

ITEM #: 10
DATE: 07-09-24
DEPT: PW

COUNCIL ACTION FORM

SUBJECT: INTERIM POLICY TO IMPLEMENT STATE OF IOWA STORMWATER REGULATIONS

BACKGROUND:

Senate File 455 (SF455), Relating to the Regulation of Topsoil and Storm Water at Construction Sites, was signed into law by the Governor on April 10, 2024. This legislation becomes effective on July 1, 2024. SF455 modifies Code of Iowa Section 364.3, Powers and Duties of Cities, by **adding the following limitations to powers of cities:**

Topsoil Preservation: Cities shall not adopt requirements for topsoil preservation, compaction, placement, or depth that are more restrictive than Iowa NPDES General Permit No. 2 (GP2).

Allowable Release Rate: Cities shall regulate stormwater runoff only to the extent that rainfall events having a return frequency from 5- through 100-years do not require a post-construction flow rate more restrictive than the flow rate generated by the 5-year rainfall based on actual existing condition of the site at the time construction commences.

Offsite Pass-Through Flows: Cities shall regulate stormwater runoff from upstream properties only to the extent that stormwater runoff be allowed to pass through downstream stormwater management facilities at the same flow rate as upstream offsite runoff entering the construction site.

INTERIM POLICY:

Staff from Public Works, Planning, and Legal will work together to draft changes to the Municipal Code to reflect the requirements of the new SF 455. Once developed, the changes will be brought to City Council for consideration at a later date. In the interim, the following policies will supersede any associated requirements in Municipal Code:

Topsoil: Topsoil shall be stripped, stockpiled, and respread in accordance with Iowa NPDES Permit No. 2. A soil management plan shall be provided that includes a site map that identifies areas where soils and vegetation will not be disturbed and shows where topsoil will be stripped and stockpiled.

Stormwater Release Rates: For rainfall events having a return frequency from 5- through 100-years, the rate of runoff from any specific development site after completion shall not exceed the predevelopment peak runoff from a 5-year frequency storm.

Offsite Stormwater Pass-through: For any specific development project, detention of runoff generated by upstream land is not required. Any stormwater management features may be designed to accommodate the pass-through flow of any upstream area draining into or through the project site.

ALTERNATIVES:

1. Approve the interim policy to implement State of Iowa stormwater regulations.
2. Direct staff to modify the proposed policy.

CITY MANAGER'S RECOMMENDED ACTION:

State law regarding local stormwater regulations has been modified, and several aspects of the City's current ordinance are in conflict with the new law. To remain in compliance with State law, these proposed interim policies must be approved and followed while formal changes to the Municipal Code are being developed. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No.1, as noted above.