



SAN DIEGO GREEN BUILDING COUNCIL

September 14, 2012

[Via e-mail to lwalsh@waterboards.ca.gov](mailto:lwalsh@waterboards.ca.gov)
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

RE: Comments from the San Diego Green Building Council on Tentative Order Number: R9-2012-0011

Dear Ms. Walsh,

U.S. Green Building Council San Diego¹ respectfully submits the following comments on the administrative draft of the San Diego Regional Municipal Separate Storm Sewer System permit, Revised Tentative Order No. R9-2012-0011 ("Administrative Draft Permit").

BACKGROUND

The U.S. Green Building Council San Diego is a 501(c)(3) California non-profit corporation with the mission *to inspire, educate and collaborate within our communities to transform our built environment toward true sustainability*. Our support comes from the development, design, construction, facility management and other professional industries related to the built environment. We advocate for development that has reduced environmental impact, which is economically viable and socially responsible.

Water quality is critical to regional sustainability. Stormwater runoff is widely considered to be one of the world's most significant environmental problems. In the San Diego Region, storm drains discharge stormwater directly to our beaches without any treatment. Pollutants in runoff discharges impair receiving waters, threaten or harm the health of humans or aquatic organisms, and impair designated beneficial uses such as swimming at our local beaches. We encourage a science-based 'all-in' approach that incorporates site-based Low Impact Development (LID) strategies, urban infrastructure LID strategies and effective hydromodification management strategies. Our overall response to stormwater strategies in the administrative draft MS-4 can be summarized as: first *avoid*, then *reduce*, and only *delay* as a last resort (from the SUDS Sustainable Urban Drainage Systems program in the UK).

¹ *These comments were prepared with support from our volunteer community, including Rosalind Haselbeck, Ph.D. principal of Building Green Futures.*

COMMENTS

I. The Final Permit should require copermittees to engage stakeholders in developing Water Quality Improvement Plans.

The Administrative Draft Permit provides for public participation in Water Quality Improvement Plans to a single 30 day public review and comment period. The Final Permit should require copermittees to involve stakeholders throughout the Water Quality Improvement Plan development process. The Final permit should include opportunity for additional review periods. The Final Permit should ensure that the public review periods are staggered to encourage greater participation from a variety of stakeholders. The Final Permit should require that copermittees engage interested parties in establishing water quality priorities through the solicitation of water quality monitoring data as well as the establishment of a priority pollutant list. The Final Permit should require a public hearing for the Proposed Water Quality Improvement Plans.

Ongoing Adaptive Management Process should formalize the public participation process and the updates should occur more frequently than every three years.

II. The Final Permit should recognize the EPA's findings that Low Impact Development Best Management Practices are a cost-effective approach to improving water quality and enhancing community.

Implementation of Low Impact Development (LID) strategies provide environmental and economic benefits and reduce negative downstream water quality impacts. In addition other public benefits are associated with LID strategies, such as cleaner air, reduced urban temperatures, increased energy efficiency, and landscape amenities. The Final Permit should include similar language to clarify the environmental and economic benefits of LID Best Management Practices (BMPs) that form the basis of the Regional Board's policy decisions relating to development planning.

The Administrative Draft Permit should clearly define the best in class BMPs and create a system to catalogue the implementation strategies used by the various copermittees. The database should include the measured water quality impacts from each site to be used as a resource for future projects and development.

III. The Final Permit should define "Infeasible" and require developers to investigate a range of feasible projects to determine the greatest water quality benefits.

Allowing Copermittees to develop their own criteria as to what is "technically infeasible" runs the risk of Copermittees bowing to political pressure from special interest and can result in unfair completion for development between copermittees. The intent of the system approach to watershed management must require that all jurisdictions within that watershed have the same criteria for feasible; the Final Permit is the only way to ensure that there is uniform definition of "feasible" and "infeasible".

IV. The Final Permit should consider combining innovative with traditional stormwater mitigation strategies.

Low Impact Development (LID) techniques are typically viewed as small scale interventions that complement traditional detention basins but may not be able to fully meet the hydromodification requirements (peak flow and duration) of Priority Development Projects. Creative use of LID techniques can expand their capacity and effectiveness. For example: rainwater cisterns can provide a dual function with water conservation and stormwater mitigation. The design storm volume can be released from the cistern in response to a weather station at a rate determined by when the storm is expected, or manually by slow release of the pre-determined volume. The cistern can be sized to provide a sizable portion of the irrigation requirements. The design storm volume can be released into a bioretention cell or other landscaped area. Detention basins can serve as the final overflow for underdrains from bioretention cells

or bioswales to reduce the peak flow of stormwater runoff. The discharge from the detention basin in this case will have a reduced flow and reduced pollutant load due to pre-treatment.

Air Conditioning (AC) condensate is a great water source for irrigation and can be combined with the LID/stormwater mitigation practice of rainwater capture. The combination of AC condensate and rainwater provides a nearly year-round alternative water source for irrigation or indoor non-potable use. Vehicle wash water should not be discharged except into a landscaped area. Depending on product selection, vehicle wash water may also be diverted into a greywater surge tank for landscape irrigation.

V. The Final Permit should emphasize green municipal infrastructure practices that can mitigate stormwater impacts.

The strategy of “green streets” OR “green infrastructure practice” includes street-side, in-street (traffic circles, median strips), and parking lots. All of these green infrastructure practices share common themes of curb cuts to bioretention cells at a lower elevation than the street. Stormwater is typically infiltrated on site with engineered soil or gravel. Overflow during peak storm events is either directed to the storm drain via an underdrain or infiltrated at a second site nearby.

All of these approaches produce “green swathes” in urban areas which mitigate stormwater and provide aesthetic and community benefits. Finally, the local residents have the opportunity to become “stewards of their watershed”. There are great examples of green streets: Elmer Avenue in Los Angeles (see: <http://www.treepeople.org/sun-valley-watershed#Elmer>) as well as many examples in the city of Tucson (see: http://www.watershedmg.org/sites/default/files/greenstreets/WMG_GISWNH_1.0.pdf).

Note that doing projects with existing development that are transparent, such as curb cuts that produce green streets, provide an important opportunity for education. Ultimately visible solutions that are aesthetically pleasing can influence individuals and communities toward patterns of more responsible consumption and use of water due to their increased knowledge and experience.

VI. The Final Permit should be applicable to all projects, without regard to minimum size.

The EPA's construction general permit outlines the provisions necessary to comply with Phase I and Phase II of the National Pollutant Discharge Elimination System (NPDES) program. Currently the permit only applies to construction sites greater than 1 acre (0.4 hectare), we recommend that the requirements are applied to all projects, regardless of size. Information on the EPA construction general permit is available at <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>.

CONCLUSION

In conclusion, the U.S. Green Building Council – San Diego appreciates the approach and effort the Regional Board and its staff have put towards developing an MS4 permit for the San Diego Region. We believe that this watershed system approach will better improve the environmental, economic and social impacts associated with current water quality in our region. We look forward to a constructive relationship with the Regional Board.

Respectfully submitted,



Douglas Kot
Executive Director
U.S. Green Building Council - San Diego