



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: August 14, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: Amendment to Section 38-186 of Litter Control, Article VII, Waste Control at Construction Sites, of the Code of the City of Sandy Springs

MEETING DATE: For Submission onto the August 19, 2014, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
40 CFR
Proposed Ordinance Revision

APPROVAL BY CITY MANAGER: JMM APPROVED

PLACED ON AGENDA FOR: 08/19/2014

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]

REMARKS:



TO: John F. McDonough, City Manager

FROM: Garrin M. Coleman, P.E., Public Works Director

DATE: August 15, 2014 for Submission onto the Consent Agenda of the August 19, 2014 City Council Meeting

ITEM: Amendment to Section 38-186 of Litter Control, Article VII, Waste Control at Construction Sites, of the Code of the City of Sandy Springs

Recommendation:

A requirement of the City's 2012 Municipal Separate Storm Sewer System (MS4) permit is to modify language addressing waste at construction sites to an existing ordinance. Staff recommends adding a paragraph within Litter Control, Article VII, Section 38-186. In order to remain in compliance with the provisions of the permit the amendment must be adopted by February, 2015, and include the following language: **construction site operators shall control waste at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste.**

Background:

An MS4 is a conveyance or system of conveyances that is owned by a state, city, town, village, or other public entity that discharges to waters of the United States. The city, as a condition to our MS4 permit, is required to develop and implement a stormwater management program (SWMP) to reduce the contamination of stormwater runoff and prohibit illicit discharges. The state of Georgia has delegation authority from the federal government to run their permitting program requiring municipalities (of certain population sizes) to obtain National Pollutant Discharge Elimination System (NPDES) permits enforced by the Georgia Environmental Protection Division (GAEPD). The Code of Federal Regulations (CFR) states the directives, see attachment.

Discussion:

The GAEPD is requiring that municipalities under the NPDES MS4 permit add the following language within an ordinance. The following is the excerpt from the permit:

"Evaluate, and if necessary, modify the existing E&S ordinance. Ensure either the E&S or litter ordinance requires construction site operators to control waste at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste."

Alternatives:

Three alternatives are:

1. Adopt the language in an erosion and sediment ordinance.
2. Request an extension of GAEPD from meeting permit requirements.
3. Refuse to adopt the required language and not meet permit requirements.

Financial Impact:

This ordinance revision will have no financial impact and little impact on construction sites. The construction sites are typically controlling their waste currently.

It is important to note that Code Enforcement staff already addresses the items cited above on construction sites. That is, while this amendment is required by GAEPD, approval will not result in new areas of code enforcement.

Attachment:

- I. 40 CFR Part 122.34(b)(4)
- II. Proposed Ordinance Revision Sec 38-186 of Litter Control, Article VII, Waste Control at Construction Sites.

Code of Federal Regulations (CFR)

The following is from the federal government's Code of Federal Regulations, where it states the directive (Part C):

40 CFR Part 122.34(b)(4) Requirement: You must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Your program must include:

A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance;

B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

D) Procedures for site plan review which incorporate consideration of potential water quality impacts;

E) Procedures for receipt and consideration of information submitted by the public; and

F) Procedures for site inspection and enforcement of control measures.

Sec. 38-186. Prohibition against littering public or private property or waters.

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this City of Sandy Springs or any waters in this City of Sandy Springs unless:

- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a receptacle or container installed on such property; or,
- (3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Construction site operators shall control waste at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste.

(Ord. No. 2008-08-42, § 1, 8-19-2008)

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Comment [RM1]: The language needs to be added as a last paragraph in this section. It cannot be a #4 item being that #1-3 are allowed.
NOTE: The state is requiring the language be added verbatim

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