STORM WATER

ADDRESSING REGULATORY CONCERNS FOR COMMUNITY MANAGERS

by David Renfrew

Community managers need to be aware of key storm water codes or regulations that may impact their properties. These include the National Pollutant Discharge Elimination System (NPDES) Phase I or Phase II Stormwater Permit Regulations, which municipalities must comply with. These permits regulate cities and counties and require them to implement programs to prevent pollution from entering their storm drains which run off into downstream waterways. Municipal programs implement commercial, industrial, and residential management area programs to inspect, educate, and legally control runoff from properties within their jurisdictions. When municipalities identify a problem with a given property, they typically issue a written warning which can quickly escalate to monetary penalties, depending on the severity of the problem. Community managers need to be aware that their residents' activities may put them and their Homeowners Association (HOA) at risk for water quality violations on their property.

HOA compliance issues typically originate from non-stormwater discharges (NSWDs) or lack of required maintenance and documentation of structural stormwater treatment control devices. Most cities in San Diego County have prohibitions to control NSWDs and their inspectors are well trained to identify and resolve these problems. However, some NSWDs are allowed under each city's municipal codes which include criteria from the Phase I Municipal Permit. These allowable NSWDs generally include any NPDES Permitted discharges, or those from footing drains, sump pumps, and uncontaminated water sources. The exception is for San Diego Bay and select coastal areas which prohibit unpermitted NSWDs. Generally speaking, if it's not raining or has recently rained, there shouldn't be any water going down the streets curb and gutter to a storm drain. In the City of San Diego, the following NSWDs are prohibited unless they employ best management practices to address their pollutants:

Air conditioning condensation,

Individual residential vehicle washing, and

Water from swimming pools.

Most cities also have codes to address drought related water waste. So, if you are inspecting your sites regularly, look for signs of unusual water waste or evidence of nuisance flows that can cause buildup of algae or scum in the gutters. The most common issues related to HOAs are over-irrigation of green spaces, errant

over-spray, lack of irrigation maintenance, and timers that continue to water even during storm events. Smart irrigation devices are commonly employed to reduce these issues and can also help with saving money on irrigation bills. Also, discharges of pool water without treatment to remove chlorine and car washing are common problems at HOAs.

Most pollution issues are related to residents' lack of awareness. Community managers should be aware of potential unallowed activities such as remodeling without following protocols, car maintenance and repairs, illegal dumping, over irrigation, landscaping and pet waste issues, and trash.

Another relevant permit is the Construction General Permit (CGP), which is managed by the State Water Resources Control Board (SWRCB). California's CGP applies to construction sites that disturb one acre or more of soil or are part of a larger common plan of development disturbing one acre or more. Municipalities also have specific building permit requirements for Standard or Priority Development Projects that may be triggered depending on the square footage of imperviousness (generally starting at 2,500 sq. ft. and up, and based on the type of redevelopment, and proximity to sensitive habitat areas). Regardless of how small the planned construction is, the best resource is to call your city's building department prior to initiating a project to check on storm water program requirements for the given project.

The other item previously mentioned is maintenance and documentation of structural stormwater treatment control devices. These items include hydrodynamic separators, trash control devices, detention basins, or low impact development features to infiltrate water. Community managers need to be aware that these devices need to be cleaned and maintained annually and documentation maintained for either three to five years at a minimum. Maintenance may also be needed more frequently to prevent flooding, reduce vector issues such as mosquitos and other wildlife, and to prevent standing water issues that result in elevated bacterial or odor concerns. The County of San Diego has an easy to use portal describing their maintenance and reporting requirements. https://www.sandiegocounty.gov/content/sdc/dpw/watersheds/DevelopmentandConstruction/S-BMPs.html.

David Renfrew is Director of Water Resources at Alta Environmental, an NV5 Company. Dave has more than 18 years of environmental assessment experience with a focus on water and sediment quality and is the Vice President-Water Resources, Alta Environmental, an NV5 Company.

To re-iterate, the best resource available to community managers is your city's local stormwater program website, such as the City of San Diego's page found at https://www.sandiego.gov/stormwater. The best practice is to perform routine inspections (quarterly or annually) to assess your property risks and address concerns before they become liabilities. Look for evidence of NSWDs, unallowed activities, and ensure structural stormwater BMPs are being maintained and documented. Remember: if it's not rain, it doesn't belong in the storm drain!