

DATE ISSUED: October 13, 2000

REPORT NO. 00-221 (Rev.)

ATTENTION: Natural Resources and Culture Committee Agenda of  
Agenda of October 18, 2000 (Revised)

SUBJECT: Proposed Standard Urban Storm Water Mitigation Plan (SUSWMP)

REFERENCE: Manager's Report No. 00-123

SUMMARY

Issue –What stakeholder group recommendations should the City provide to the San Diego Regional Water Quality Control Board and implement pertaining to the proposed Standard Urban Storm Water Mitigation Plan provision in the upcoming Municipal Storm Water Permit?

Manager's Recommendations –

1. Direct the City Manager to send a letter to the San Diego Regional Water Quality Control Board requesting that the reissued Municipal Storm Water Permit specifically provide for flexibility and discretion by allowing the City and other co-permittees to develop processes to determine pollutants of concern and the selection of appropriate Best Management Practices for each development when implementing the requirements of the Standard Urban Storm Water Mitigation Plan.
2. Direct the City Manager to initiate required procedures and practices within the City's development review process, which prompt project proponents to identify and locate post-construction Best Management Practices on site plans early in the planning and development process.
3. Create a Best Management Practices (BMP) clearinghouse within the City and initiate a staff level review of building codes and ordinances to determine the changes necessary for implementation of the Standard Urban Storm Water Mitigation Plan and to facilitate and encourage a wide range of storm water quality elements.
4. Establish a stakeholder-working group to advise City staff during the Standardized Urban Storm Water Management Plan implementation process to be developed in the future.
5. Conduct a feasibility study for the establishment of a Storm Water Enterprise Fund and Storm Water Utility.

Fiscal Impact - The cost to establish a BMP clearinghouse within the City and the review of building codes and ordinances could initially be funded by salary savings

within the Storm Water Pollution Prevention Program.

## BACKGROUND

On June 7, 2000, the Natural Resources and Culture Committee directed the City Manager to form a working group of stakeholders to advise them and provide input regarding the upcoming Municipal Storm Water Permit and Standard Urban Storm Water Mitigation Plan (SUSWMP) provision. The SUSWMP would apply to new development and significant redevelopment and include regulatory measures and procedures that, when effectively implemented, would reduce the potential negative water quality impacts to receiving waters resulting from storm water runoff from development and significant re-development. Contained within the plan would be specific design standards or numeric sizing criteria. These standards are tools that would be used for designing effective post construction Best Management Practices (BMPs) to reduce impacts resulting from runoff.

A stakeholder group of eighteen members was created with representatives from established industry groups, environmental groups, redevelopment agencies, and City staff. The group met four times during August and September 2000. Meeting observers were welcomed and included private citizens, consultants, builders, industry, environmental professionals, and staff from the County of San Diego and the City of Encinitas. Meeting attendance averaged 25 people (refer to Participant List - Attachment 1). Presentations by the San Diego Regional Water Quality Control Board (Regional Board) staff were included in these meetings.

Consensus recommendations from the group are provided below. Several other key issues were discussed without resolution or agreement. These issues will continue to be examined as the reissued Municipal Storm Water Permit is released for public comment.

## DISCUSSION

The stakeholder group focused its efforts on understanding the Regional Board's expectations in the proposed SUSWMP provision and discussed key issues such as the "Categories of Development" to be included in the SUSWMP, how to determine "Pollutants of Concern", and the definitions and practical application of "Significant Redevelopment", "Environmentally Sensitive Areas", and Maximum Extent Practicable (MEP). A synopsis of the discussion of these issues is included as Attachment 2.

As proposed, the SUSWMP would apply to only specific categories of development and significant re-development including:

- Single-family hillside residences
- 100,000 square foot commercial developments
- Retail gasoline outlets
- Automotive repair shops
- Restaurants
- Home subdivisions with greater than 10 housing units
- Locations adjacent to or discharging to an environmentally sensitive area

Exposed parking lots greater than 5,000 square feet or with greater than 25 parking spaces

The justification for only including only these categories was not well understood by the stakeholder group and appeared somewhat arbitrary. Since all development contributes to non-point source pollution, the stakeholder group thought it might be preferable to implement this program more broadly. An alternative, “wide net” approach was discussed. This “wide net” approach would apply the same requirements in the SUSWMP to all development and, at the same time, develop an exemption list based upon a rational process with documented justifications .

#### Stakeholder Group Recommendations.

- 1. Request that the reissued Municipal Storm Water Permit specifically provide for flexibility and discretion by allowing the City of San Diego and the other co-permittees to develop processes to determine pollutants of concern and selection of appropriate BMPs for development when implementing the requirements of the Standard Urban Storm Water Mitigation Plan.**

While the stakeholder group did not reach consensus on the appropriateness of categories to be include in the SUSWMP, there was consensus that the reissued Municipal Storm Water Permit should provide flexibility and discretion to the City and other co-permittees. By allowing the City to develop processes to determine pollutants of concern and the selection of appropriate Best Management Practices (BMPs) for each development, specific local conditions and impacts could appropriately be evaluated.

The stakeholder group recognized that information about effective BMPs is available on a national and international level. While some of the data is useful, not all of it is applicable in San Diego. The stakeholder group concluded that San Diego must determine what BMPs are best suited for this region considering local meteorology, hydrology and soil conditions.

- 2. Initiate required procedures and practices within the City’s development review process, which prompt project proponents to identify and locate post-construction BMPs on site plans early in the planning and development process.**

As part of the SUSWMP, the City and the other co-permittees will be required to implement planning and land use activities to address potential water quality impacts from development and significant redevelopment. These activities will be directed toward controlling peak storm water runoff, protecting natural areas, preventing or removing pollution, and protecting slopes and channels. It is recommended that the City initiate required procedures and practices within the City’s development review process, which prompt project proponents to identify and locate post-construction BMPs on site plans early in the planning and development process. Implementation of these activities would be required to ensure compliance with the new Municipal Storm Water Permit and designing these controls into a project early in the planning stages is the most cost effective strategy.

- 3. Establish and adequately fund a BMP clearinghouse within the City of San Diego, coordinated with the Port of San Diego and the other co-permittees, to do research**

**on and evaluation of BMPs for use specifically in the San Diego region.**

The building industry strongly requested that the City provide more guidance relative to the selection of post-construction BMPs for development and re-development projects. Local firms and City staff would benefit greatly by compiling more resource information on how to select, implement and measure the performance of appropriate BMPs. In response to these concerns, it is proposing to establish a BMP clearinghouse as part of the City's Storm Water Pollution Prevention Program. The City must accelerate its process to meet the needs of the development community, provide them with better customer service, ensure permit compliance, and improve water quality.

**4. Conduct a review of building codes and ordinances to determine the changes necessary to facilitate permit compliance and allow the development of a wide range of storm water quality elements required for the implementation of the Standard Urban Storm Water Mitigation Plan.**

Utilizing the staff resources described in Recommendation 3, this effort would include conducting a review of building codes and ordinances to determine the changes necessary to ensure compliance with the Municipal Storm Water Permit and to incorporate the development of a wide range of required storm water quality elements within projects for the implementation of the SUSWMP.

**5. During the SUSWMP implementation period, ensure that each stakeholder's (e.g., Regional Board, co-permittees, project proponents, etc.) role, responsibilities, obligations, and authority are well defined.**

Once the reissued Municipal Storm Water Permit is adopted, the City will have 12 months to develop and implement the SUSWMP provisions. It is recommended that a stakeholder group be established to ensure that during the SUSWMP implementation period, each stakeholder's (e.g., Regional Board, co-permittees, developers, consultants, environmental community, general public, etc.) roles, responsibilities, obligations, and authority are well defined. Compliance with the provisions of the SUSWMP and the new Municipal Storm Water Permit is a shared responsibility with shared liabilities.

**6. Evaluate the potential funding sources for urban runoff mitigation efforts. Establishment of Storm Water Utility Districts should be considered along with the City's Storm Drain Fee, including an accounting of what the existing fee is currently used for.**

Adequate long term funding for storm water management must be established. Currently, the existing Storm Drain Fee provides resources for storm water management and for infrastructure repairs and improvements. Water quality features or structural BMPs installed by development will require maintenance and operational oversight to ensure they work as proposed. Urban runoff from the developed parts of the City will also require BMPs in the future to meet water quality objectives. To meet the long term financial needs for water quality improvement programs, it is critical that the City evaluate the potential funding sources for urban runoff mitigation efforts, including the establishment of a Storm Water

Utility. Background information regarding Storm Water Utilities is included as Attachment 3.

## CONCLUSION

The City of San Diego along with the other incorporated cities, County of San Diego and Port of San Diego, are required by law to develop and implement a comprehensive storm water management program. Urban runoff mitigation for development is part of this required program.

The stakeholder work group was an effective discussion forum for the SUSWMP issue. More discussion with stakeholders will be required to successfully complete the required SUSWMP model program for San Diego County. This model program must be developed in cooperation with the 19 other co-permittees within 12 months from the permit adoption date (estimated to be in early 2001).

The draft San Diego Municipal Storm Water Permit will be released to the public on October 10, 2000. According to a preliminary schedule, the written comment period ends on November 30, 2000. The public record closes on December 13, 2000, when the Regional Board conducts a public hearing. In addition, three workshops are planned by the Regional Board to receive oral comments from the public and respond to those oral comments. Permit adoption is not anticipated before February 14, 2001.

It is clear that the City of San Diego must continue its efforts to mitigate urban runoff. Polluted runoff impacts the aquatic environment, human health, and the economy. Lack of compliance with the requirements of the SUSWMP and the new Municipal Storm Water Permit may result in significant monetary fines to the City and to the development community.

## ALTERNATIVES

1. Do not support the stakeholder group recommendations.

Respectfully submitted,

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Richard L. Hays  
Environmental Services Director

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Approved: Frank Belock, Jr.  
Deputy City Manager

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## Attachments

2. Participant List
3. SUSWMP Stakeholder Group Discussion Synopsis
4. "The Stormwater Utility: Will It Work in Your Community?" Stormwater

magazine November/ December 2000

Note: The attachments are not available in electronic format. Copies are available for review in the Office of the City Clerk.