

Retention/Detention Maintenance and Enforcement

Environmental Quality & Public Works
Committee

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Environmental Quality & Public Works
Division of Environmental Services

Agenda

- Retention/Detention Basin Maintenance Requirements
- Example Compliance Issues
- Recommendations
- Questions



Basin Maintenance Requirements

- **Ord. Sections 16-84 to 16-88 define maintenance roles and responsibilities**
- **LFUCG-owned Properties:** LFUCG responsible for all maintenance
- **Commercial Properties:** Property Owner responsible for all maintenance
- **Residential Properties with no public easement:** Property Owner(s) responsible for all maintenance
- **Residential Properties with public easement:**
 - Property Owner(s) responsible for non-structural maintenance (e.g. mowing/litter etc.)
 - LFUCG responsible for structural maintenance
 - LFUCG is not responsible to maintain ponds as an aesthetic feature



Basin Maintenance Requirements

■ Maintenance guidelines

- Ordinance lists specific maintenance activities
- Additional guidance in LFUCG Stormwater Manual
- Basin should be structurally sound and function as designed to detain stormwater runoff

■ Division of Water Quality activities

- EPA Consent Decree mandated inspections
 - Twice a year for detention basins
 - Once a month for retention basins (i.e. ponds)
- Structural repairs where LFUCG is responsible party
- Compliance assistance to property owners
- Notices of Violation

■ Division of Environmental Services activities

- Enforcement per Sec. 16-200 to 16-213 (e.g. citations, civil penalties, abatement, appeals)
- Mowing of LFUCG-owned basins



Example Compliance Issues

- **Erosion, Silted Flumes**



Example Compliance Issues

- **Litter, Encroachments**



Example Compliance Issues

- **Dumping**



Example Compliance Issues

- **Damaged infrastructure**



Example Compliance Issues

- **Altered outlets**



Example Compliance Issues

- **Blocked outlets**



Example Compliance Issues

- **Old temporary sediment control measures left in place**



Example Compliance Issues

■ Vegetation blocking outlets

- Vegetation should not block outlets or damage dam integrity.



Example Compliance Issues

- **Mowing of Detention Basins**



Example Compliance Issues

- **Unmowed bottom areas**



Example Compliance Issues

▪ **Mowing of Detention Basins**

- Ord. Section 12-5. Weeds, grass or plants (other than crops, trees, bushes, flowers or other ornamental plants) must be kept < 1 ft high unless a riparian buffer permit is in place.
- However - Naturalized Basins can provide water quality benefit and/or habitat.
- Riparian Buffer Permit Program was established in 2000 to allow for managed naturalized areas along streams and wetlands.



Recommendations

- Allow for option of naturalized detention basin bottoms.
- Expand the Riparian Buffer Permit Program to cover “naturalized detention basin bottoms” as a permitted condition.
 - Allows for managed vegetation above the 1 foot height
 - Provides exemption from nuisance ordinance
 - Requires invasive species and weeds to be controlled
 - Budget neutral approach
 - Provides clarity to staff and property owners



Recommendations

- Council Action Required: Text Amendments
 - a) Riparian Buffer Ordinance (Section 12-71 to 12-76)
 - Add “naturalized detention basin bottoms” to the list of allowable riparian areas.
 - Designate the Division of Environmental Services as the permitting and enforcement agency.
 - b) Citation Officers Ordinance (Section 14-10)
 - Clarify citation authority to include enforcement staff in Division of Environmental Services.



Questions?