

SOUTHEAST METRO STORMWATER AUTHORITY  
acting by and through  
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION NO. 08-02

(Regarding Authorization to Execute a Permit Application with the  
State of Colorado on behalf of the City of Centennial, East Cherry Creek  
Valley Water & Sanitation District, and Inverness Water and Sanitation  
District to address the transfer of their NPDES MS4 permit to SEMSWA)

WHEREAS, pursuant to 29-1-204.2, C.R.S., the Southeast Metro Stormwater Authority (“SEMSWA”) was established on September 19, 2006, by the Intergovernmental Agreement (the “Original IGA”) *Concerning the Formation of a Drainage Authority Amongst County of Arapahoe, City of Centennial, Arapahoe County Water and Wastewater Authority, East Cherry Creek Valley Water and Sanitation District and Inverness Water and Sanitation District Pursuant to Section 29-1-204.2, C.R.S.*; and,

WHEREAS, the SEMSWA Water Activity Enterprise was established by SEMSWA on September 28, 2006, pursuant to 37-45.1-101, C.R.S., *et.seq.*; and,

WHEREAS, Section I.5(a) of the Original IGA requires SEMSWA to manage stormwater quality and to comply, to the degree legally required, with provisions and permit requirements of National Pollutant Discharge Elimination System (“NPDES”) MS4 Stormwater Permits transferred to SEMSWA by the parties to the IGA as well as those obtained in the name of SEMSWA; and,

WHEREAS, the City of Centennial (“City”) currently holds a Standard NPDES MS4 stormwater permit issued by the State of Colorado (“State”) and intend to transfer the permit to SEMSWA and for SEMSWA to apply for its own Standard NPDES MS4 stormwater permit within the boundaries of the City beginning on or about March 10, 2008; and,

WHEREAS, East Cherry Creek Valley Water & Sanitation District (“ECCV”) and Inverness Water and Sanitation District (“IWSD”) currently hold Non-Standard NPDES MS4 stormwater permits issued by the State and intend to transfer those permits to SEMSWA and for SEMSWA to apply for its own Non-Standard NPDES MS4 stormwater permit within the boundaries Districts beginning on or about March 10, 2008; and,

WHEREAS, in order for SEMSWA to be able to obtain NPDES MS4 permits, it must be able to legally regulate, pursuant to Implementing Intergovernmental Agreements with the City, ECCV, and IWSD certain stormwater activities, conduct certain stormwater programs, require stormwater improvements, enforce stormwater regulations, and to declare certain actions and activities as unlawful which result in the degradation of the health, safety and welfare; and,

WHEREAS, the City and SEMSWA are entering into an Implementing Intergovernmental Agreement wherein the City delegates to SEMSWA the necessary authority and police powers to enable SEMSWA to administer stormwater programs in the name of the City, within the City boundaries; and,

WHEREAS, in addition to the delegation of the authority and police powers by the City, the City, ECCV, and IWSD and SEMSWA have determined that additional agreement and coordination between the City, ECCV, and IWSD and SEMSWA is needed in order for SEMSWA to administer and manage stormwater programs in accordance with the MS4 permit requirements and to manage other stormwater activities and, to that end, are entering into Implementing Intergovernmental Agreements between the City, ECCV, and IWSD, respectively, and SEMSWA; and,

WHEREAS, SEMSWA has a goal of transferring the MS4 Permits during the 1<sup>st</sup> year of the new permit term, starting March 10, 2008; and,

WHEREAS, the State has requested enough lead time to review and process the application before the new permit term starts, and has requested the MS4 Permit Application be submitted to them by January 31, 2008.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board authorizes the Executive Director of SEMSWA to complete a Permit Application, in the name of SEMSWA, to the Colorado Department of Health and Environment for an NPDES MS4 permit to be issued in SEMSWA's name for the purpose of carrying out the MS4 permit responsibilities within the City of Centennial, ECCV, and IWSD as defined in the respective Implementing Intergovernmental Agreements.

SOUTHEAST METRO STORMWATER AUTHORITY  
acting by and through  
SEMSWA WATER ACTIVITY ENTERPRISE

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:

Attorney for  
Southeast Metro Stormwater Authority

By \_\_\_\_\_  
Edward J. Krisor