

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

LOS ANGELES REGION

STAFF REPORT AND RECORD OF DECISION

STANDARD URBAN STORM WATER MITIGATION PLANS

AND

NUMERICAL DESIGN STANDARDS FOR BEST MANAGEMENT PRACTICES

SUPPLEMENT

BOARD DIRECTED CHANGES

The Regional Board at its January 26, 2000, meeting directed the Regional Board Executive Officer to amend the Standard Urban Storm Water Mitigation Plans (SUSMPs) as indicated by the change sheet presented at the meeting (dated January 25, 2000), and changes directed by the Regional Board during the meeting. The Regional Board also adopted the same SUSMP requirements for the City of Long Beach under its separate municipal storm water permit (Board Order No. 99-060) for project categories that require SUSMPs.

Regional Board Counsel designated the record for the proceeding to include: (i) all staff files and the transcript of proceedings for the January 26, 2000, Hearing; (ii) all staff files and transcript of proceedings for the September 16, 1999, Board Information Item Discussion; (iii) all staff files for the August 10, 1999, Workshop, (iv) all SUSMP Proposals circulated by the Permittees, (v) all SUSMP Proposals circulated by the Regional Board Staff, (vi) all comments received and responses; (vii) and all exhibits presented to the Board.

This "Supplement" document enumerates the significant changes made to the SUSMP that were directed by the Board at the hearing and the bases for the changes in the "Transcript of Proceedings", testimony presented or materials submitted to the Regional Board, and other relevant documents.

Applicability of the SUSMP

The SUSMP requirements apply to all projects in the nine enumerated categories for the Los Angeles County MS4 Program. While some development planning/ construction requirements in the permit are made applicable only to "Discretionary Projects", this limitation does not cover the seven "enumerated project categories" in Board Order No.

96-054, and the two additionally designated “enumerated project categories” by the Regional Board Executive Officer and affirmed by the Regional Board.¹

Applicability to Categories for the City of Long Beach

A statement has been added to clarify that SUSMP requirements adopted by the Regional Board apply to the City of Long Beach MS4 Program for only: (i) 10-99 home subdivisions; (ii) 100 or more subdivisions; (iii) 100,000 or more square foot commercial developments; and (iv) projects located adjacent to or discharging to environmentally sensitive areas. For the remaining five categories, equivalent requirements have been included directly in or are expected to be developed shortly under the City of Long Beach Storm Water Management Plan.²

Effective Date for SUSMP Requirements

A statement has been included to provide Permittees 6 months from the date of Regional Board Executive Officer’s approval of the SUSMP to amend ordinances and codes to be consistent with the adopted SUSMP requirements, and thence 30 days thereafter for the requirements to take effect.³

Definition of Commercial Development

The definition of “Commercial Development” has been reworded to be inclusive of all developments that are not considered “Residential” or “Heavy Industrial” based on the categorization of the federal storm water regulations.⁴

Definition of Environmentally Sensitive Areas

A new “Table 3” has been added to the SUSMP to list areas presently covered under the definition of “environmentally sensitive areas” based on readily ascertainable designations by the State Water Resources Control Board, the California Resources Agency, and the County of Los Angeles.⁵

¹ Transcript of Proceedings, January 26, 2000 (CSR No. 10992 and 11568) at 228. Discussion by Regional Board Counsel Leon and direction by Board Member Cloke.

² Ibid. at 289. Clarification by Dr. Swamikannu and request by Board Member Cloke to include clear text to explain its applicability to the City of Long Beach.

³ Ibid at 76 and 300. Recommendation by Mr. Dickerson responding to a question by Regional Board Chairman Nahai and affirmation by Board.

⁴Ibid at 66 and 285. Discussion by Board Members on the scope of the definition and response by Dr. Xavier Swamikannu.

⁵ Ibid. at 206, 280, and 305. Discussion with Chairman Nahai and Dr. Coe of the ready ascertainability of the designated sites, and agreement to provide a listing in the SUSMP.

Definition of Parking Lots

The definition of “Parking Lots ” has been reworded to eliminate the “stand alone” limitation, so that it now applies to all parking lots with 5,000 square feet or more or with 25 parking spaces or more and exposed to storm water.⁶

Definition of Redevelopment

The definition of “Redevelopment” has been reworded to include a minimum threshold of at least 5,000 square feet of impervious area addition to an existing property in order for the SUSMP requirements to apply. The threshold value is consistent with other threshold values in the SUSMP, such as Parking Lots and Restaurants.⁷

Definition of Restaurant

The definition of “Restaurant” has been reworded to limit applicability to “stand-alone” facilities and exclude co-located stalls or food counters in general purpose establishments such as markets and grocery stores.⁸

Definition of Retail Gasoline Outlet

The definition of “Retail Gasoline Outlet” has been reworded to include all retail gasoline outlets that sell gasoline and lubricating oils without consideration of the proportion of receipts derived from such sales.⁹

Conflict with Local Practices

The paragraph has been reworded to allow local ordinances to differ from the SUSMP so long as they are more stringent.¹⁰

Responsibility and Conditions for BMP Transfer

The language has been modified to ensure that the responsibility for the maintenance of Structural or Treatment Control BMPs is properly transferred with the sale of a property and is mandatory.¹¹

⁶ Ibid. at 301 and 306. Board Members Cloke and Diamond discuss and direct staff to eliminate the “stand-alone” limitation.

⁷ Ibid. at 67 and 302. Board Chairman Nahai discusses the absence of a minimum threshold and directs staff to set a minimum value to address his concerns of proportionality aberrations.

⁸ Ibid. at 68. Board Chairman interprets applicability and Dr. Swamikannu confirms the interpretation.

⁹ Ibid. at 46, 49, 308. Board Members discuss the staff proposed definition based on primary activity and direct staff to extend the definition to include all gas stations that pump gas.

¹⁰ Ibid. at 308. Board Members discuss the language and provide specific language for the purpose of local program consistency and to ensure adherence to the SUSMP requirements.

Roofing Surface Area Exclusion from Mitigation Standard

The roofing surface credit for calculation of storm water runoff volume for mitigation has been eliminated.¹²

Limited Exclusion for Small Restaurants from Mitigation Standard

The sentence has been clarified to state to exempt restaurants less than 5,000 square feet from the requirement to mitigate storm water only. All other requirements for restaurants apply.¹³

Waiver Provision

The paragraph has been modified to recognize proximity to an unconfined water table as one basis for the granting of a waiver.¹⁴

A sentence has been added to require that all other BMPs be considered and rejected before a waiver from the numerical mitigation standard is granted.¹⁵

A statement has been added to require that non-enumerated bases for waiver be brought to the Regional Board for consideration. The Regional Board can delegate the approval authority for a class of waivers to the Regional Board Executive Officer.¹⁶

¹¹ Ibid. at 63 and 313 Board Members discuss the significance of ensuring proper transfer of BMP maintenance responsibility and provide firm enabling language.

¹² Ibid. at 48 and 314. Board Members discuss the elimination of the rooftop exemption with the possibility of reconsideration in the future if Permittees affirmatively demonstrate that rooftop runoff is not a source of pollutants.

¹³ Ibid. at 322. Board Members discuss the limited exclusion and agree with Dr. Swamikannu's rationale for the exclusion threshold from numerical design standards.

¹⁴ Ibid. at. 60 Board Member Coe suggests the change to address the issue and Dr. Swamikannu accepts the suggestion.

¹⁵ Ibid. 74 and 326 Board Members discuss the Waiver provision and provide language to ensure that all options for mitigation are considered.

¹⁶ Ibid. at 75 and 328. Board Chairman Nahai provides direction to staff to require any new waiver bases to be brought to the Regional Board to ensure public discussion and consideration.