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December 13, 2007

Southeast Metro Stormwater Authority Board
76 Inverness Drive East, Suite A
Englewood, CO 80112

Re: NPDES MS4 Permit to SEMSWA

Dear Southeast Metro Stormwater Authority Board:

SUSAN BECKMAN
District 1

JIM DYER
District 2

ROD BOCKENFELD
District 3

PAT NOONAN
District 4

FRANK WEDDIG
District 5

This letter is being offered to clarify the position of the Arapahoe County Board of County Commissioners (BOCC) relating to the transfer of Arapahoe County's NPDES MS4 Permit to SEMSWA.

The intent of the County has been, and continues to be today, a transfer of the MS4 permit duties and responsibilities to SEMSWA. Dating back to early discussions regarding the formation of a stormwater authority the transfer the permit has been a necessary component to the centralization of stormwater services. However, this transfer cannot be done in an expedited process which does not allow for thoughtful consideration by the BOCC.

Without having first established a working relationship, a transfer of regulatory control along with conveyance of land and land interests would be a disservice to the County. Standard operating procedures must first be adopted and tested before consideration of this transfer. Arapahoe County's philosophy and approach to various regulations has normally been one of cooperation and guidance and while we recognize that regulatory authority needs to be asserted from time to time, we stand firm in our position that government should educate and lead using its police powers only after those options have failed.

The County does not intend to transfer the permit prior to the five year renewal date of March 9, 2008. The County instead proposes a partnership wherein SEMSWA would continue to provide administrative support to the County for the MS4 permit programs, and the County would retain all rights and responsibilities under the permit. The BOCC is not proposing a date certain for any future transfer of the permit. Such transfer would be dependent upon the success of the partnership model and the parties' ability to negotiate a Memorandum of Understanding satisfactory to both parties.

The general terms of the partnership model have been previously provided through County staff. Please be advised that the BOCC has authorized the County Attorney and designated staff members, who met with

SEMSWA on November 26, 2007, to negotiate the terms of this partnership with final approval by the BOCC.

Due to the timeliness of this situation, the BOCC requests a response to this proposal no later than December 20th, 2007.

Sincerely,



Susan Beckman
Chair

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