



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

ALL

Item Creation Date: 8/19/2016

20RJ03 Amending Chapter 47, Storm Water Discharge

Agenda Item#:

Background:

SUBJECT: Ordinance updating and amending Chapter 47, Article XII of the city of Houston Code of Ordinances relating to Storm Water Discharge

RECOMMENDATION: (Summary) It is recommended that City Council adopt an ordinance amending Chapter 47, Article XII of the Code of Ordinances relating to Storm Water Discharge to be in compliance with the City's new upcoming Municipal Separate Storm Sewer System (MS4) Permit, adding fees for re-inspection and Storm Water Quality Permit renewal applications.

BACKGROUND: In 1987, Congress amended the Clean Water Act to require National Pollutant Discharge Elimination System (NPDES) permits for discharges from storm sewer systems serving populations over 100,000. In 1990, the Environmental Protection Agency (EPA) issued regulations establishing the permitting process for these permits. The City of Houston, Harris County, Harris County Flood Control District (HCFCD), and the Texas Department of Transportation (TxDOT), collectively known as the Joint Task Force (JTF) were required to obtain a joint National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit. EPA issued the National Pollutant Discharge Elimination System permit to the JTF effective October 1, 1998. In September 1998 the Texas Natural Resource Conservation Commission (TNRCC), the Texas Commission on Environmental Quality's (TCEQ) predecessor, was authorized by EPA to assume the NPDES program in Texas (renamed the Texas Pollution Discharge Elimination System - TPDES), and on February 24, 2009 the TCEQ issued the existing MS4 permit.

EXPLANATION: The MS4 permit was administratively continued after the renewal application was submitted August 27, 2013 (more than the regulatory required 180 days before the permit expiration of February 24, 2014) and was deemed administrative complete on November 13, 2013. The members of the JTF, minus TxDOT which is separately pursuing an individual state-wide general permit, are currently negotiating with the TCEQ the terms of the new MS4 permit. The proposed changes to Chapter 47, Article XII are necessary to:

- comply with new EPA mandated requirements in the draft permit, including:
 - o reducing the size requirement for stormwater quality permits from five acres to one acre,
 - o changing the classification of Type 1 and Type 2 facilities to be only referred to as "High-risk facilities,"
 - o clarifying what non-stormwater discharges are allowed to enter the storm sewer system
- removing the provision for the City to assume the long-term maintenance requirements and liabilities of a structural control specified in a Storm Water Quality Management Plan (SWQMP) of a permitted property, and
- requiring small construction sites under one acre to also perform best management practices to prevent unauthorized stormwater discharges associated with construction activity.
 - allow stormwater inspectors to charge a re-inspection fee, and
 - charge a late fee for late submittal of a Storm Water Quality permit renewal application.

None of the requested fee changes impacts the majority of ratepayers. Rather, these are fees for specialized services used by only a small number of customers; currently, the entire rate base is subsidizing services provided to a few customers. This ordinance amendment will bring our code into compliance with the proposed changes to our new MS4 permit.

This item was presented to the Transportation, Technology and Infrastructure Committee meeting on September 19, 2016.

A handwritten signature in black ink, reading "Dale A. Rudick".

Dale A. Rudick, P.E., Director
Department of Public Works and Engineering

Prior Council Action:

Ord. No. 2001-800, dated 8/29/2001

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ATTACHMENTS:

Description

Prior Council Action

Type

Backup Material