EXECUTIVE SUMMARY: STORMWATER ORDINANCE AMENDMENT FOR 2014

The requirement for "post-development" regulations was first in the 2007 permit. At that time, EPD had a model ordinance, which the City adopted (and hopefully enforced). The 2012 permit brought some changes that we are required to address by the end of this year, thus the reason for this ordinance.

First, the model ordinance simply incorporated by reference the Georgia Stormwater Management Manual (GSMM) or an equivalent local manual. Griffin has had its own local manual since about 2000, which was reviewed and had enough differences that it would require amendment, which Brant estimated would cost about $15 - $20,000 by an outside consultant. It seems logical that we simply adopt the GSMM to avoid this duplicative cost.

Second, stormwater design standards and post-development performance standards were contained in the GSMM, but not in our ordinance. To enforce, we would have to prove the Manual's application, which its preface states is not a regulation or ordinance, but only "guidance". EPD now requires in the 2012 permit that these be put in our ordinance, which we've done.

Third, since 2007, permittees have only been required to have a compliance program (inspections) of private stormwater infrastructure that was constructed as "new development or redevelopment" after adoption of the 2007 regulations. In other words, there is a lot of stormwater infrastructure existing prior to 2007 that permittees were inspecting, and finding was deficient, BUT unable to enforce since the enforcement standard is "functioning as designed". For a lot of this older infrastructure, local governments do not have sufficient design data, access to the facility, etc.

Under the 2007 regs for new development and redevelopment on private property, permittees have had to obtain an "Inspection and Maintenance Agreement" from the property owner, that is to be recorded in the county land records and becomes a binding obligation on the owner and its successors and assigns. The 2012 regs now clarify that in our role as a regulator, the City's program does not have to inspect any private infrastructure other than what was "new development or redevelopment" from 2007 or later. Permittees are encouraged and, on their own initiative, to negotiate "Inspection and Maintenance Agreements" with the owners of pre-existing infrastructure, in which we agree upon the design standard and in which the owner grants us access for inspection. I believe that by the 2017 round of permitting, permittees will be required to bring older facilities into compliance, probably at the rate of about 10% per year. From what I've seen and been told, it would take at least 10 years to accomplish this.

The last requirement, which we will not complete until next year as allowed by our Permit, is the "Green Infrastructure/Low Impact Development" requirements that will have to be added to the ordinance by future amendment. In this draft I simply created a "placeholder" using some language found in the GSMM that says the City encourages the use of GI/LID practices and techniques. I then referenced the EPA/EPD publications found online on this topic as guidance. Our future amendment will be more specific and set out incentives offered to a developer if these practices are followed. This is the topic that Brant earlier discussed with the Commission in the August workshop.

How does all of this affect development? Essentially, there is no major change from the procedures in place since adoption of the original ordinance in 2007. Moving the standards into the ordinance probably makes it clearer to developers what is expected and they no longer will need to "cross-reference" between procedures in our Code and standards in a manual. Keep in mind that there are "thresholds" in this ordinance that must be met before it become applicable, but if applicable, the stormwater permitting must occur BEFORE other procedures for obtaining a land disturbance permit are followed. I did update some definitions in the revised ordinance to better coordinate terminology

between our stormwater permitting and post-development regulations with the erosion and sedimentation control regulations.

The way I look at it, E&S forms the base layer for compliance, with stormwater as an overlay, but procedurally, a developer must address stormwater compliance first and by doing so it eliminates some of the E&S requirements. The bottom line is if local jurisdictions are looking to lessen the cost of development in hopes of obtaining more development, Federal and State laws and regulations are forcing compliance with the local government in the role of regulator. Lessening the burden on developers is unlikely to happen, else the local government itself is at risk of sanctions for non-compliance. Its only get worse and may never get better.