

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager ^{MEM}
SESSION DATE: August 1, 2011
TIME: 4:30 pm
PLACE: Second Floor Conference Room

AGENDA:

- **GIS PROGRAM**
- **STORM WATER MANAGEMENT**
- **BATTLE OF KIRKSVILLE**
- **STATUS OF OLD HIGH SCHOOL**
- **REVIEW NEWSLETTER (includes miscellaneous topics)**

GIS PROGRAM

In 2005, the City of Kirksville, Adair County and the Adair County Public Water Supply District entered into an agreement which established a consortium for the purpose of implementing, operating and maintaining a GIS program for the mutual benefit of each partner.

The Consortium was established as a separate legal entity. A Board of Directors was established which included two members from each of its partners. This partnership allowed each of these entities to obtain GIS support that otherwise would not have been possible due to limited resources. A GIS Coordinator was hired by the Consortium. Funding levels of the GISC required each partner to share in the operational costs of the office including staff and office equipment expenses.

The GIS was established initially for a three-year period, after which the partners determined the future need and level of participation of the partners. The Consortium provided GIS services to the partner agencies including data base development, mapping, training for staff, emergency support, and development of GIS in rural areas by hosting conferences and meetings.

For various reasons, the GIS disbanded operations on June 30, 2010.

The City assumed full responsibility for our own GIS support. No additional staff was hired and the duties of GIS were assigned to the Engineering Department. John Buckwalter will give the City Council and update on the progress of our internal GIS program.

Recommendation – There is no action to be taken.

STORMWATER MANAGEMENT PROGRAM

National and state stormwater regulations now require certain small communities to obtain a National Pollutant Discharge Elimination System, also known as NPDES, permit. Kirksville is one of 150 Missouri communities affected by the Phase II stormwater regulations. Kirksville, like other Missouri communities, has a separate storm sewer system or what is called an MS4. We were required to obtain a NPDES permit by March 10, 2003, which we did. The permit requires these regulated MS4s to have their storm water management program in place by March 10, 2008. The City began working on our plan providing periodic updates to DNR. We were informed recently, that we had until October 19 to get our plan done.

John Buckwalter will be talking to you about the MS4 requirements and the stormwater management requirements in general.

Recommendation – The City Council is being asked to approve an engineering agreement with Bartlett & West to assist the City in meeting the deadline imposed by DNR. Should we fail to complete the plan by the deadline, DNR has noted that they may impose penalties upon the City.

BATTLE OF KIRKSVILLE

The second annual Battle of Kirksville will take place August 5 through August 7. Councilmember Chrisman has been serving as chair of the organizing committee over the past year. With the event taking place later in the week, it is appropriate that the City Council receive an update of the events.

Battle of Kirksville 150th Anniversary Commemoration Schedule of Events:

Friday, August 5th:

7pm Friday Night on the Square-- Courthouse Lawn
Period Piece music
DAV: handout flags
Flag Display
Table of information on activities

Saturday, August 6th:

3pm Adair County Historical Society Open (tours, battle diorama)
Flag ceremony with Veterans at Courthouse (begins at 3:45pm)
Courthouse Lawn:
4pm Scavenger Hunt Begins
Medical Tent Opens
Children's Games begin
NEMO Country Dance Club: Virginia Reel
4-6pm Historic Photos—"Have your historic civil war photos taken by Missouri Moments (Photos printed in sepia tones)* fee will be charged for photos"
5pm Period Piece Music and Costume Contest
Last scavenger hunt given out

6pm Explanation of Flag Display
Begin vignettes (Done at the beginning and end)

Sunday, August 7th:

2pm Kirksville Community Church service at Rotary Park

Recommendation – The City Council is encouraged to learn more about the event that the City is helping to sponsor, and is also encouraged to participate in the planned events.

STATUS OF OLD HIGH SCHOOL

The old high school located at 411 E. McPherson was sold by the Kirksville RIII School District in the late 1990s to a local individual and a possible partnership group. The condition of the building has been called in to question over the last number of years.

The City's Codes Department has been working with both the previous owner group and a new owner group since 2005, issuing a condemnation and demolition order in 2007.

Through the court process, it was agreed that the City would continue to work with the ownership of the building allowing renovations to continue until all extreme conditions were abated.

An ownership change occurred, and the City has been working with that group. Brad Selby will be in attendance at the Council Study Session to provide an overview of the timeline on the City's efforts to address this building, and its current status.

Recommendation – Depending upon the interest and direction of the City Council, the Council may wish to discuss this further with the City Attorney to learn the City's options on resolving this matter.

REVIEW NEWSLETTER – July 28, 2011(includes miscellaneous topics)

Attachments

GIS Staff Report – John Buckwalter
Stormwater Staff Report – John Buckwalter
Old High School Report – Brad Selby

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: GIS Update

STUDY SESSION MEETING DATE: August 1, 2011

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, Public Works Director

The Adair County GIS Consortium was formed in 2005 with three partner agencies: Adair County, Public Water Supply District 1, and the City. The Consortium provided GIS services to the partner agencies including data base development, mapping, training for staff, emergency support, and development of GIS in rural areas by hosting conferences and meetings. The GIS Coordinator resigned on June 30, 2010. The Adair County Assessor, a key member of the consortium, withdrew from the consortium, and the County commissioners were unwilling to fund the full cost of their partnership from the Road and Bridge fund. The Public Water Supply District was also unwilling to continue participation at their 2010 level. The recommendation of all partners was to dissolve the Consortium. Council formally withdrew from the GIS Consortium on June 7, 2010, and the Consortium was dissolved on June 30, 2010.

The transition plan called for the City to assume responsibility for its own GIS support, with the task being part of the Engineering Department's mission. The City planned to provide support to the County Road and Bridge Department, and to the County Sheriff, if needed on an hourly basis. Key areas outlined in the transition plan are updated below.

The City of Kirksville assumed responsibility for its own GIS program after dissolution of the GISC on June 30, 2010. The Engineering Department has been responsible for maintaining the GIS data base, expanding the GIS coverage within the City limits, coordinating support for other City departments, preparing map products as requested by City staff and administration, and providing technical support to former GISC member agencies on a time available basis. The responsibility for GIS support and development was added to what was then the Assistant to the City Engineer position, which was re-designated the Engineering/Mapping Coordinator. That employee has attended formal training conducted by ESRI, the author of ArcMap/ArcInfo.

City Departments were expected to become knowledgeable GIS consumers, able to manipulate ArcReader based products for common GIS requirements. Departments were to gather and provide department unique data to the Engineering Department in a form which could be integrated into the GIS with a minimum of manipulation. Progress on this objective has been minimal in the first year since transition. Public Works and Codes do use GIS data in the ArcReader format, but data has been supplied to engineering in the form of paper maps and notes in most cases.

ArcMap or equivalent licenses are maintained by the Engineering Department and Public Works Department. Engineering also has one license for ArcPublisher which is used to produce products which can be used by the general public on free software.

The GPS locators were transferred from the GISC to the Engineering Department and Public Works Department. The software they use is outdated, and no longer supported by the manufacturer. They are still functional, but have seen only limited use in the past year.

The GISC server was transferred to the City, and was critical in transitioning the GIS files to the City's system. The GIS data base and imagery reside on drives V and X of the City system.

City was to support emergency management GIS requirements for both the City and County within limits of available data. The Engineering Department has not been tasked for new products during the past year.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Storm Water Management and MS4 Permit

STUDY SESSION MEETING DATE: August 1, 2011

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, Public Works Director

The National and State storm water regulations now require certain small communities to obtain a National Pollutant Discharge Elimination System, also known as NPDES, permit. Missouri has approximately 150 communities affected by these Phase II storm water regulations these small communities with Municipal Separate Storm Sewer Systems, also known as MS4s, were required to obtain a NPDES permit by March 10, 2003. The permit required these regulated MS4s to have their storm water management program in place by March 10, 2008. The program must address six minimum control measures. The larger metropolitan areas such as Kansas City, Springfield and Independence became regulated under the 1990 Phase I regulations. The Metropolitan St. Louis Sewer District successfully petitioned on behalf of the City of St. Louis to be regulated under Phase II. The City of Kirksville is a Phase II community.

The City was issued a Missouri State Operating Permit for our MS4 on July 6, 2007. That permit expired on March 9, 2008. On July 11, 2008 the City was issued Permit Number MO-R040078 under the NPDES for the Kirksville Small MS4. This permit expires June 12, 2013. This permit, in section 4.1 requires the permittee (the City) to “develop, implement, and enforce a stormwater management program and plan (SWMP) designed to reduce the discharge of pollutants from the permittee’s regulated Small MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Missouri Clean Water Law.” The City has outlined the requirements of stormwater management and permitting for development under various sections of the City Code. The Engineering Department has attempted to draft a comprehensive SWMP, and implementing ordinance, but has been unable to complete the task. The outline for the City’s SWMP is attached.

The Missouri Department of Natural Resources has recently informed the City that the SWMP must be completed, or we will be found in violation of our NPDES permit. October 21 was set as the absolute deadline for completing a SWMP. Staff does not have the time or resources to develop the required plan, in the DNR mandated format, by that date. Review of other small MS4 SWMP’s show that virtually all were developed by consultants.

The City hired Bartlett & West in 2010 to develop the plans for stormwater improvements to be funded using the proceeds of the development bonds approved by the voters, and by the stormwater utility fee paid by all City water customers.

Development of a SWMP is a logical extension of Bartlett & West's services, and was discussed with Bob Gilbert, B&W's project manager for the City of Kirksville.

Bartlett & West has the expertise and resources to complete the required SWMP by October 21. An engineering agreement has been drafted, and will be included on the August 1 agenda for the Council's regular meeting. Staff will work closely with Bartlett & West to complete the SWMP, incorporating existing ordinance content and design guidelines wherever possible. An implementing ordinance will also be developed and will be presented to Council for review and approval in October.

Enclosures:

Outline, City of Kirksville SWMP

EPA Fact Sheet "Stormwater Phase II Final Rule"

Introduction and Purpose

Minimum Control Measures

1. Public Education and Outreach
 - a. Inform individuals on steps to reduce SW pollution
 - b. Inform public on how to become involved in SWP
 - c. Target Audiences
 - d. Target Sources
 - e. Outreach Strategy
 - f. Person Responsible
 - g. Evaluation Plan
2. Public Involvement/Participation
 - a. Public Involvement in development of permit application
 - b. Public involvement in development and implementation of SWMP
 - c. Target Audience
 - d. Public Involvement Activities
 - i. Storm Water Management Panel
 - ii. Public Hearings
 - iii. Volunteers to educate others
 - iv. Volunteer monitoring or clean-up
 - e. Person Responsible
 - f. Method of evaluation
3. Illicit Discharge Detection and Elimination
 - a. Storm Sewer System Map
 - b. Regulatory Mechanisms
 - c. Non-storm contributors
 - d. Incidental contributors
 - e. Plan and Procedures to
 - i. Develop and update storm sewer map
 - ii. Implement and enforce ID ordinance
 - iii. ID Detection Plan
 1. Priority Areas
 2. Tracing ID
 3. Removing ID source
 4. Evaluation and assessment of ID detection plan
 - f. Public Information re dangers of illicit discharge
 - g. Person Responsible
 - h. Method of Evaluation

4. Construction Site Storm Water Runoff Control
 - a. Ordinance or Regulatory mechanism requiring compliance
 - b. Requirement for Construction Site Erosion Control
 - c. Requirement for Construction site waste management
 - d. Consideration of SWM in site plan review
 - e. Review of comments and information from public
 - f. Procedures for site inspection and enforcement
 - g. Identification of person responsible for CSSWMC
 - h. Method of Evaluation
5. Post-construction Storm Water Management
 - a. Program description and priority areas
 - b. How program is tailored for local community
 - c. Non-Structural BMP
 - i. Directed growth, restricted areas, greenways, etc.
 - ii. Encouraged infill growth
 - iii. Education of developers
 - iv. other
 - d. Structural BMP
 - i. Storage structures and practices
 - ii. Filtration practices
 - e. Infiltration practices
 - f. Mechanisms to address post construction runoff
 - g. Long term O&M or BMP's required
 - h. Person Responsible
 - i. Method of Evaluation
6. Pollution Prevention for Municipal Operations
 - a. Operation and Maintenance Plan to reduce pollution
 - b. Training Plan
 - c. Areas Addressed by Program
 - i. Controls to reduce floatables
 - ii. Control of pollutants from streets, etc
 - iii. Procedures for disposal of waste from MS4
 - iv. Assessment of flood management projects
 - d. Person Responsible
 - e. Method of Evaluation

Review and Update

Monitoring, Recordkeeping, and Reporting



Stormwater Phase II Final Rule

An Overview

Stormwater Phase II Final Rule Fact Sheet Series

Overview

1.0 – Stormwater Phase II Final Rule: An Overview

Small MS4 Program

2.0 – Small MS4 Stormwater Program Overview

2.1 – Who's Covered? Designation and Waivers of Regulated Small MS4s

2.2 – Urbanized Areas: Definition and Description

Minimum Control Measures

2.3 – Public Education and Outreach

2.4 – Public Participation/Involvement

2.5 – Illicit Discharge Detection and Elimination

2.6 – Construction Site Runoff Control

2.7 – Post-Construction Runoff Control

2.8 – Pollution Prevention/Good Housekeeping

2.9 – Permitting and Reporting: The Process and Requirements

2.10 – Federal and State-Operated MS4s: Program Implementation

Construction Program

3.0 – Construction Program Overview

3.1 – Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 – Conditional No Exposure Exclusion for Industrial Activity

Why Is the Phase II Stormwater Program Necessary?

Since the passage of the Clean Water Act (CWA), the quality of our Nation's waters has improved dramatically. Despite this progress, however, degraded waterbodies still exist. According to the 2000 National Water Quality Inventory (Inventory), a biennial summary of State surveys of water quality, approximately 40 percent of surveyed U.S. waterbodies are still impaired by pollution and do not meet water quality standards. A leading source of this impairment is polluted runoff. In fact, according to the Inventory, 13 percent of impaired rivers, 18 percent of impaired lake acres and 32 percent of impaired estuaries are affected by urban/suburban stormwater runoff.

Phase I of the U.S. Environmental Protection Agency's (EPA) stormwater program was promulgated in 1990 under the CWA. Phase I relies on National Pollutant Discharge Elimination System (NPDES) permit coverage to address stormwater runoff from: (1) "medium" and "large" municipal separate storm sewer systems (MS4s) generally serving populations of 100,000 or greater, (2) construction activity disturbing 5 acres of land or greater, and (3) ten categories of industrial activity.

The Stormwater Phase II Final Rule is the next step in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted stormwater runoff. The Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted stormwater runoff. See Fact Sheets 2.0 and 3.0 for overviews of the Phase II programs for MS4s and construction activity.

Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of stormwater discharges that have the greatest likelihood of causing continued environmental degradation. The environmental problems associated with discharges from MS4s in urbanized areas and discharges resulting from construction activity are outlined below.

MS4s in Urbanized Areas

Stormwater discharges from MS4s in urbanized areas are a concern because of the high concentration of pollutants found in these discharges. Concentrated development in urbanized areas substantially increases impervious surfaces, such as city streets, driveways, parking lots, and sidewalks, on which pollutants from concentrated human activities settle and remain until a storm event washes them into nearby storm drains. Common pollutants include pesticides, fertilizers, oils, salt, litter and other debris, and sediment. Another concern is the possible illicit connections of sanitary sewers, which can result in fecal coliform bacteria entering the storm sewer system. Stormwater runoff picks up and transports these and other harmful pollutants then discharges them – untreated – to waterways via storm sewer systems. When left uncontrolled, these discharges can result in fish kills, the destruction of spawning and wildlife habitats, a loss in aesthetic value, and contamination of drinking water supplies and recreational waterways that can threaten public health.

Construction Activity

Uncontrolled runoff from construction sites is a water quality concern because of the devastating effects that sedimentation can have on local waterbodies, particularly small streams. Numerous studies have shown that the amount of sediment transported by stormwater runoff from construction sites with no controls is significantly greater than from sites with controls. In addition to sediment, construction activities yield pollutants such as pesticides, petroleum products, construction chemicals, solvents, asphalts, and acids that can contaminate stormwater runoff. During storms, construction sites may be the source of sediment-laden runoff, which can overwhelm a small stream channel's capacity, resulting in streambed scour, streambank erosion, and destruction of near-stream vegetative cover. Where left uncontrolled, sediment-laden runoff has been shown to result in the loss of in-stream habitats for fish and other aquatic species, an increased difficulty in filtering drinking water, the loss of drinking water reservoir storage capacity, and negative impacts on the navigational capacity of waterways.

Are Municipally Operated Sources Exempted by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 Affected by the Final Rule?

Provisions within ISTEA temporarily delayed the deadline for Phase I industrial activities (with the exception of power plants, airports, and uncontrolled sanitary landfills) operated by municipalities with populations of less than 100,000 people to obtain an NPDES stormwater discharge permit. Congress delayed the permitting deadline for these facilities to allow small municipalities additional time to comply with NPDES requirements. The Phase II Final Rule ended this temporary exemption from permitting. Since March 10, 2003, all ISTEA-exempted municipally operated industrial activities were required to obtain permit coverage.

How Was the Phase II Final Rule Developed?

EPA developed the Phase II Final Rule during extensive consultations with a cross-section of interested stakeholders brought together on a subcommittee chartered under the Federal Advisory Committee Act, and with representatives of small entities participating in an advisory process mandated under the Small Business Regulatory Enforcement Fairness Act. In addition, EPA considered comments submitted by over 500 individuals and organizations during a 90-day public comment period on the proposed rule.

Why Does Part of the Phase II Final Rule Use a Question and Answer Format?

The provisions pertaining to operators of small MS4s are written in a "readable regulation" form that uses the "plain language" method. Questions and answers are used to create more reader-friendly and understandable regulations. The plain language method uses "must" instead of "shall" to indicate a requirement and words like "should," "could," or "encourage" to indicate a recommendation or guidance.

Who Is Covered by the Phase II Final Rule?

The final rule "automatically" covers two classes of stormwater dischargers on a nationwide basis:

- (1) Operators of small MS4s located in "urbanized areas" as delineated by the Bureau of the Census. A "small" MS4 is any MS4 not already covered by Phase I of the NPDES stormwater program. See Fact Sheets 2.1 and 2.2 for more information on small MS4 coverage.
- (2) Operators of small construction activities that disturb equal to or greater than 1 (one) and less than 5 (five) acres of land. See Fact Sheet 3.0 for more information on small construction activity coverage.

Waivers

Permitting authorities may waive "automatically designated" Phase II dischargers if the dischargers meet the necessary criteria. See Fact Sheets 2.1 (small MS4 waivers overview), 3.0 (construction waivers overview) and 3.1 (construction rainfall erosivity waiver) for details.

Phased-in Permit Coverage

Permitting authorities may phase-in permit coverage for small MS4s serving jurisdictions with a population under 10,000 on a schedule consistent with a State watershed permitting approach.

Additional Designations by the Permitting Authority

Small MS4s located outside of urbanized areas, construction activity disturbing less than 1 acre, and any other stormwater discharges can be designated for coverage if the NPDES permitting authority or EPA determines that stormwater controls are necessary. See Fact Sheet 2.1 for more information on the designation of small MS4s located outside of urbanized areas.

What Does the Phase II Final Rule Require?

Operators of Phase II-designated small MS4s and small construction activity are required to apply for NPDES permit coverage, most likely under a general rather than individual permit, and to implement stormwater discharge management controls (known as “best management practices” (BMPs)). Specific requirements for each type of discharge are listed below.

Small MS4s

- A regulated small MS4 operator must develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from their MS4 to the “maximum extent practicable,” to protect water quality, and to satisfy the appropriate water quality requirements of the CWA. The rule assumes the use of narrative, rather than numeric, effluent limitations requiring implementation of BMPs.
- The small MS4 stormwater management program must include the following six minimum control measures: public education and outreach; public participation/involvement; illicit discharge detection and elimination; construction site runoff control; post-construction runoff control; and pollution prevention/good housekeeping. See Fact Sheets 2.3 through 2.8 for more information on each measure, including BMPs and measurable goals.
- A regulated small MS4 operator must identify its selection of BMPs and measurable goals for each minimum measure in the permit application. The evaluation and assessment of those chosen BMPs and measurable goals must be included in periodic reports to the NPDES permitting authority. See Fact Sheet 2.9 for more information on permitting and reporting.

Small Construction Activity

- The specific requirements for stormwater controls on small construction activity will be defined by the NPDES permitting authority on a State-by-State basis.
- Many NPDES permitting authorities have adapted their existing Phase I general permits for large construction activity to also include small construction activity. Where this has occurred, a

stormwater pollution prevention plan is required for small construction activity. See Fact Sheet 3.0 for more information on potential program requirements and appropriate BMPs for small construction activity.

What Is the Phase II Program Approach?

The Phase II program, based on the use of federally enforceable NPDES permits:

- Encourages the use of general permits;
- Provides flexibility for regulated operators to determine the most appropriate stormwater controls;
- Allows for the recognition and inclusion of existing NPDES and non-NPDES stormwater programs in Phase II permits;
- Includes public education and participation efforts as primary elements of the small MS4 program;
- Attempts to facilitate and promote watershed planning and to implement the stormwater program on a watershed basis; and
- Works toward a unified and comprehensive NPDES stormwater program with Phase I of the program.

How Does the Phase II Final Rule Address the Phase I Industrial “No Exposure” Provision?

In addition to establishing a deadline for ISTEA facilities and designating two new classes of dischargers, the Phase II Final Rule revises the “no exposure” provision originally included in the 1990 regulations for Phase I of the NPDES stormwater program. The provision was remanded to EPA for further rulemaking and, subsequently, included in its revised form in the Phase II rule.

Under the Phase II Final Rule, a conditional no exposure exclusion is available to operators of *all* categories of Phase I regulated industrial activity (except category (x) construction activity) who can certify that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. To obtain the no exposure exclusion, written certification must be submitted to the NPDES permitting authority. The final rule includes a *No Exposure Certification* form for use only by operators of industrial activity in areas where EPA is the NPDES permitting authority. See Fact Sheet 4.0 for more information on the conditional no exposure exclusion for industrial activity.

What Resources are Available for Phase II Communities?

EPA is committed to providing tools to facilitate implementation of the final Phase II stormwater program in an effective and cost-efficient manner. The stormwater Web site includes fact sheets, case studies, guidance documents, the National Menu of BMPs, and the Measurable Goals Guidance, as well as other compliance assistance information. This information can be accessed at EPA's stormwater Web site at www.epa.gov/npdes/stormwater.

What Is the Schedule for the Phase II Rule?

- The Phase II Final Rule was published in the *Federal Register* on December 8, 1999 (64 *FR* 68722).
- The Conditional No Exposure Exclusion option is available in States where EPA is the permitting authority (see <http://www.epa.gov/npdes/authorization>).
- The NPDES permitting authorities were required to issue general permits for Phase II-designated small MS4s and small construction activity by December 9, 2002.
- Operators of Phase II "automatically" designated regulated small MS4s and small construction activity were required to obtain permit coverage within 90 days of permit issuance.
- The NPDES permitting authority may phase-in coverage for small MS4s serving jurisdictions with a population under 10,000 on a schedule consistent with a State watershed permitting approach.
- Operators of regulated small MS4s must fully implement their stormwater management programs by the end of the first permit term, typically a 5-year period.

For Additional Information

Contacts

- U.S. EPA Office of Wastewater Management
<http://www.epa.gov/npdes/stormwater>
Phone: 202-564-9545
- Your NPDES Permitting Authority. Most States and Territories are authorized to administer the NPDES Program, except the following, for which EPA is the permitting authority:

Alaska	Guam
District of Columbia	Johnston Atoll
Idaho	Midway and Wake Islands
Massachusetts	Northern Mariana Islands
New Hampshire	Puerto Rico
New Mexico	Trust Territories
American Samoa	
- A list of names and telephone numbers for each EPA Region and State is located at <http://www.epa.gov/npdes/stormwater> (click on "Contacts").

Reference Documents

- EPA's Stormwater Web Site
<http://www.epa.gov/npdes/stormwater>
 - Stormwater Phase II Final Rule Fact Sheet Series
 - Stormwater Phase II Final Rule (64 *FR* 68722)
 - National Menu of Best Management Practices for Stormwater Phase II
 - Measurable Goals Guidance for Phase II Small MS4s
 - Stormwater Case Studies
 - And many others

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Old High School – 411 E. McPherson

STUDY SESSION MEETING DATE: August 1, 2011

CITY DEPARTMENT: Codes and Planning

PREPARED BY: Brad Selby, Codes and Planning Administrator

Attached is the last letter I wrote to J.D. Smiser, one of the new owners of the Old High School. We had hoped that the new owners would do as they said that they were going to fix the windows, clean out the building, and make some type of productive use of it. They have owned it now for 7 months and really nothing has happened. Technically, this building still has the Condemnation Order hanging over it. I have given them time to try to get the building in shape on the outside, and to repair the roof, so we could pull the condemnation. That is part of the reason I sent the attached letter, so it wouldn't be so much of an eye sore and because nothing was being done. Back in June, we extended the deadline for them to July 25. At my inspection today, I don't see that anything has been done.

I have a call into J.D. today, because I am ready to go back to court to get something done here. If they have some sort of definite plan, we probably won't file, but in the absence of anything concrete, I will probably file charges. I will let you know what JD says when he calls me back.

Enclosures

Letter to Owner

Timeline



CITY OF
KIRKSVILLE

Codes Department Ph: 660.627.1272 - Fax: 660.627.1026

May 19, 2011

*J.D. Cell #
341-8525*

J.D. Smiser
3001 S. First
Kirksville, MO 63501

RE: Excessive Grass and Weeds at 411 E. McPherson and/or Brush
Exterior Inspection of above address

Dear Mr. Smiser,

It has been brought to the attention of the City of Kirksville, Codes Department, and upon the completion of a site inspection conducted on May 18, 2011, at the above referenced address, the following violation(s) were discovered:

- Excessive Grass, Weeds, and/or Brush in excess located at the property listed above.
(Specifically, tall grass and weeds on the whole property that need mowed right away)

*Abated
Bluffy
5-27-11*

According to the City of Kirksville, Code of Ordinances; All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs.

- Exterior Structure Violations

According to the International Property Maintenance Code of 2009, adopted by the City of Kirksville, Section 304.1, says, "The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare."

For your reference and information:

The International Property Maintenance Code 2009, adopted by the City of Kirksville, contains these sections:

Section 304.2, "All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition.

Section 304.6, "All exterior walls shall be free from holes, breaks, and loose or rotting materials...."

Section 304.7, "....Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions...."

Section 304.13, "Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight."



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Your property listed above is in need of the following improvements or repairs. They are:

1. Repair any broken or missing windows. Any boarded up window must be painted and the boards mounted securely to the frame.

Since these conditions are contrary to city ordinance, you are hereby required to correct said violation(s) upon receipt of this notice.

A reinspection will be conducted on May 27, 2011 for the grass.
A reinspection will be conducted on June 20, 2011 for the broken windows.

Should you fail to comply with this notice prior to the established reinspection date, you may be liable for penalties as provided for by law for such violation(s).

Any person affected by this Notice and Order has the right to seek modification or withdrawal of said Notice and Order by requesting in writing a hearing before the Board of Adjustment within twenty (20) days after the service hereof. All requests must be accompanied with \$75.00 to defray the costs of advertisement.

Actions taken by the City regarding cleanup or abatement of codes violations may be charged against the real estate upon which the cleanup takes place and shall be a lien upon such real estate, as per Section 106.3 of the International Property Maintenance Code.

Please feel free to contact our office if you have any questions, or need additional information. Thank you in advance for your prompt attention to this matter.

Sincerely,

Brad Selby

Brad Selby
Codes & Planning Director
City of Kirksville

*Extension to
July 25.
OK B Selby
6-20-11*

TimeLine for 411 E. McPherson – Old High School

- 12-28-2005 Codes enforcement letter for trash, premises identification and 74 broken windows.
- 6-2-2006 Filed charges to go to Court for failure to repair building. Owner Charles Tharp later pleaded guilty and was fined \$50 with no probation.
- 3-28-2007 Issued “Stop Work” order as work was being done illegally (no permit).
- 4-27-2007 Architect report on the condition of the building stated parts of the building were “NOT STRUCTURALLY SOUND”
- 8-13-2007 Issued Condemnation/Demolition order and also a letter outlining how repairs could be done to the building, to get the demolition order removed. Also weeds and grass.
- 10-23-2007 Roof structure and broken windows violation letter as part of planned repairs.
- 5-2-2008 Filed Charges to go to Court for failure to repair building.
- 5-10-2008 Building inspected by City Engineer John Buckwalter. His report stated he was “extremely concerned” about the condition of the building and advised that a qualified structural engineer be engaged immediately.
- 7-31-2008 Allstate Consultants, structural engineers, toured the building and submitted a report stating the building had significant falling hazards on the exterior, roof hazards falling in on the interior and several areas called “severely deteriorated” and “dangerous conditions”.
- 10-30-2008 In court, the City and Defendant agreed to a Deferred Prosecution Agreement, whereby renovations would continue until all extreme conditions were abated.
- July 2010 ?? Property was in process of sale or transfer to new owners J.D. Smiser and ---- Holt.
- 8-10-2010 Codes violation Letter on Trash, Grass and Weeds and continued maintenance items that were not yet completed.
- Dec, 2010 New owners took ownership (Smiser and Holt). New owners indicated they would finish the roof repairs and would fix all broken windows so building could be used.
- 5-19-2011 Code enforcement letter on grass and weeds and multiple broken windows. Due date was July 25, 2011.
- 7-25-2011 At inspection today, no work was done to repair the broken windows. To my knowledge the roof has still not been repaired. It is open to the sky in one section.

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager ^{MEM}
SESSION DATE: August 1, 2011
TIME: 4:30 pm
PLACE: Second Floor Conference Room

AGENDA:

- **GIS PROGRAM**
- **STORM WATER MANAGEMENT**
- **BATTLE OF KIRKSVILLE**
- **STATUS OF OLD HIGH SCHOOL**
- **REVIEW NEWSLETTER (includes miscellaneous topics)**

GIS PROGRAM

In 2005, the City of Kirksville, Adair County and the Adair County Public Water Supply District entered into an agreement which established a consortium for the purpose of implementing, operating and maintaining a GIS program for the mutual benefit of each partner.

The Consortium was established as a separate legal entity. A Board of Directors was established which included two members from each of its partners. This partnership allowed each of these entities to obtain GIS support that otherwise would not have been possible due to limited resources. A GIS Coordinator was hired by the Consortium. Funding levels of the GISC required each partner to share in the operational costs of the office including staff and office equipment expenses.

The GIS was established initially for a three-year period, after which the partners determined the future need and level of participation of the partners. The Consortium provided GIS services to the partner agencies including data base development, mapping, training for staff, emergency support, and development of GIS in rural areas by hosting conferences and meetings.

For various reasons, the GIS disbanded operations on June 30, 2010.

The City assumed full responsibility for our own GIS support. No additional staff was hired and the duties of GIS were assigned to the Engineering Department. John Buckwalter will give the City Council an update on the progress of our internal GIS program.

Recommendation – There is no action to be taken.

STORMWATER MANAGEMENT PROGRAM

National and state stormwater regulations now require certain small communities to obtain a National Pollutant Discharge Elimination System, also known as NPDES, permit. Kirksville is one of 150 Missouri communities affected by the Phase II stormwater regulations. Kirksville, like other Missouri communities, has a separate storm sewer system or what is called an MS4. We were required to obtain a NPDES permit by March 10, 2003, which we did. The permit requires these regulated MS4s to have their storm water management program in place by March 10, 2008. The City began working on our plan providing periodic updates to DNR. We were informed recently, that we had until October 19 to get our plan done.

John Buckwalter will be talking to you about the MS4 requirements and the stormwater management requirements in general.

Recommendation – The City Council is being asked to approve an engineering agreement with Bartlett & West to assist the City in meeting the deadline imposed by DNR. Should we fail to complete the plan by the deadline, DNR has noted that they may impose penalties upon the City.

BATTLE OF KIRKSVILLE

The second annual Battle of Kirksville will take place August 5 through August 7. Councilmember Chrisman has been serving as chair of the organizing committee over the past year. With the event taking place later in the week, it is appropriate that the City Council receive an update of the events.

Battle of Kirksville 150th Anniversary Commemoration Schedule of Events:

Friday, August 5th:

7pm Friday Night on the Square-- Courthouse Lawn
Period Piece music
DAV: handout flags
Flag Display
Table of information on activities

Saturday, August 6th:

3pm Adair County Historical Society Open (tours, battle diorama)
Flag ceremony with Veterans at Courthouse (begins at 3:45pm)
Courthouse Lawn:
4pm Scavenger Hunt Begins
Medical Tent Opens
Children's Games begin
NEMO Country Dance Club: Virginia Reel
4-6pm Historic Photos—"Have your historic civil war photos taken by Missouri Moments (Photos printed in sepia tones)* fee will be charged for photos"
5pm Period Piece Music and Costume Contest
Last scavenger hunt given out

6pm Explanation of Flag Display
Begin vignettes (Done at the beginning and end)

Sunday, August 7th:

2pm Kirksville Community Church service at Rotary Park

Recommendation – The City Council is encouraged to learn more about the event that the City is helping to sponsor, and is also encouraged to participate in the planned events.

STATUS OF OLD HIGH SCHOOL

The old high school located at 411 E. McPherson was sold by the Kirksville RIII School District in the late 1990s to a local individual and a possible partnership group. The condition of the building has been called in to question over the last number of years.

The City's Codes Department has been working with both the previous owner group and a new owner group since 2005, issuing a condemnation and demolition order in 2007.

Through the court process, it was agreed that the City would continue to work with the ownership of the building allowing renovations to continue until all extreme conditions were abated.

An ownership change occurred, and the City has been working with that group. Brad Selby will be in attendance at the Council Study Session to provide an overview of the timeline on the City's efforts to address this building, and its current status.

Recommendation – Depending upon the interest and direction of the City Council, the Council may wish to discuss this further with the City Attorney to learn the City's options on resolving this matter.

REVIEW NEWSLETTER – July 28, 2011(includes miscellaneous topics)

Attachments

GIS Staff Report – John Buckwalter
Stormwater Staff Report – John Buckwalter
Old High School Report – Brad Selby

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: GIS Update

STUDY SESSION MEETING DATE: August 1, 2011

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, Public Works Director

The Adair County GIS Consortium was formed in 2005 with three partner agencies: Adair County, Public Water Supply District 1, and the City. The Consortium provided GIS services to the partner agencies including data base development, mapping, training for staff, emergency support, and development of GIS in rural areas by hosting conferences and meetings. The GIS Coordinator resigned on June 30, 2010. The Adair County Assessor, a key member of the consortium, withdrew from the consortium, and the County commissioners were unwilling to fund the full cost of their partnership from the Road and Bridge fund. The Public Water Supply District was also unwilling to continue participation at their 2010 level. The recommendation of all partners was to dissolve the Consortium. Council formally withdrew from the GIS Consortium on June 7, 2010, and the Consortium was dissolved on June 30, 2010.

The transition plan called for the City to assume responsibility for its own GIS support, with the task being part of the Engineering Department's mission. The City planned to provide support to the County Road and Bridge Department, and to the County Sheriff, if needed on an hourly basis. Key areas outlined in the transition plan are updated below.

The City of Kirksville assumed responsibility for its own GIS program after dissolution of the GISC on June 30, 2010. The Engineering Department has been responsible for maintaining the GIS data base, expanding the GIS coverage within the City limits, coordinating support for other City departments, preparing map products as requested by City staff and administration, and providing technical support to former GISC member agencies on a time available basis. The responsibility for GIS support and development was added to what was then the Assistant to the City Engineer position, which was re-designated the Engineering/Mapping Coordinator. That employee has attended formal training conducted by ESRI, the author of ArcMap/ArcInfo.

City Departments were expected to become knowledgeable GIS consumers, able to manipulate ArcReader based products for common GIS requirements. Departments were to gather and provide department unique data to the Engineering Department in a form which could be integrated into the GIS with a minimum of manipulation. Progress on this objective has been minimal in the first year since transition. Public Works and Codes do use GIS data in the ArcReader format, but data has been supplied to engineering in the form of paper maps and notes in most cases.

ArcMap or equivalent licenses are maintained by the Engineering Department and Public Works Department. Engineering also has one license for ArcPublisher which is used to produce products which can be used by the general public on free software.

The GPS locators were transferred from the GISC to the Engineering Department and Public Works Department. The software they use is outdated, and no longer supported by the manufacturer. They are still functional, but have seen only limited use in the past year.

The GISC server was transferred to the City, and was critical in transitioning the GIS files to the City's system. The GIS data base and imagery reside on drives V and X of the City system.

City was to support emergency management GIS requirements for both the City and County within limits of available data. The Engineering Department has not been tasked for new products during the past year.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Storm Water Management and MS4 Permit

STUDY SESSION MEETING DATE: August 1, 2011

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, Public Works Director

The National and State storm water regulations now require certain small communities to obtain a National Pollutant Discharge Elimination System, also known as NPDES, permit. Missouri has approximately 150 communities affected by these Phase II storm water regulations these small communities with Municipal Separate Storm Sewer Systems, also known as MS4s, were required to obtain a NPDES permit by March 10, 2003. The permit required these regulated MS4s to have their storm water management program in place by March 10, 2008. The program must address six minimum control measures. The larger metropolitan areas such as Kansas City, Springfield and Independence became regulated under the 1990 Phase I regulations. The Metropolitan St. Louis Sewer District successfully petitioned on behalf of the City of St. Louis to be regulated under Phase II. The City of Kirksville is a Phase II community.

The City was issued a Missouri State Operating Permit for our MS4 on July 6, 2007. That permit expired on March 9, 2008. On July 11, 2008 the City was issued Permit Number MO-R040078 under the NPDES for the Kirksville Small MS4. This permit expires June 12, 2013. This permit, in section 4.1 requires the permittee (the City) to “develop, implement, and enforce a stormwater management program and plan (SWMP) designed to reduce the discharge of pollutants from the permittee’s regulated Small MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Missouri Clean Water Law.” The City has outlined the requirements of stormwater management and permitting for development under various sections of the City Code. The Engineering Department has attempted to draft a comprehensive SWMP, and implementing ordinance, but has been unable to complete the task. The outline for the City’s SWMP is attached.

The Missouri Department of Natural Resources has recently informed the City that the SWMP must be completed, or we will be found in violation of our NPDES permit. October 21 was set as the absolute deadline for completing a SWMP. Staff does not have the time or resources to develop the required plan, in the DNR mandated format, by that date. Review of other small MS4 SWMP’s show that virtually all were developed by consultants.

The City hired Bartlett & West in 2010 to develop the plans for stormwater improvements to be funded using the proceeds of the development bonds approved by the voters, and by the stormwater utility fee paid by all City water customers.

Development of a SWMP is a logical extension of Bartlett & West's services, and was discussed with Bob Gilbert, B&W's project manager for the City of Kirksville.

Bartlett & West has the expertise and resources to complete the required SWMP by October 21. An engineering agreement has been drafted, and will be included on the August 1 agenda for the Council's regular meeting. Staff will work closely with Bartlett & West to complete the SWMP, incorporating existing ordinance content and design guidelines wherever possible. An implementing ordinance will also be developed and will be presented to Council for review and approval in October.

Enclosures:

Outline, City of Kirksville SWMP

EPA Fact Sheet "Stormwater Phase II Final Rule"

Introduction and Purpose

Minimum Control Measures

1. Public Education and Outreach
 - a. Inform individuals on steps to reduce SW pollution
 - b. Inform public on how to become involved in SWP
 - c. Target Audiences
 - d. Target Sources
 - e. Outreach Strategy
 - f. Person Responsible
 - g. Evaluation Plan
2. Public Involvement/Participation
 - a. Public Involvement in development of permit application
 - b. Public involvement in development and implementation of SWMP
 - c. Target Audience
 - d. Public Involvement Activities
 - i. Storm Water Management Panel
 - ii. Public Hearings
 - iii. Volunteers to educate others
 - iv. Volunteer monitoring or clean-up
 - e. Person Responsible
 - f. Method of evaluation
3. Illicit Discharge Detection and Elimination
 - a. Storm Sewer System Map
 - b. Regulatory Mechanisms
 - c. Non-storm contributors
 - d. Incidental contributors
 - e. Plan and Procedures to
 - i. Develop and update storm sewer map
 - ii. Implement and enforce ID ordinance
 - iii. ID Detection Plan
 1. Priority Areas
 2. Tracing ID
 3. Removing ID source
 4. Evaluation and assessment of ID detection plan
 - f. Public Information re dangers of illicit discharge
 - g. Person Responsible
 - h. Method of Evaluation

4. Construction Site Storm Water Runoff Control
 - a. Ordinance or Regulatory mechanism requiring compliance
 - b. Requirement for Construction Site Erosion Control
 - c. Requirement for Construction site waste management
 - d. Consideration of SWM in site plan review
 - e. Review of comments and information from public
 - f. Procedures for site inspection and enforcement
 - g. Identification of person responsible for CSSWMC
 - h. Method of Evaluation
5. Post-construction Storm Water Management
 - a. Program description and priority areas
 - b. How program is tailored for local community
 - c. Non-Structural BMP
 - i. Directed growth, restricted areas, greenways, etc.
 - ii. Encouraged infill growth
 - iii. Education of developers
 - iv. other
 - d. Structural BMP
 - i. Storage structures and practices
 - ii. Filtration practices
 - e. Infiltration practices
 - f. Mechanisms to address post construction runoff
 - g. Long term O&M or BMP's required
 - h. Person Responsible
 - i. Method of Evaluation
6. Pollution Prevention for Municipal Operations
 - a. Operation and Maintenance Plan to reduce pollution
 - b. Training Plan
 - c. Areas Addressed by Program
 - i. Controls to reduce floatables
 - ii. Control of pollutants from streets, etc
 - iii. Procedures for disposal of waste from MS4
 - iv. Assessment of flood management projects
 - d. Person Responsible
 - e. Method of Evaluation

Review and Update

Monitoring, Recordkeeping, and Reporting



Stormwater Phase II Final Rule

An Overview

Stormwater Phase II Final Rule Fact Sheet Series

Overview

1.0 – Stormwater Phase II Final Rule: An Overview

Small MS4 Program

2.0 – Small MS4 Stormwater Program Overview

2.1 – Who's Covered? Designation and Waivers of Regulated Small MS4s

2.2 – Urbanized Areas: Definition and Description

Minimum Control Measures

2.3 – Public Education and Outreach

2.4 – Public Participation/Involvement

2.5 – Illicit Discharge Detection and Elimination

2.6 – Construction Site Runoff Control

2.7 – Post-Construction Runoff Control

2.8 – Pollution Prevention/Good Housekeeping

2.9 – Permitting and Reporting: The Process and Requirements

2.10 – Federal and State-Operated MS4s: Program Implementation

Construction Program

3.0 – Construction Program Overview

3.1 – Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 – Conditional No Exposure Exclusion for Industrial Activity

Why Is the Phase II Stormwater Program Necessary?

Since the passage of the Clean Water Act (CWA), the quality of our Nation's waters has improved dramatically. Despite this progress, however, degraded waterbodies still exist. According to the 2000 National Water Quality Inventory (Inventory), a biennial summary of State surveys of water quality, approximately 40 percent of surveyed U.S. waterbodies are still impaired by pollution and do not meet water quality standards. A leading source of this impairment is polluted runoff. In fact, according to the Inventory, 13 percent of impaired rivers, 18 percent of impaired lake acres and 32 percent of impaired estuaries are affected by urban/suburban stormwater runoff.

Phase I of the U.S. Environmental Protection Agency's (EPA) stormwater program was promulgated in 1990 under the CWA. Phase I relies on National Pollutant Discharge Elimination System (NPDES) permit coverage to address stormwater runoff from: (1) "medium" and "large" municipal separate storm sewer systems (MS4s) generally serving populations of 100,000 or greater, (2) construction activity disturbing 5 acres of land or greater, and (3) ten categories of industrial activity.

The Stormwater Phase II Final Rule is the next step in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted stormwater runoff. The Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted stormwater runoff. See Fact Sheets 2.0 and 3.0 for overviews of the Phase II programs for MS4s and construction activity.

Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of stormwater discharges that have the greatest likelihood of causing continued environmental degradation. The environmental problems associated with discharges from MS4s in urbanized areas and discharges resulting from construction activity are outlined below.

MS4s in Urbanized Areas

Stormwater discharges from MS4s in urbanized areas are a concern because of the high concentration of pollutants found in these discharges. Concentrated development in urbanized areas substantially increases impervious surfaces, such as city streets, driveways, parking lots, and sidewalks, on which pollutants from concentrated human activities settle and remain until a storm event washes them into nearby storm drains. Common pollutants include pesticides, fertilizers, oils, salt, litter and other debris, and sediment. Another concern is the possible illicit connections of sanitary sewers, which can result in fecal coliform bacteria entering the storm sewer system. Stormwater runoff picks up and transports these and other harmful pollutants then discharges them – untreated – to waterways via storm sewer systems. When left uncontrolled, these discharges can result in fish kills, the destruction of spawning and wildlife habitats, a loss in aesthetic value, and contamination of drinking water supplies and recreational waterways that can threaten public health.

Construction Activity

Uncontrolled runoff from construction sites is a water quality concern because of the devastating effects that sedimentation can have on local waterbodies, particularly small streams. Numerous studies have shown that the amount of sediment transported by stormwater runoff from construction sites with no controls is significantly greater than from sites with controls. In addition to sediment, construction activities yield pollutants such as pesticides, petroleum products, construction chemicals, solvents, asphalts, and acids that can contaminate stormwater runoff. During storms, construction sites may be the source of sediment-laden runoff, which can overwhelm a small stream channel's capacity, resulting in streambed scour, streambank erosion, and destruction of near-stream vegetative cover. Where left uncontrolled, sediment-laden runoff has been shown to result in the loss of in-stream habitats for fish and other aquatic species, an increased difficulty in filtering drinking water, the loss of drinking water reservoir storage capacity, and negative impacts on the navigational capacity of waterways.

Are Municipally Operated Sources Exempted by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 Affected by the Final Rule?

Provisions within ISTEA temporarily delayed the deadline for Phase I industrial activities (with the exception of power plants, airports, and uncontrolled sanitary landfills) operated by municipalities with populations of less than 100,000 people to obtain an NPDES stormwater discharge permit. Congress delayed the permitting deadline for these facilities to allow small municipalities additional time to comply with NPDES requirements. The Phase II Final Rule ended this temporary exemption from permitting. Since March 10, 2003, all ISTEA-exempted municipally operated industrial activities were required to obtain permit coverage.

How Was the Phase II Final Rule Developed?

EPA developed the Phase II Final Rule during extensive consultations with a cross-section of interested stakeholders brought together on a subcommittee chartered under the Federal Advisory Committee Act, and with representatives of small entities participating in an advisory process mandated under the Small Business Regulatory Enforcement Fairness Act. In addition, EPA considered comments submitted by over 500 individuals and organizations during a 90-day public comment period on the proposed rule.

Why Does Part of the Phase II Final Rule Use a Question and Answer Format?

The provisions pertaining to operators of small MS4s are written in a "readable regulation" form that uses the "plain language" method. Questions and answers are used to create more reader-friendly and understandable regulations. The plain language method uses "must" instead of "shall" to indicate a requirement and words like "should," "could," or "encourage" to indicate a recommendation or guidance.

Who Is Covered by the Phase II Final Rule?

The final rule "automatically" covers two classes of stormwater dischargers on a nationwide basis:

- (1) Operators of small MS4s located in "urbanized areas" as delineated by the Bureau of the Census. A "small" MS4 is any MS4 not already covered by Phase I of the NPDES stormwater program. See Fact Sheets 2.1 and 2.2 for more information on small MS4 coverage.
- (2) Operators of small construction activities that disturb equal to or greater than 1 (one) and less than 5 (five) acres of land. See Fact Sheet 3.0 for more information on small construction activity coverage.

Waivers

Permitting authorities may waive "automatically designated" Phase II dischargers if the dischargers meet the necessary criteria. See Fact Sheets 2.1 (small MS4 waivers overview), 3.0 (construction waivers overview) and 3.1 (construction rainfall erosivity waiver) for details.

Phased-in Permit Coverage

Permitting authorities may phase-in permit coverage for small MS4s serving jurisdictions with a population under 10,000 on a schedule consistent with a State watershed permitting approach.

Additional Designations by the Permitting Authority

Small MS4s located outside of urbanized areas, construction activity disturbing less than 1 acre, and any other stormwater discharges can be designated for coverage if the NPDES permitting authority or EPA determines that stormwater controls are necessary. See Fact Sheet 2.1 for more information on the designation of small MS4s located outside of urbanized areas.

What Does the Phase II Final Rule Require?

Operators of Phase II-designated small MS4s and small construction activity are required to apply for NPDES permit coverage, most likely under a general rather than individual permit, and to implement stormwater discharge management controls (known as “best management practices” (BMPs)). Specific requirements for each type of discharge are listed below.

Small MS4s

- A regulated small MS4 operator must develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from their MS4 to the “maximum extent practicable,” to protect water quality, and to satisfy the appropriate water quality requirements of the CWA. The rule assumes the use of narrative, rather than numeric, effluent limitations requiring implementation of BMPs.
- The small MS4 stormwater management program must include the following six minimum control measures: public education and outreach; public participation/involvement; illicit discharge detection and elimination; construction site runoff control; post-construction runoff control; and pollution prevention/good housekeeping. See Fact Sheets 2.3 through 2.8 for more information on each measure, including BMPs and measurable goals.
- A regulated small MS4 operator must identify its selection of BMPs and measurable goals for each minimum measure in the permit application. The evaluation and assessment of those chosen BMPs and measurable goals must be included in periodic reports to the NPDES permitting authority. See Fact Sheet 2.9 for more information on permitting and reporting.

Small Construction Activity

- The specific requirements for stormwater controls on small construction activity will be defined by the NPDES permitting authority on a State-by-State basis.
- Many NPDES permitting authorities have adapted their existing Phase I general permits for large construction activity to also include small construction activity. Where this has occurred, a

stormwater pollution prevention plan is required for small construction activity. See Fact Sheet 3.0 for more information on potential program requirements and appropriate BMPs for small construction activity.

What Is the Phase II Program Approach?

The Phase II program, based on the use of federally enforceable NPDES permits:

- Encourages the use of general permits;
- Provides flexibility for regulated operators to determine the most appropriate stormwater controls;
- Allows for the recognition and inclusion of existing NPDES and non-NPDES stormwater programs in Phase II permits;
- Includes public education and participation efforts as primary elements of the small MS4 program;
- Attempts to facilitate and promote watershed planning and to implement the stormwater program on a watershed basis; and
- Works toward a unified and comprehensive NPDES stormwater program with Phase I of the program.

How Does the Phase II Final Rule Address the Phase I Industrial “No Exposure” Provision?

In addition to establishing a deadline for ISTEA facilities and designating two new classes of dischargers, the Phase II Final Rule revises the “no exposure” provision originally included in the 1990 regulations for Phase I of the NPDES stormwater program. The provision was remanded to EPA for further rulemaking and, subsequently, included in its revised form in the Phase II rule.

Under the Phase II Final Rule, a conditional no exposure exclusion is available to operators of *all* categories of Phase I regulated industrial activity (except category (x) construction activity) who can certify that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. To obtain the no exposure exclusion, written certification must be submitted to the NPDES permitting authority. The final rule includes a *No Exposure Certification* form for use only by operators of industrial activity in areas where EPA is the NPDES permitting authority. See Fact Sheet 4.0 for more information on the conditional no exposure exclusion for industrial activity.

What Resources are Available for Phase II Communities?

EPA is committed to providing tools to facilitate implementation of the final Phase II stormwater program in an effective and cost-efficient manner. The stormwater Web site includes fact sheets, case studies, guidance documents, the National Menu of BMPs, and the Measurable Goals Guidance, as well as other compliance assistance information. This information can be accessed at EPA's stormwater Web site at www.epa.gov/npdes/stormwater.

What Is the Schedule for the Phase II Rule?

- The Phase II Final Rule was published in the *Federal Register* on December 8, 1999 (64 *FR* 68722).
- The Conditional No Exposure Exclusion option is available in States where EPA is the permitting authority (see <http://www.epa.gov/npdes/authorization>).
- The NPDES permitting authorities were required to issue general permits for Phase II-designated small MS4s and small construction activity by December 9, 2002.
- Operators of Phase II "automatically" designated regulated small MS4s and small construction activity were required to obtain permit coverage within 90 days of permit issuance.
- The NPDES permitting authority may phase-in coverage for small MS4s serving jurisdictions with a population under 10,000 on a schedule consistent with a State watershed permitting approach.
- Operators of regulated small MS4s must fully implement their stormwater management programs by the end of the first permit term, typically a 5-year period.

For Additional Information

Contacts

- U.S. EPA Office of Wastewater Management
<http://www.epa.gov/npdes/stormwater>
Phone: 202-564-9545
- Your NPDES Permitting Authority. Most States and Territories are authorized to administer the NPDES Program, except the following, for which EPA is the permitting authority:

Alaska	Guam
District of Columbia	Johnston Atoll
Idaho	Midway and Wake Islands
Massachusetts	Northern Mariana Islands
New Hampshire	Puerto Rico
New Mexico	Trust Territories
American Samoa	
- A list of names and telephone numbers for each EPA Region and State is located at <http://www.epa.gov/npdes/stormwater> (click on "Contacts").

Reference Documents

- EPA's Stormwater Web Site
<http://www.epa.gov/npdes/stormwater>
 - Stormwater Phase II Final Rule Fact Sheet Series
 - Stormwater Phase II Final Rule (64 *FR* 68722)
 - National Menu of Best Management Practices for Stormwater Phase II
 - Measurable Goals Guidance for Phase II Small MS4s
 - Stormwater Case Studies
 - And many others

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Old High School – 411 E. McPherson

STUDY SESSION MEETING DATE: August 1, 2011

CITY DEPARTMENT: Codes and Planning

PREPARED BY: Brad Selby, Codes and Planning Administrator

Attached is the last letter I wrote to J.D. Smiser, one of the new owners of the Old High School. We had hoped that the new owners would do as they said that they were going to fix the windows, clean out the building, and make some type of productive use of it. They have owned it now for 7 months and really nothing has happened. Technically, this building still has the Condemnation Order hanging over it. I have given them time to try to get the building in shape on the outside, and to repair the roof, so we could pull the condemnation. That is part of the reason I sent the attached letter, so it wouldn't be so much of an eye sore and because nothing was being done. Back in June, we extended the deadline for them to July 25. At my inspection today, I don't see that anything has been done.

I have a call into J.D. today, because I am ready to go back to court to get something done here. If they have some sort of definite plan, we probably won't file, but in the absence of anything concrete, I will probably file charges. I will let you know what JD says when he calls me back.

Enclosures

Letter to Owner

Timeline



CITY OF
KIRKSVILLE

Codes Department Ph: 660.627.1272 - Fax: 660.627.1026

May 19, 2011

*J.D. Cell #
341-8525*

J.D. Smiser
3001 S. First
Kirksville, MO 63501

RE: Excessive Grass and Weeds at 411 E. McPherson and/or Brush
Exterior Inspection of above address

Dear Mr. Smiser,

It has been brought to the attention of the City of Kirksville, Codes Department, and upon the completion of a site inspection conducted on May 18, 2011, at the above referenced address, the following violation(s) were discovered:

- Excessive Grass, Weeds, and/or Brush in excess located at the property listed above.
(Specifically, tall grass and weeds on the whole property that need mowed right away)

*Abated
Bluffy
5-27-11*

According to the City of Kirksville, Code of Ordinances; All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs.

- Exterior Structure Violations

According to the International Property Maintenance Code of 2009, adopted by the City of Kirksville, Section 304.1, says, "The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare."

For your reference and information:

The International Property Maintenance Code 2009, adopted by the City of Kirksville, contains these sections:

Section 304.2, "All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition.

Section 304.6, "All exterior walls shall be free from holes, breaks, and loose or rotting materials...."

Section 304.7, "....Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions...."

Section 304.13, "Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight."



Page 2

Your property listed above is in need of the following improvements or repairs. They are:

1. Repair any broken or missing windows. Any boarded up window must be painted and the boards mounted securely to the frame.

Since these conditions are contrary to city ordinance, you are hereby required to correct said violation(s) upon receipt of this notice.

**A reinspection will be conducted on May 27, 2011 for the grass.
A reinspection will be conducted on June 20, 2011 for the broken windows.**

Should you fail to comply with this notice prior to the established reinspection date, you may be liable for penalties as provided for by law for such violation(s).

Any person affected by this Notice and Order has the right to seek modification or withdrawal of said Notice and Order by requesting in writing a hearing before the Board of Adjustment within twenty (20) days after the service hereof. All requests must be accompanied with \$75.00 to defray the costs of advertisement.

Actions taken by the City regarding cleanup or abatement of codes violations may be charged against the real estate upon which the cleanup takes place and shall be a lien upon such real estate, as per Section 106.3 of the International Property Maintenance Code.

Please feel free to contact our office if you have any questions, or need additional information. Thank you in advance for your prompt attention to this matter.

Sincerely,

Brad Selby

Brad Selby
Codes & Planning Director
City of Kirksville

*Extension to
July 25.
OK B Selby
6-20-11*

TimeLine for 411 E. McPherson – Old High School

- 12-28-2005 Codes enforcement letter for trash, premises identification and 74 broken windows.
- 6-2-2006 Filed charges to go to Court for failure to repair building. Owner Charles Tharp later pleaded guilty and was fined \$50 with no probation.
- 3-28-2007 Issued “Stop Work” order as work was being done illegally (no permit).
- 4-27-2007 Architect report on the condition of the building stated parts of the building were “NOT STRUCTURALLY SOUND”
- 8-13-2007 Issued Condemnation/Demolition order and also a letter outlining how repairs could be done to the building, to get the demolition order removed. Also weeds and grass.
- 10-23-2007 Roof structure and broken windows violation letter as part of planned repairs.
- 5-2-2008 Filed Charges to go to Court for failure to repair building.
- 5-10-2008 Building inspected by City Engineer John Buckwalter. His report stated he was “extremely concerned” about the condition of the building and advised that a qualified structural engineer be engaged immediately.
- 7-31-2008 Allstate Consultants, structural engineers, toured the building and submitted a report stating the building had significant falling hazards on the exterior, roof hazards falling in on the interior and several areas called “severely deteriorated” and “dangerous conditions”.
- 10-30-2008 In court, the City and Defendant agreed to a Deferred Prosecution Agreement, whereby renovations would continue until all extreme conditions were abated.
- July 2010 ?? Property was in process of sale or transfer to new owners J.D. Smiser and ---- Holt.
- 8-10-2010 Codes violation Letter on Trash, Grass and Weeds and continued maintenance items that were not yet completed.
- Dec, 2010 New owners took ownership (Smiser and Holt). New owners indicated they would finish the roof repairs and would fix all broken windows so building could be used.
- 5-19-2011 Code enforcement letter on grass and weeds and multiple broken windows. Due date was July 25, 2011.
- 7-25-2011 At inspection today, no work was done to repair the broken windows. To my knowledge the roof has still not been repaired. It is open to the sky in one section.

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager ^{MEM}
SESSION DATE: August 1, 2011
TIME: 4:30 pm
PLACE: Second Floor Conference Room

AGENDA:

- **GIS PROGRAM**
- **STORM WATER MANAGEMENT**
- **BATTLE OF KIRKSVILLE**
- **STATUS OF OLD HIGH SCHOOL**
- **REVIEW NEWSLETTER (includes miscellaneous topics)**

GIS PROGRAM

In 2005, the City of Kirksville, Adair County and the Adair County Public Water Supply District entered into an agreement which established a consortium for the purpose of implementing, operating and maintaining a GIS program for the mutual benefit of each partner.

The Consortium was established as a separate legal entity. A Board of Directors was established which included two members from each of its partners. This partnership allowed each of these entities to obtain GIS support that otherwise would not have been possible due to limited resources. A GIS Coordinator was hired by the Consortium. Funding levels of the GISC required each partner to share in the operational costs of the office including staff and office equipment expenses.

The GIS was established initially for a three-year period, after which the partners determined the future need and level of participation of the partners. The Consortium provided GIS services to the partner agencies including data base development, mapping, training for staff, emergency support, and development of GIS in rural areas by hosting conferences and meetings.

For various reasons, the GIS disbanded operations on June 30, 2010.

The City assumed full responsibility for our own GIS support. No additional staff was hired and the duties of GIS were assigned to the Engineering Department. John Buckwalter will give the City Council an update on the progress of our internal GIS program.

Recommendation – There is no action to be taken.

STORMWATER MANAGEMENT PROGRAM

National and state stormwater regulations now require certain small communities to obtain a National Pollutant Discharge Elimination System, also known as NPDES, permit. Kirksville is one of 150 Missouri communities affected by the Phase II stormwater regulations. Kirksville, like other Missouri communities, has a separate storm sewer system or what is called an MS4. We were required to obtain a NPDES permit by March 10, 2003, which we did. The permit requires these regulated MS4s to have their storm water management program in place by March 10, 2008. The City began working on our plan providing periodic updates to DNR. We were informed recently, that we had until October 19 to get our plan done.

John Buckwalter will be talking to you about the MS4 requirements and the stormwater management requirements in general.

Recommendation – The City Council is being asked to approve an engineering agreement with Bartlett & West to assist the City in meeting the deadline imposed by DNR. Should we fail to complete the plan by the deadline, DNR has noted that they may impose penalties upon the City.

BATTLE OF KIRKSVILLE

The second annual Battle of Kirksville will take place August 5 through August 7. Councilmember Chrisman has been serving as chair of the organizing committee over the past year. With the event taking place later in the week, it is appropriate that the City Council receive an update of the events.

Battle of Kirksville 150th Anniversary Commemoration Schedule of Events:

Friday, August 5th:

7pm Friday Night on the Square-- Courthouse Lawn
Period Piece music
DAV: handout flags
Flag Display
Table of information on activities

Saturday, August 6th:

3pm Adair County Historical Society Open (tours, battle diorama)
Flag ceremony with Veterans at Courthouse (begins at 3:45pm)
Courthouse Lawn:
4pm Scavenger Hunt Begins
Medical Tent Opens
Children's Games begin
NEMO Country Dance Club: Virginia Reel
4-6pm Historic Photos—"Have your historic civil war photos taken by Missouri Moments (Photos printed in sepia tones)* fee will be charged for photos"
5pm Period Piece Music and Costume Contest
Last scavenger hunt given out

6pm Explanation of Flag Display
Begin vignettes (Done at the beginning and end)

Sunday, August 7th:

2pm Kirksville Community Church service at Rotary Park

Recommendation – The City Council is encouraged to learn more about the event that the City is helping to sponsor, and is also encouraged to participate in the planned events.

STATUS OF OLD HIGH SCHOOL

The old high school located at 411 E. McPherson was sold by the Kirksville RIII School District in the late 1990s to a local individual and a possible partnership group. The condition of the building has been called in to question over the last number of years.

The City's Codes Department has been working with both the previous owner group and a new owner group since 2005, issuing a condemnation and demolition order in 2007.

Through the court process, it was agreed that the City would continue to work with the ownership of the building allowing renovations to continue until all extreme conditions were abated.

An ownership change occurred, and the City has been working with that group. Brad Selby will be in attendance at the Council Study Session to provide an overview of the timeline on the City's efforts to address this building, and its current status.

Recommendation – Depending upon the interest and direction of the City Council, the Council may wish to discuss this further with the City Attorney to learn the City's options on resolving this matter.

REVIEW NEWSLETTER – July 28, 2011 (includes miscellaneous topics)

Attachments

GIS Staff Report – John Buckwalter
Stormwater Staff Report – John Buckwalter
Old High School Report – Brad Selby

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: GIS Update

STUDY SESSION MEETING DATE: August 1, 2011

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, Public Works Director

The Adair County GIS Consortium was formed in 2005 with three partner agencies: Adair County, Public Water Supply District 1, and the City. The Consortium provided GIS services to the partner agencies including data base development, mapping, training for staff, emergency support, and development of GIS in rural areas by hosting conferences and meetings. The GIS Coordinator resigned on June 30, 2010. The Adair County Assessor, a key member of the consortium, withdrew from the consortium, and the County commissioners were unwilling to fund the full cost of their partnership from the Road and Bridge fund. The Public Water Supply District was also unwilling to continue participation at their 2010 level. The recommendation of all partners was to dissolve the Consortium. Council formally withdrew from the GIS Consortium on June 7, 2010, and the Consortium was dissolved on June 30, 2010.

The transition plan called for the City to assume responsibility for its own GIS support, with the task being part of the Engineering Department's mission. The City planned to provide support to the County Road and Bridge Department, and to the County Sheriff, if needed on an hourly basis. Key areas outlined in the transition plan are updated below.

The City of Kirksville assumed responsibility for its own GIS program after dissolution of the GISC on June 30, 2010. The Engineering Department has been responsible for maintaining the GIS data base, expanding the GIS coverage within the City limits, coordinating support for other City departments, preparing map products as requested by City staff and administration, and providing technical support to former GISC member agencies on a time available basis. The responsibility for GIS support and development was added to what was then the Assistant to the City Engineer position, which was re-designated the Engineering/Mapping Coordinator. That employee has attended formal training conducted by ESRI, the author of ArcMap/ArcInfo.

City Departments were expected to become knowledgeable GIS consumers, able to manipulate ArcReader based products for common GIS requirements. Departments were to gather and provide department unique data to the Engineering Department in a form which could be integrated into the GIS with a minimum of manipulation. Progress on this objective has been minimal in the first year since transition. Public Works and Codes do use GIS data in the ArcReader format, but data has been supplied to engineering in the form of paper maps and notes in most cases.

ArcMap or equivalent licenses are maintained by the Engineering Department and Public Works Department. Engineering also has one license for ArcPublisher which is used to produce products which can be used by the general public on free software.

The GPS locators were transferred from the GISC to the Engineering Department and Public Works Department. The software they use is outdated, and no longer supported by the manufacturer. They are still functional, but have seen only limited use in the past year.

The GISC server was transferred to the City, and was critical in transitioning the GIS files to the City's system. The GIS data base and imagery reside on drives V and X of the City system.

City was to support emergency management GIS requirements for both the City and County within limits of available data. The Engineering Department has not been tasked for new products during the past year.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Storm Water Management and MS4 Permit

STUDY SESSION MEETING DATE: August 1, 2011

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, Public Works Director

The National and State storm water regulations now require certain small communities to obtain a National Pollutant Discharge Elimination System, also known as NPDES, permit. Missouri has approximately 150 communities affected by these Phase II storm water regulations these small communities with Municipal Separate Storm Sewer Systems, also known as MS4s, were required to obtain a NPDES permit by March 10, 2003. The permit required these regulated MS4s to have their storm water management program in place by March 10, 2008. The program must address six minimum control measures. The larger metropolitan areas such as Kansas City, Springfield and Independence became regulated under the 1990 Phase I regulations. The Metropolitan St. Louis Sewer District successfully petitioned on behalf of the City of St. Louis to be regulated under Phase II. The City of Kirksville is a Phase II community.

The City was issued a Missouri State Operating Permit for our MS4 on July 6, 2007. That permit expired on March 9, 2008. On July 11, 2008 the City was issued Permit Number MO-R040078 under the NPDES for the Kirksville Small MS4. This permit expires June 12, 2013. This permit, in section 4.1 requires the permittee (the City) to “develop, implement, and enforce a stormwater management program and plan (SWMP) designed to reduce the discharge of pollutants from the permittee’s regulated Small MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Missouri Clean Water Law.” The City has outlined the requirements of stormwater management and permitting for development under various sections of the City Code. The Engineering Department has attempted to draft a comprehensive SWMP, and implementing ordinance, but has been unable to complete the task. The outline for the City’s SWMP is attached.

The Missouri Department of Natural Resources has recently informed the City that the SWMP must be completed, or we will be found in violation of our NPDES permit. October 21 was set as the absolute deadline for completing a SWMP. Staff does not have the time or resources to develop the required plan, in the DNR mandated format, by that date. Review of other small MS4 SWMP’s show that virtually all were developed by consultants.

The City hired Bartlett & West in 2010 to develop the plans for stormwater improvements to be funded using the proceeds of the development bonds approved by the voters, and by the stormwater utility fee paid by all City water customers.

Development of a SWMP is a logical extension of Bartlett & West's services, and was discussed with Bob Gilbert, B&W's project manager for the City of Kirksville.

Bartlett & West has the expertise and resources to complete the required SWMP by October 21. An engineering agreement has been drafted, and will be included on the August 1 agenda for the Council's regular meeting. Staff will work closely with Bartlett & West to complete the SWMP, incorporating existing ordinance content and design guidelines wherever possible. An implementing ordinance will also be developed and will be presented to Council for review and approval in October.

Enclosures:

Outline, City of Kirksville SWMP

EPA Fact Sheet "Stormwater Phase II Final Rule"

Introduction and Purpose

Minimum Control Measures

1. Public Education and Outreach
 - a. Inform individuals on steps to reduce SW pollution
 - b. Inform public on how to become involved in SWP
 - c. Target Audiences
 - d. Target Sources
 - e. Outreach Strategy
 - f. Person Responsible
 - g. Evaluation Plan
2. Public Involvement/Participation
 - a. Public Involvement in development of permit application
 - b. Public involvement in development and implementation of SWMP
 - c. Target Audience
 - d. Public Involvement Activities
 - i. Storm Water Management Panel
 - ii. Public Hearings
 - iii. Volunteers to educate others
 - iv. Volunteer monitoring or clean-up
 - e. Person Responsible
 - f. Method of evaluation
3. Illicit Discharge Detection and Elimination
 - a. Storm Sewer System Map
 - b. Regulatory Mechanisms
 - c. Non-storm contributors
 - d. Incidental contributors
 - e. Plan and Procedures to
 - i. Develop and update storm sewer map
 - ii. Implement and enforce ID ordinance
 - iii. ID Detection Plan
 1. Priority Areas
 2. Tracing ID
 3. Removing ID source
 4. Evaluation and assessment of ID detection plan
 - f. Public Information re dangers of illicit discharge
 - g. Person Responsible
 - h. Method of Evaluation

4. Construction Site Storm Water Runoff Control
 - a. Ordinance or Regulatory mechanism requiring compliance
 - b. Requirement for Construction Site Erosion Control
 - c. Requirement for Construction site waste management
 - d. Consideration of SWM in site plan review
 - e. Review of comments and information from public
 - f. Procedures for site inspection and enforcement
 - g. Identification of person responsible for CSSWMC
 - h. Method of Evaluation
5. Post-construction Storm Water Management
 - a. Program description and priority areas
 - b. How program is tailored for local community
 - c. Non-Structural BMP
 - i. Directed growth, restricted areas, greenways, etc.
 - ii. Encouraged infill growth
 - iii. Education of developers
 - iv. other
 - d. Structural BMP
 - i. Storage structures and practices
 - ii. Filtration practices
 - e. Infiltration practices
 - f. Mechanisms to address post construction runoff
 - g. Long term O&M or BMP's required
 - h. Person Responsible
 - i. Method of Evaluation
6. Pollution Prevention for Municipal Operations
 - a. Operation and Maintenance Plan to reduce pollution
 - b. Training Plan
 - c. Areas Addressed by Program
 - i. Controls to reduce floatables
 - ii. Control of pollutants from streets, etc
 - iii. Procedures for disposal of waste from MS4
 - iv. Assessment of flood management projects
 - d. Person Responsible
 - e. Method of Evaluation

Review and Update

Monitoring, Recordkeeping, and Reporting



Stormwater Phase II Final Rule

An Overview

Stormwater Phase II Final Rule Fact Sheet Series

Overview

1.0 – Stormwater Phase II Final Rule: An Overview

Small MS4 Program

2.0 – Small MS4 Stormwater Program Overview

2.1 – Who's Covered? Designation and Waivers of Regulated Small MS4s

2.2 – Urbanized Areas: Definition and Description

Minimum Control Measures

2.3 – Public Education and Outreach

2.4 – Public Participation/Involvement

2.5 – Illicit Discharge Detection and Elimination

2.6 – Construction Site Runoff Control

2.7 – Post-Construction Runoff Control

2.8 – Pollution Prevention/Good Housekeeping

2.9 – Permitting and Reporting: The Process and Requirements

2.10 – Federal and State-Operated MS4s: Program Implementation

Construction Program

3.0 – Construction Program Overview

3.1 – Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 – Conditional No Exposure Exclusion for Industrial Activity

Why Is the Phase II Stormwater Program Necessary?

Since the passage of the Clean Water Act (CWA), the quality of our Nation's waters has improved dramatically. Despite this progress, however, degraded waterbodies still exist. According to the 2000 National Water Quality Inventory (Inventory), a biennial summary of State surveys of water quality, approximately 40 percent of surveyed U.S. waterbodies are still impaired by pollution and do not meet water quality standards. A leading source of this impairment is polluted runoff. In fact, according to the Inventory, 13 percent of impaired rivers, 18 percent of impaired lake acres and 32 percent of impaired estuaries are affected by urban/suburban stormwater runoff.

Phase I of the U.S. Environmental Protection Agency's (EPA) stormwater program was promulgated in 1990 under the CWA. Phase I relies on National Pollutant Discharge Elimination System (NPDES) permit coverage to address stormwater runoff from: (1) "medium" and "large" municipal separate storm sewer systems (MS4s) generally serving populations of 100,000 or greater, (2) construction activity disturbing 5 acres of land or greater, and (3) ten categories of industrial activity.

The Stormwater Phase II Final Rule is the next step in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted stormwater runoff. The Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted stormwater runoff. See Fact Sheets 2.0 and 3.0 for overviews of the Phase II programs for MS4s and construction activity.

Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of stormwater discharges that have the greatest likelihood of causing continued environmental degradation. The environmental problems associated with discharges from MS4s in urbanized areas and discharges resulting from construction activity are outlined below.

MS4s in Urbanized Areas

Stormwater discharges from MS4s in urbanized areas are a concern because of the high concentration of pollutants found in these discharges. Concentrated development in urbanized areas substantially increases impervious surfaces, such as city streets, driveways, parking lots, and sidewalks, on which pollutants from concentrated human activities settle and remain until a storm event washes them into nearby storm drains. Common pollutants include pesticides, fertilizers, oils, salt, litter and other debris, and sediment. Another concern is the possible illicit connections of sanitary sewers, which can result in fecal coliform bacteria entering the storm sewer system. Stormwater runoff picks up and transports these and other harmful pollutants then discharges them – untreated – to waterways via storm sewer systems. When left uncontrolled, these discharges can result in fish kills, the destruction of spawning and wildlife habitats, a loss in aesthetic value, and contamination of drinking water supplies and recreational waterways that can threaten public health.

Construction Activity

Uncontrolled runoff from construction sites is a water quality concern because of the devastating effects that sedimentation can have on local waterbodies, particularly small streams. Numerous studies have shown that the amount of sediment transported by stormwater runoff from construction sites with no controls is significantly greater than from sites with controls. In addition to sediment, construction activities yield pollutants such as pesticides, petroleum products, construction chemicals, solvents, asphalts, and acids that can contaminate stormwater runoff. During storms, construction sites may be the source of sediment-laden runoff, which can overwhelm a small stream channel's capacity, resulting in streambed scour, streambank erosion, and destruction of near-stream vegetative cover. Where left uncontrolled, sediment-laden runoff has been shown to result in the loss of in-stream habitats for fish and other aquatic species, an increased difficulty in filtering drinking water, the loss of drinking water reservoir storage capacity, and negative impacts on the navigational capacity of waterways.

Are Municipally Operated Sources Exempted by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 Affected by the Final Rule?

Provisions within ISTEA temporarily delayed the deadline for Phase I industrial activities (with the exception of power plants, airports, and uncontrolled sanitary landfills) operated by municipalities with populations of less than 100,000 people to obtain an NPDES stormwater discharge permit. Congress delayed the permitting deadline for these facilities to allow small municipalities additional time to comply with NPDES requirements. The Phase II Final Rule ended this temporary exemption from permitting. Since March 10, 2003, all ISTEA-exempted municipally operated industrial activities were required to obtain permit coverage.

How Was the Phase II Final Rule Developed?

EPA developed the Phase II Final Rule during extensive consultations with a cross-section of interested stakeholders brought together on a subcommittee chartered under the Federal Advisory Committee Act, and with representatives of small entities participating in an advisory process mandated under the Small Business Regulatory Enforcement Fairness Act. In addition, EPA considered comments submitted by over 500 individuals and organizations during a 90-day public comment period on the proposed rule.

Why Does Part of the Phase II Final Rule Use a Question and Answer Format?

The provisions pertaining to operators of small MS4s are written in a "readable regulation" form that uses the "plain language" method. Questions and answers are used to create more reader-friendly and understandable regulations. The plain language method uses "must" instead of "shall" to indicate a requirement and words like "should," "could," or "encourage" to indicate a recommendation or guidance.

Who Is Covered by the Phase II Final Rule?

The final rule "automatically" covers two classes of stormwater dischargers on a nationwide basis:

- (1) Operators of small MS4s located in "urbanized areas" as delineated by the Bureau of the Census. A "small" MS4 is any MS4 not already covered by Phase I of the NPDES stormwater program. See Fact Sheets 2.1 and 2.2 for more information on small MS4 coverage.
- (2) Operators of small construction activities that disturb equal to or greater than 1 (one) and less than 5 (five) acres of land. See Fact Sheet 3.0 for more information on small construction activity coverage.

Waivers

Permitting authorities may waive "automatically designated" Phase II dischargers if the dischargers meet the necessary criteria. See Fact Sheets 2.1 (small MS4 waivers overview), 3.0 (construction waivers overview) and 3.1 (construction rainfall erosivity waiver) for details.

Phased-in Permit Coverage

Permitting authorities may phase-in permit coverage for small MS4s serving jurisdictions with a population under 10,000 on a schedule consistent with a State watershed permitting approach.

Additional Designations by the Permitting Authority

Small MS4s located outside of urbanized areas, construction activity disturbing less than 1 acre, and any other stormwater discharges can be designated for coverage if the NPDES permitting authority or EPA determines that stormwater controls are necessary. See Fact Sheet 2.1 for more information on the designation of small MS4s located outside of urbanized areas.

What Does the Phase II Final Rule Require?

Operators of Phase II-designated small MS4s and small construction activity are required to apply for NPDES permit coverage, most likely under a general rather than individual permit, and to implement stormwater discharge management controls (known as “best management practices” (BMPs)). Specific requirements for each type of discharge are listed below.

Small MS4s

- A regulated small MS4 operator must develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from their MS4 to the “maximum extent practicable,” to protect water quality, and to satisfy the appropriate water quality requirements of the CWA. The rule assumes the use of narrative, rather than numeric, effluent limitations requiring implementation of BMPs.
- The small MS4 stormwater management program must include the following six minimum control measures: public education and outreach; public participation/involvement; illicit discharge detection and elimination; construction site runoff control; post-construction runoff control; and pollution prevention/good housekeeping. See Fact Sheets 2.3 through 2.8 for more information on each measure, including BMPs and measurable goals.
- A regulated small MS4 operator must identify its selection of BMPs and measurable goals for each minimum measure in the permit application. The evaluation and assessment of those chosen BMPs and measurable goals must be included in periodic reports to the NPDES permitting authority. See Fact Sheet 2.9 for more information on permitting and reporting.

Small Construction Activity

- The specific requirements for stormwater controls on small construction activity will be defined by the NPDES permitting authority on a State-by-State basis.
- Many NPDES permitting authorities have adapted their existing Phase I general permits for large construction activity to also include small construction activity. Where this has occurred, a

stormwater pollution prevention plan is required for small construction activity. See Fact Sheet 3.0 for more information on potential program requirements and appropriate BMPs for small construction activity.

What Is the Phase II Program Approach?

The Phase II program, based on the use of federally enforceable NPDES permits:

- Encourages the use of general permits;
- Provides flexibility for regulated operators to determine the most appropriate stormwater controls;
- Allows for the recognition and inclusion of existing NPDES and non-NPDES stormwater programs in Phase II permits;
- Includes public education and participation efforts as primary elements of the small MS4 program;
- Attempts to facilitate and promote watershed planning and to implement the stormwater program on a watershed basis; and
- Works toward a unified and comprehensive NPDES stormwater program with Phase I of the program.

How Does the Phase II Final Rule Address the Phase I Industrial “No Exposure” Provision?

In addition to establishing a deadline for ISTEA facilities and designating two new classes of dischargers, the Phase II Final Rule revises the “no exposure” provision originally included in the 1990 regulations for Phase I of the NPDES stormwater program. The provision was remanded to EPA for further rulemaking and, subsequently, included in its revised form in the Phase II rule.

Under the Phase II Final Rule, a conditional no exposure exclusion is available to operators of *all* categories of Phase I regulated industrial activity (except category (x) construction activity) who can certify that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. To obtain the no exposure exclusion, written certification must be submitted to the NPDES permitting authority. The final rule includes a *No Exposure Certification* form for use only by operators of industrial activity in areas where EPA is the NPDES permitting authority. See Fact Sheet 4.0 for more information on the conditional no exposure exclusion for industrial activity.

What Resources are Available for Phase II Communities?

EPA is committed to providing tools to facilitate implementation of the final Phase II stormwater program in an effective and cost-efficient manner. The stormwater Web site includes fact sheets, case studies, guidance documents, the National Menu of BMPs, and the Measurable Goals Guidance, as well as other compliance assistance information. This information can be accessed at EPA's stormwater Web site at www.epa.gov/npdes/stormwater.

What Is the Schedule for the Phase II Rule?

- The Phase II Final Rule was published in the *Federal Register* on December 8, 1999 (64 *FR* 68722).
- The Conditional No Exposure Exclusion option is available in States where EPA is the permitting authority (see <http://www.epa.gov/npdes/authorization>).
- The NPDES permitting authorities were required to issue general permits for Phase II-designated small MS4s and small construction activity by December 9, 2002.
- Operators of Phase II "automatically" designated regulated small MS4s and small construction activity were required to obtain permit coverage within 90 days of permit issuance.
- The NPDES permitting authority may phase-in coverage for small MS4s serving jurisdictions with a population under 10,000 on a schedule consistent with a State watershed permitting approach.
- Operators of regulated small MS4s must fully implement their stormwater management programs by the end of the first permit term, typically a 5-year period.

For Additional Information

Contacts

- U.S. EPA Office of Wastewater Management
<http://www.epa.gov/npdes/stormwater>
Phone: 202-564-9545
- Your NPDES Permitting Authority. Most States and Territories are authorized to administer the NPDES Program, except the following, for which EPA is the permitting authority:

Alaska	Guam
District of Columbia	Johnston Atoll
Idaho	Midway and Wake Islands
Massachusetts	Northern Mariana Islands
New Hampshire	Puerto Rico
New Mexico	Trust Territories
American Samoa	
- A list of names and telephone numbers for each EPA Region and State is located at <http://www.epa.gov/npdes/stormwater> (click on "Contacts").

Reference Documents

- EPA's Stormwater Web Site
<http://www.epa.gov/npdes/stormwater>
 - Stormwater Phase II Final Rule Fact Sheet Series
 - Stormwater Phase II Final Rule (64 *FR* 68722)
 - National Menu of Best Management Practices for Stormwater Phase II
 - Measurable Goals Guidance for Phase II Small MS4s
 - Stormwater Case Studies
 - And many others

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Old High School – 411 E. McPherson

STUDY SESSION MEETING DATE: August 1, 2011

CITY DEPARTMENT: Codes and Planning

PREPARED BY: Brad Selby, Codes and Planning Administrator

Attached is the last letter I wrote to J.D. Smiser, one of the new owners of the Old High School. We had hoped that the new owners would do as they said that they were going to fix the windows, clean out the building, and make some type of productive use of it. They have owned it now for 7 months and really nothing has happened. Technically, this building still has the Condemnation Order hanging over it. I have given them time to try to get the building in shape on the outside, and to repair the roof, so we could pull the condemnation. That is part of the reason I sent the attached letter, so it wouldn't be so much of an eye sore and because nothing was being done. Back in June, we extended the deadline for them to July 25. At my inspection today, I don't see that anything has been done.

I have a call into J.D. today, because I am ready to go back to court to get something done here. If they have some sort of definite plan, we probably won't file, but in the absence of anything concrete, I will probably file charges. I will let you know what JD says when he calls me back.

Enclosures

Letter to Owner

Timeline



CITY OF
KIRKSVILLE

Codes Department Ph: 660.627.1272 - Fax: 660.627.1026

May 19, 2011

*J.D. Cell #
341-8525*

J.D. Smiser
3001 S. First
Kirksville, MO 63501

RE: Excessive Grass and Weeds at 411 E. McPherson and/or Brush
Exterior Inspection of above address

Dear Mr. Smiser,

It has been brought to the attention of the City of Kirksville, Codes Department, and upon the completion of a site inspection conducted on May 18, 2011, at the above referenced address, the following violation(s) were discovered:

- Excessive Grass, Weeds, and/or Brush in excess located at the property listed above.
(Specifically, tall grass and weeds on the whole property that need mowed right away)

*Abated
Bluffy
5-27-11*

According to the City of Kirksville, Code of Ordinances; All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs.

- Exterior Structure Violations

According to the International Property Maintenance Code of 2009, adopted by the City of Kirksville, Section 304.1, says, "The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare."

For your reference and information:

The International Property Maintenance Code 2009, adopted by the City of Kirksville, contains these sections:

Section 304.2, "All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition.

Section 304.6, "All exterior walls shall be free from holes, breaks, and loose or rotting materials...."

Section 304.7, "...Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions...."

Section 304.13, "Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight."



Page 2

Your property listed above is in need of the following improvements or repairs. They are:

1. Repair any broken or missing windows. Any boarded up window must be painted and the boards mounted securely to the frame.

Since these conditions are contrary to city ordinance, you are hereby required to correct said violation(s) upon receipt of this notice.

A reinspection will be conducted on May 27, 2011 for the grass.
A reinspection will be conducted on June 20, 2011 for the broken windows.

Should you fail to comply with this notice prior to the established reinspection date, you may be liable for penalties as provided for by law for such violation(s).

Any person affected by this Notice and Order has the right to seek modification or withdrawal of said Notice and Order by requesting in writing a hearing before the Board of Adjustment within twenty (20) days after the service hereof. All requests must be accompanied with \$75.00 to defray the costs of advertisement.

Actions taken by the City regarding cleanup or abatement of codes violations may be charged against the real estate upon which the cleanup takes place and shall be a lien upon such real estate, as per Section 106.3 of the International Property Maintenance Code.

Please feel free to contact our office if you have any questions, or need additional information. Thank you in advance for your prompt attention to this matter.

Sincerely,

Brad Selby
Codes & Planning Director
City of Kirksville

*Extension to
July 25.
OK B Selby
6-20-11*

TimeLine for 411 E. McPherson – Old High School

- 12-28-2005 Codes enforcement letter for trash, premises identification and 74 broken windows.
- 6-2-2006 Filed charges to go to Court for failure to repair building. Owner Charles Tharp later pleaded guilty and was fined \$50 with no probation.
- 3-28-2007 Issued “Stop Work” order as work was being done illegally (no permit).
- 4-27-2007 Architect report on the condition of the building stated parts of the building were “NOT STRUCTURALLY SOUND”
- 8-13-2007 Issued Condemnation/Demolition order and also a letter outlining how repairs could be done to the building, to get the demolition order removed. Also weeds and grass.
- 10-23-2007 Roof structure and broken windows violation letter as part of planned repairs.
- 5-2-2008 Filed Charges to go to Court for failure to repair building.
- 5-10-2008 Building inspected by City Engineer John Buckwalter. His report stated he was “extremely concerned” about the condition of the building and advised that a qualified structural engineer be engaged immediately.
- 7-31-2008 Allstate Consultants, structural engineers, toured the building and submitted a report stating the building had significant falling hazards on the exterior, roof hazards falling in on the interior and several areas called “severely deteriorated” and “dangerous conditions”.
- 10-30-2008 In court, the City and Defendant agreed to a Deferred Prosecution Agreement, whereby renovations would continue until all extreme conditions were abated.
- July 2010 ?? Property was in process of sale or transfer to new owners J.D. Smiser and ---- Holt.
- 8-10-2010 Codes violation Letter on Trash, Grass and Weeds and continued maintenance items that were not yet completed.
- Dec, 2010 New owners took ownership (Smiser and Holt). New owners indicated they would finish the roof repairs and would fix all broken windows so building could be used.
- 5-19-2011 Code enforcement letter on grass and weeds and multiple broken windows. Due date was July 25, 2011.
- 7-25-2011 At inspection today, no work was done to repair the broken windows. To my knowledge the roof has still not been repaired. It is open to the sky in one section.