SUSMP - Development, Implementation, Compliance

SUSMP Conference

November 5, 2003, Los Angeles

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Statutory and Regulatory History

- Regional Board may "require controls to reduce the discharge of pollutants ..and such other provisions ..determines appropriate." [33 U.S.C. 342(p)(B)(iii)]

- EPA's Interim Permitting Policy authorizes "more specific conditions or limitations to be incorporated into storm water permits as necessary and appropriate" [61 Fed. Register 43761]

- Administering agency accorded high degree of deference in areas of law they regulate. [Chevron v. NRDC (1984) 467 U.S. 837]

SUSMP

- A standard planning document to address post-construction water quality and habitat impact issues
- Identifies post construction Best Management Practices (BMPs) to be implemented that:
  - will address storm water pollution and peak flow discharge impacts.
  - are sized to meet specified water quality design and/ or peak flow discharge criteria
- Approved by Planning or Public Works Departments

SWPPP Not the Same as SUSMP

- Storm Water Pollution Prevention Plans (SWPPPs) are required under the Statewide Construction Activity Storm Water Permit
- Local SWPPPs may also be required under a local municipal ordinance
- SWPPPs incorporate
  - during construction: erosion control, sediment removal, and construction waste management control measures
  - short term post-construction: site stabilization measures
  - long term post-construction: may identify BMPs for post-construction landuse

SUSMP Origin and Evolution

- Model SUSMP submitted by LA County Department of Public Works (1999)
- Revised and adopted by the LA Regional Board (1999)
- Upheld SUSMP on Petition to the State Board (2000)
- Revised with LA County Municipal Storm Water Permit (2001)
- Court Review and Decision on LA County MS4 Permit (2004)

SUSMP Implementation

- Municipalities still on ‘Learning Curve’ in approving SUSMPs
- Few local cases that combine innovative design with architectural appeal.
- Obsolete municipal codes are a barrier
- Peak discharge rate criteria is still under development

Municipal Execution

- Program up and running.
- Water Quality Design criteria is applied at default
- BMP conditioning still soft
- Need to improve to-plan transfer of conditions for field verification
- Absence of an inspection program to ensure BMP maintenance
- Revise municipal planning/ building and safety codes to support SUSMP requirements
- Update General Plan elements to promote SUSMP requirements

Municipal Compliance

- SUSMP BMPs for all development projects 1 acre or more
- SUSMP BMPs for gas stations and restaurants
- SUSMPs for projects in environmentally sensitive areas
- Verification of installation of SUSMP BMPs (structural and non-structural) by building inspector
- Conform municipal building codes

TMDL and SUSMPs

- Waste Load Allocation will drive the design standard
- Type of pollutant will drive BMP selection
- Expect a presumptive BMP design that will eliminate TMDL compliance demonstration
- Expect some flexibility if you have an integrated approach to addressing several TMDL pollutants
- Emphasize better site design to optimize and lower maintenance costs.
- Integrate architecture and landscape designs for public acceptance.
- Educate

Select List of Resources

- Select web based resources,
  - California Storm Water BMP Handbook, New Development and Redevelopment (2003)
    http://www.cabmphandbooks.org/Development.asp
  - Center for Watershed Protection

    http://www.stormwatercenter.net/
  - Low Impact Development Center
    http://www.lowimpactdevelopment.org
  - Smart Growth Online

    http://www.smartgrowth.org/default.asp

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