

## CITY COUNCIL CONFERENCE MINUTES

November 24, 2015

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:35 p.m. in the Municipal Building Conference Room on the 24th day of November, 2015, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Allison, Castleberry, Heiple, Holman, Jungman, Lang, Miller, Williams, and Mayor Rosenthal

ABSENT: None

Item 1, being:

### DISCUSSION REGARDING THE CITY OF NORMAN PHASE II STORM WATER PERMIT RENEWAL PROCESS.

Mr. Shawn O'Leary, Director of Public Works, introduced Mr. Joe Willingham, Storm Water Engineer; Mr. Aaron Milligan, Storm Water Pollution Specialist; and Mr. Hans Osgood, Crew Chief, in the Streets-Storm Water Division representing Mr. Greg Hall, Street Superintendent.

Mr. O'Leary said storm water can be a major source of pollution containing bacteria, pesticides and other chemicals, and excess nutrients and sediment. He said storm water is discharged directly into streams and can impair drinking water, degrade water quality, and impact public health.

In 1972, the United States Congress approved the Clean Water Act (CWA) in response to unchecked pollution of the nation's water. The CWA created the Environmental Protection Agency (EPA), which is the federal agency that administers the clean water programs and the Oklahoma Department of Environmental Quality (ODEQ) is the state agency that works within the EPA. He said Phase I of the CWA is a program for cities with a population of 100,000 or more and Phase II is a program for cities with a population of under 100,000. He said the 2000 Census recorded Norman's population as under 100,000 making Norman a Phase II City.

Mr. O'Leary said the City of Norman applied for its first storm water permit from ODEQ in May 2005, and was issued the permit by ODEQ on November 29, 2005. On December 1, 2005, the City of Norman began implementation of their Storm Water Management Program (SWP) to reduce storm water pollution runoff. Other cities that were issued a permit include Moore, Midwest City, Edmond, Owasso, Jenks, Broken Arrow, and Lawton. He said the University of Oklahoma (OU) and the Oklahoma Department of Transportation (ODOT) were issued permits as well so it is not just cities that are required to have a permit. The EPA established the following Six (6) Minimum Control Measures (MCMs) framework that cities must build their SMP around:

- Public Education and Outreach;
- Public Participation and Involvement;
- Illicit Discharge Detection and Elimination;
- Construction Site Storm Water Runoff Control;
- Post-Construction Management in Development and Redevelopment; and
- Pollution Prevention/Good Housekeeping for City Operations.

Mr. O'Leary said each permit is a five-year permit and on December 8, 2009, an ODEQ Program Audit was conducted and Norman passed with flying colors. ODEQ was supposed to issue the second five-year permit in February 2010; however, each year ODEQ postponed issuance, which gave the City of Norman extra time to work on our program. The second five-year permit was issued on November 1, 2015, and the City's program of activity must be submitted by February 1, 2016.

Mr. O'Leary said the City's SWP services are divided between the Public Works/Engineering Division that consists of the Storm Water Engineer, Storm Water Program Specialist, and Storm Water Compliance Inspector and the Public Works/Storm Water Maintenance Division Staff which consists of twenty-three (23) personnel. He said the total FYE 2016 Storm Water Budget is \$3,250,000.

Mr. O'Leary highlighted SWP activities that include citizen call responses; inspections; public events; workshops for builders and developers; spill response; records and reporting; ODEQ compliance; employee training; street sweeping; storm water system maintenance and repair; mowing (approximately 3,000 acres); and litter removal.

Mr. Scott Sturtz, City Engineer, said the City does not actually get a permit for Norman specifically, it is a statewide permit and communities apply to be covered under the permit. He said the City will receive authorization from ODEQ allowing the City to discharge storm water under this permit known as General Permit OKR04. On February 1, 2016, the City will submit its packet of information to ODEQ that will include a notice of intent, program summary report, updated SWP, and measureable goals for all Six MCMs. All updates and modifications to the SWP must be fully implemented by February 1, 2017. The five-year permit will expire in 2020 to coincide with the Total Maximum Daily Load (TMDL) permit.

Councilmember Castleberry said Norman has a Charter provision that all utility funding sources must be approved by voters. If voters do not approve a storm water funding source, what are the ramifications to the City? Mr. Sturtz said the City could be fined up to \$10,000 per day per violation, but the EPA does not state specific fines for specific violations. He said Staff's goal is not to get into that situation.

Mr. Sturtz compared 2005 objectives with 2015 objectives of the Six MCMs as follows:

MCM	OBJECTIVE	2005 VS. 2015
Public Education and Outreach	Develop materials to educate and inform the public about storm water pollution	Increase number and frequency of print ads, add radio advertising, and develop TMDL materials
Public Participation and Involvement	Involve the public in the SWP by soliciting their participation	Increase public meetings on storm water issues, increase citizen inquiry/complaint response, add workshops to address TMDL, and increase interaction with local environmental groups
Illicit Discharge Detection and Elimination	Regulate discharges to the storm sewer by ordinance or other regulatory means and establish a program to detect and remove illegal discharges	Increase inspections, enhance enforcement, and dry weather field screening
Construction Site – Storm Water Runoff Control	Reduce or eliminate sediment and storm water pollution from construction sites	Add an inspector, increase outreach for builders, review and revise regulations, and enhance enforcement
Post-Construction Management in Development and Redevelopment	Improve development program to address post-construction storm water run-off	Increase low impact development (LID) public education and review ordinances to remove barriers to LID
Pollution Prevention and Good Housekeeping in Municipal Operations	Evaluate City operations for storm water impact and implement Best Management Practices (BMP's) to eliminate storm water pollution from City facilities and operations	Increase street sweeping, add City facility storm water inspections, implement BMP's for City operations, employee storm water training progress, and storm system inspection and inventory

Councilmember Miller asked how ODEQ works with developers and Mr. Sturtz said ODEQ has a hotline number where citizens can call to report environmental issues and ODEQ will work with developers on improving the problem. He said the City will work in conjunction with ODEQ when asked although the City is generally involved if the project is within the city limits.

Mr. Sturtz said each MCM has associated BMP's to support minimum control measures. He said 2016-2020 BMP goals will be to distribute information to 75% of all utility accounts twice a year, place four ads in local newspaper annually, respond to 90% of all complaints received annually, remove 90% of all illicit connections found, and host two annual workshops.

Mr. Sturtz said estimated additional costs needed for the five year program consist of the following:

• Public Education	\$ 40,000
• Public Involvement	\$ 20,000
• Illicit Discharge	\$ 140,000
• Construction Management	\$ 764,000
• New/Redevelopment	\$ 65,000
• Municipal Operations	\$3,263,000
• TMDL	<u>\$1,500,000</u>
 TOTAL	 \$5,792,000

Mr. O'Leary said \$16,250,000 is currently budgeted in FYE 2016 for the SWP and the total amount needed is \$22,042,000.

Councilmember Castleberry asked if the \$3 million proposed for municipal operations will be funded as capital projects and Mr. O'Leary said no, unless a funding source is identified it will be funded from the General Fund because it is basically maintenance or repair of storm water sites.

Mr. O'Leary said the funding source is a major challenge that Council has debated for many years. He said Staff will be submitting a budget request in the amount of \$5,792,000 for FYE 2017 that will be needed beginning July 1, 2016. The funding source can be in the form of a storm water utility, which is Staff's proposal, a General Fund allocation, a blend of the two, or some other creative source. Staff's focus over the last few years has been to address this issue through a storm water utility fee.

Mayor Rosenthal asked what other creative source Staff had in mind. She asked if there are other communities that charge fees for storm water management other than through utilities. Mr. O'Leary said he has seen some pretty high development fees tacked onto construction projects, but cautioned that developers would not be happy about that. He said Salina, Kansas, approved a two millage property tax to fund their program. Mayor Rosenthal said if Norman wanted to do that, the money would have to be used for capital projects only and could not be used for operations. Mr. O'Leary said a storm water utility has been the method of choice in cities that Staff has researched. He said the utility structure can vary and is viewed as the most equitable and fair method. He said the City is out of time and needs to implement the program in February and March of 2016.

Councilmember Heiple said the program is for storm water management, but could the City promote it as flood management? Mr. Jeff Bryant, City Attorney, said that could be worked into the discussions because storm water is a part of flood management. Mayor Rosenthal said not all storm water management is related to flood management and the SMP is more about water quality than flood management.

Councilmember Holman asked if Norman is the only city in the metro area that does not have a storm water utility and Mr. O'Leary said Norman is the only Phase II City that does not have a storm water utility. Mayor Rosenthal said Norman is also the only City that requires a vote of the people on utility fees.

Mr. O'Leary said the most important thing will be educating the public on "drinking your storm water." He said Lenexa, Kansas, has a program known as "Rain to Recreation" that has been incredibly successful. They combined parks and storm water and created lakes and drainage channels integrated with beautiful park features.

Mr. O'Leary said federal and state regulations on storm water are not going to diminish over time, they will only become more rigid, onerous, and costly.

Items submitted for the record

1. PowerPoint presentation entitled, "City of Norman Phase II Storm Water Permit Renewal Process," dated November 24, 2015

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The meeting adjourned at 6:17 p.m.

ATTEST:

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City Clerk

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Mayor