 3) Encourage the use of innovative management and site design practices, such as the use of vegetated conveyances for storm water, preference for non-structural best management practices and the preservation of greenspace to the maximum extent practicable;
- 4) Establish provisions for the long-term responsibility for maintenance of storm water BMPs to ensure that they continue to function as designed and pose no threat to public safety;
- 5) To the maximum extent possible, coordinate stormwater management planning and permitting with the City's land development ordinances, building codes, and Comprehensive Land Use Plan.
- 6) To the maximum extent possible, minimize and reduce impervious surfaces, protect existing vegetation, maintain predevelopment runoff volume and infiltration rates, and provide water quality improvements.
- 7) Establish stream buffers provisions that, at a minimum, are consistent with stream buffer requirements established by contiguous local government entities.
- 8) To the maximum extent possible, coordinate watershed planning efforts in conjunction with other local governments sharing or adjoining watersheds within the City limits.
- 9) Afford public review and comment opportunities in the drafting and revision to the City's Storm Water Best Management Practices (BMP) Design Manual.

Sec. 21-42 Stormwater BMP Design Manual.

(A) Reference to Storm Water BMP Design Manual.

Consistent with the purposes and policy objectives of this Article, the Stormwater Engineer shall develop and use the criteria, and information, including design and engineering standards, in the *Storm Water BMP Design Manual* ("Manual") as the basis for decisions about Land Disturbance Permits and about the design, implementation and performance of stormwater BMPs.

The design and engineering standards set forth in the *Manual* establish the required level of quality and performance for storm water management systems on all land disturbance projects and the technical basis for the achieving storm water management, including water quantity and quality objectives. The design and engineering standards set forth in the *Manual* establish the minimum technical requirements for compliance with this Article, federal and state law, and the SWMP.

The *Manual* includes a list of acceptable storm water treatment practices. Although the intention of the *Manual* is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic, hydraulic and pollutant load studies if approved by the Storm Water Division.

(B) Relationship of Manual to Other Laws and Regulations.

If the specifications or guidelines of the *Manual* are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the *Manual*.

(C) Amendments to Manual.

The *Manual* will be evaluated and updated every five years and/or with each permit term renewal to reflect advancements in technology and engineering, improved knowledge of local conditions, or local monitoring or maintenance experience.

(D) Applicable Standards.

An applicant for a Land Disturbance Permit must meet the standards set forth in the version of the *Manual* in effect at the time a complete Land Disturbance Permit Application is submitted to the Storm Water Division.