

Emerging Issues In Stormwater and Drainage Law

Shawn Hagerty
Best Best & Krieger

Outline of Issues

- Trends in MS4 Permits
- New Construction Permit
- Drainage Law Basics
- Emerging Issues
 - LID and Legal Obstacles to LID
 - Run-on and Drainage Issues
 - Stormwater Monitoring
 - BMP Tracking and Maintenance
 - What is the MS4?

Trends in MS4 Permits

- LID and EIA
- Numerics: NALs and NELs
- BMP Tracking and Maintenance
- TMDLs/Watershed Approach
- Dry Weather Flows
- Hydromodification Management

The New Construction Permit

- Risk Based Approach
- NALs and NELs
- Post-Construction Requirements
- Run-on Control
- SWMPP Requirements

Drainage Law Basics

- Acceptance of Surface Water Flows
- Reasonableness/No Concentration
 - Increased Imperviousness
- Diversion of Drainage

LID and Legal Obstacles to LID

- What Is It?
- What Constraints?
 - Land Use and Planning
 - Health and Safety
 - Water Rights
 - Maintenance and Monitoring
 - CC&Rs

Run-on and Drainage Law

- Drainage Law
 - Acceptance of Surface Water Flows from Upper Parcel
- Control of Run-on

Stormwater Monitoring

- Permit Compliance
- Relationship to Enforcement
- Standards for Testing
- Extra Monitoring


BMP Tracking and Maintenance

- Inventory Requirements
- WQMPs
- Maintenance and Liability

What is the MS4?

- MS4 or Waters of the U.S.?
- MS4 on Private Property?

Questions



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Questions

- Click to add an outline

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