

City of Hastings Construction Stormwater Ordinance Update

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In Coordination with the City of Hastings



Introduction

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



Background

- 1972 Federal Water Pollution Control Act
- 1977 Clean Water Act
- 1990 Phase I – 5 Acre Threshold & Large MS4s
- 1999 Phase II – 1 Acre Threshold & Small MS4s
- **2006** – Hastings MS4 Permit Issued by NDEQ
- **2009*** “Phase III” – Water Quality Monitoring

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 & Consultants
- Trade Contractors
- Utility Contractors
- And More!



New Ordinance Overview

- Proposed ordinance meets minimum requirements with workable strategy for Hastings 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 than sites greater than 1 acre 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
 - Final inspection of grading and BMPs prior to City issuing Certificate of Occupancy

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
 - Fines
 - Civil Proceedings

Questions - Comments

- Comment sheets are available in the back
- Electronic copies of the presentation will be available by request and will be posted on-line at www.cityofhastings.org
- Future questions may be directed to:

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