Rainy Days Newsletter

SCS Engineers - Your Protection from the Stormwater Permitting Storm

Welcome to Rainy Days - SCS Engineers' newsletter on everything Stormwater! In this installment, we share valuable information about stormwater compliance to help you understand and navigate the sometimes confusing regulatory process – a process that may leave you in a bit of a fog.

December's Topic:

Exceedance Response Action Level 1 Reports and Padding Your Budget for ERA Level 2 Required Construction of Structural Treatment Controls

If your site has been on the State Water Resources Control Board's (SWRCB) *naughty* list during the 2015-2016 IGP calendar year, you may be on your way to receiving a "*lump of coal*" from the SWRCB at the end of the 2016-2017 calendar year – if you are placed in the Exceedance Response Action (ERA) Level 2 category.

Tip # 1 Make sure you file your ERA Report on the SMARTS website prior to January 1, 2017.

ERA Level 1 reports are required to list the assumed causes of water quality sample exceedances as well as the proposed operational or structural changes to be implemented this year to address and correct these discharge water quality exceedances. ERA Level 1 reports are not required to include a plan for the development of future water quality treatment control systems. However, that does not mean that you should not begin to think ahead in case your Level 1 strategy does not reduce your discharges to below Numeric Action Limits identified in the IGP.

What does this mean to you?

This ultimately means that you will have to fund the planning, design, and construction of new structural facilities on your property to address your water quality discharge exceedances. There are always several ways to do this; the most efficient way is to hire a qualified consultant who can assist you through the process.

Planning Services: Assistance in working with the local Authority Having Jurisdiction (AHJ), in most cases the City, County, or Port in which your facility is located. Exceptions include facilities on federal, tribal, or educational lands.

Either way, you will need to work to **determine if the addition of these new structural controls is agreed to be in substantial conformance with your facility's:**

1) **Land Use Permit**

2) **Requires a grading permit** (often required when a threshold quantity of earth moving is exceeded, the value varies typically from 200 to 500 cubic yards),
3) **Requires a building permit** (if the structure requires occupancy by operations staff for maintenance of the new treatment control, or if there is a retaining wall, or in some cases the AHJ may require this simply for tying into existing plumbing systems).
4) **In some rare occasions**, where all work is confined to private property, and **where the construction is in substantial conformance with the land use permit, the construction may not require additional permitting**. But it is best to get this in writing before proceeding to avoid potential post-construction heartburn.

Once you have legal documents that you can add to the proposed treatment controls, you will need to have a professional engineer design and stamp the design drawings that will be routed for permits. Design of stormwater treatment control systems requires the unique expertise in the areas of hydrology, hydraulics, water quality standards, design of appropriate unit processes and operations targeting the pollutants of concern, and understanding of designing facilities that can later be monitored both upstream and downstream from the new constructed devices so that post-construction treatment efficiency verification can be performed.

This last point is often lost on most civil engineers in the practice area, those who do not also have experience in sample collection and monitoring of stormwater treatment systems.

> So, go ahead and **ask the design consultants you talk to if they have spent hours in the rain taking samples of stormwater treatment facilities for treatment system performance evaluation.**
>
> If they say no, I suggest talking to others. *FYI: SCS Engineers has this experience.*
>
> Once a facility is in place, it is very expensive to retrofit a new manhole just so that samples can later be collected downstream of the treatment system so that proper post-treatment samples can be collected (and used to get your facility back to the IGP Baseline Status).

Selecting knowledgeable and competent contractors is a complicated process. You should generally request a minimum of three bidders, check the contractor's DUNS information, BBB listing, and run a credit check, evaluate whether their bid includes all design elements (in coordination with your designer of record), and evaluate the most cost-efficient bid.

Your designer of record is an excellent resource throughout this process, and you should work closely with them during selection and onboarding to respond to contractor requests for information and to review submittals of proposed materials specifications.

With that said, all of this costs money. Money that the company you work for planned to spend elsewhere – not on water quality treatment controls system infrastructure planning, design, and construction. This is an expensive endeavor, one that starts, on the low end at around $25,000 to the high end of several $100,000s or in the millions for larger facilities or groups of facilities.

Tip #2: If your fiscal budget ends at year-end, work with your facility owner to appropriate a portion of the available budget for planning and design fees in the next year. Plan on spending approximately 10 percent of the construction cost of these planning and design costs.Note: This cost may be a larger percentage for very small facilities.

We hope that you find these tips helpful as you prepare to conduct your routine storm event samplings during the 2016-2017 fall and winter storm season. If you have questions about sampling techniques, how to be prepared for storms, permitting, or anything else, contact Cory Jones at cjones@scsengineers.com. Cory Jones, PE, QSD, QISP ToR, ENV SP is SCS Engineers' Southwest Stormwater Manager.