

Kent E. Holm, CSM, Director
Douglas County Environmental Services
3015 Menke Circle
Omaha, NE 68134
402-444-6181 402-444-4963 (fax)
kent.holm@douglascounty-ne.gov

Memo

To: Planning Commissioners
From: Kent E. Holm, Environmental Services Director
CC: Mark Ekberg, Barb Frohlich, Tom Bentley (Vireo)
Date: January 31, 2012
Re: Minimum requirements question from the January 11, 2012 meeting

At the January 11, 2012 meeting the question was asked, "What are the minimum requirements that need to be met?"

I've included here the exact language from Douglas County's NPDES Phase II Stormwater Permit. Part IV.B.5.a states,

"You must: 1) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your Small Municipal Separate Storm Sewer System (sMS4). Your program must ensure that controls are in place that would prevent or minimize water quality impacts;" 2) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community; and 3) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and 4) Ensure adequate long-term operation and maintenance of BMPs."

Clearly there are no "quantitative" aspects to this post-construction minimum measure language. It is incumbent upon the permittee (Douglas County) therefore, to meet this minimum measure requirement in the most effective and cost-efficient manner possible. By emphasizing good design and minimizing the amount of impervious surfaces and potential stormwater runoff, the need for structural BMPs is reduced and the base amount of traditional infrastructure (streets, sewer lines, etc.) are reduced; those reductions translate into fewer future O/M costs and replacement costs for the taxpayers. The proposed regulations provide the incentive for good design and development that is ultimately more sustainable.

At the February 8, 2012 meeting I will be asking the Planning Commission to reconsider its previous vote to recommend denial of the proposed regulations.

I've asked Tom Bentley with Vireo to be present at the February 8th meeting to assist in addressing any additional questions regarding the proposed regulations.