

Kearney Construction Stormwater Ordinance Update

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In Coordination with the City of Kearney

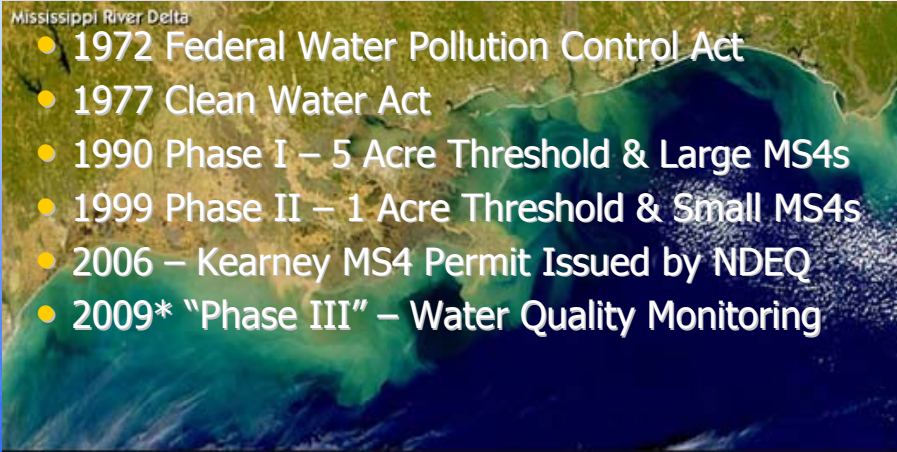


Introduction

- New Subdivision?
- New Home or Building?
- New Infrastructure?
- New Ordinance to Protect Kearney's Water Quality and Comply with State Regulations



Background



Purpose of New Ordinance

- Revise existing rules and standards to meet minimum state & federal regulations
- Address short-term water quality aspects related to construction activity and soil disturbance
- Address long-term water quality aspects of new development and redevelopment



Minimum Requirements

- Enforceable authority
- Enforcement tools and penalties
- Program definitions
- Definition of who must comply
- Define BMPs and performance standards
- Require plan review
- Require site inspections and reporting



Who is Affected?

- All parties associated with construction activity that disturbs 1 acre or more (includes sites less than 1 acre that are part of a common plan of development or sale)
 - City Staff
 - Developers
 - Builders
 - Engineers and Consultants
 - Trade Contractors
 - Utility Contractors
 - And More!



New Ordinance Overview

- Proposed ordinance meets minimum requirements with workable strategy for Kearney and the Construction Community
- General requirements for all construction
- Building Phase of Development options
- Stormwater Plan requirements
- Points to technical standards, specifications and guidance
- Violations, enforcement and penalties



Projects Greater Than 1 Acre

- Obtain NDEQ Permit First
- Submit erosion and sediment control plan to City with application for development or building approval
- Land disturbance prohibited until approved
- Attend pre-construction meeting with City
- Conduct routine inspections
- Stabilize site and terminate NDEQ Permit or transfer responsibility to another owner



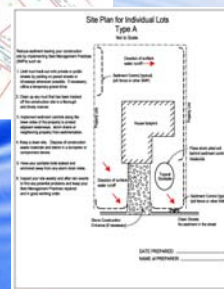
Projects Less Than 1 Acre

- Different requirements apply, such as:
 - Proof of NDEQ Permit not required
 - Choose a SWPPP option
 - Follow the developers
 - Use a City template
 - Create your own
 - Provide final stabilization plans to City



Financial Impacts

- Desire not to place an undue burden on development & construction
- All communities of $\geq 10,000$ population
 - MS4 Permit
 - Non-Compliance = Fines - Consent Orders
- Best Management Practice costs are commensurate with project scope



Enforcement Policy

- Will be finalized in 2010
- Equitable policy for construction industry
- Define non-compliance items
- Consider specific circumstances
- Communicate the corresponding response
- Responsibilities and cost for compliance should never be in question by the City or the responsible party



Enforcement Tools



- City Tools
 - Verbal warnings
 - Compliance Orders
 - Stop Work Orders
 - Permit Revocation
 - Fine
 - Civil Proceedings



Questions - Comments

- Comment sheet are available in the back
- Andy Harter

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Electronic copies of the presentation will be available by request and will be posted on-line