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Breakout Session 2B: A Lid for the Rainy Day Fund: Storms and Water Management

BREAKOUT SESSION 2B: A LID FOR THE RAINY DAY FUND: STORMS AND
WATER MANAGEMENT

Moderator, Wendy B. Crowther of Clyde, Snow & Sessions in Salt Lake City, began the panel by explaining how Low Impact Development ("LID") can create more opportunities for water conservation.

Frances Spivy-Weber, Vice-Chair and a public member of the California Water Resources Control Board, had a unique view of LID as a non-attorney. Spivy-Weber discussed the emergence of LID from the water supply side. The purpose of LID is to try and use structural and non-structural means to restore a watershed to what it was before pavements and houses. LID can include planting trees, laying porous pavement and separated down spouts, and using that water for a garden or collecting it in a rain barrel. From a water quality perspective, storm water has become problematic, as it puts many pollutants into the water supply. Although the Clean Water Act has created mechanisms for regulating storm water, LID can be very helpful in this aspect also. Spivy-Weber closed by noting that for water suppliers, the regulation of water quality is very important. She proposed that having construction storm water permits, obtaining data collection on where the waters of that state travel, and setting targets for recycled water and storm water collection are important places to start.

Mary Lynn Coffee of Nossman LLP in Irvine, California, next discussed low impact development from the stand point of water quality. She discussed the need for EPA guidance in LID, which both the Natural Resource Defense Council and home builders recommend. The issue, however is not whether the EPA should provide regulation on LID, but what the regulatory standard should be. Should the standard be retention and infiltration, or detention and treatment? With retention, the water is held and never released, while with detention, the water is released once it is treated. Ms. Coffee noted that no matter what, the regulatory standard should mimic the natural water balance.

Noah Garrison from Natural Resources Defense Council in Santa Monica, California, discussed the future implications of LID. With the urbanization of our landscape, it is imperative that porous surfaces are used in future development. Several states, Pennsylvania, Washington, D.C., and California already have requirements built in through their adoption of the Clean Water Act. Naturally, water runoff should be between zero and twenty percent; however, after urban development runoff is between eighty and one hundred percent. Garrison also noted that if water runoff stayed in the same basin, then there would be less need for pumping water into different basins. Garrison ended by discussing the importance in California of capturing as much snowpack melt flows, before it flows to the ocean.

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