

Alternative Compliance Program (ACP) For Natural Systems Management Practices

WHAT is the Alternative Compliance Program (ACP)?

The **ACP** is a mechanism for developing offsite water quality compliance through implementation of stream rehabilitation projects for **Priority Development Projects (PDPs)**.

Stream rehabilitation is a **Natural Systems Management Practice (NSMP)** that uses remedial measures or activities for the purpose of improving or restoring the beneficial uses of streams, channels, or river systems. Rehabilitation techniques may include but are not limited to the following: riparian zone restoration, constructed wetlands, channel modifications that improve habitat and stability, and daylighting of drainage systems.

The Program was developed using SB2 grant funding to provide an alternative pathway for compliance with water quality requirements in the San Diego Regional Municipal Separate Storm Sewer System (MS4) Permit (Order R9-2013-0001, as amended) (Regional MS4 Permit) and improve the overall habitat and watershed health within the City of Chula Vista. The Program was accepted by the San Diego RWQCB in August 2023. The City has developed a **Water Quality Equivalency (WQE)** equation to determine the pollutant control credits provided by stream rehabilitation NSMPs based on three processes: (1) runoff retention, (2) sediment stabilization, and (3) vegetation biofiltration. The overall uplift in ecological benefits for a restored system is represented by a multiplier in the equation that increases credit volume.

In addition to developing a WQE for stream rehabilitation NSMPs, the City has developed an **In-Lieu Fee (ILF) Program** to generate water quality credits available for PDPs to purchase.

WHO can use the ACP Program?

The Program was developed to provide PDPs within the City of Chula Vista's borders with an off-site MS4 compliance option. PDPs are defined in detail in Section E.3.b(1) of the MS4 permit but include:

- New development projects creating a minimum of 2,500–10,000 square feet of impervious surfaces, depending on location and type.
- Redevelopment projects creating or replacing a minimum of 2,500–5,000 square feet of impervious surfaces, depending on location and type.

PDP participation in the ILF Program is allowed so long as there are credits available and the offsite alternative will have a greater overall water quality benefit than fully complying with the performance requirements of Provisions E.3.c.(1) and E.3.c.(2)(a) onsite. In addition, the PDP must use onsite flow-thru treatment control BMPs that are sized and implemented in accordance with Permit requirements. Flow-thru treatment control BMPs are structural measures that provide flow-thru treatment as part of the pollutant control strategy. Examples include vegetated swales, media filters, sand filters, dry extended detention basins, and Washington State TAPE-certified¹ proprietary flow-thru treatment control.



Figure 1. Example of Stream Rehabilitation with increased access to floodplain. This example would provide credits from the increased runoff retention in the proposed floodplain areas as well as increased biofiltration and ecological condition.

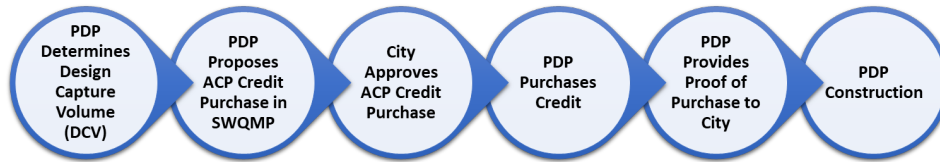
Source: Chagrin River Watershed Partners, Inc., and Biohabitats. 2012. *Floodplain Restoration and Stormwater Management: Guidance and Case Study*.

¹ Washington Stormwater Center. 2023. *Tape*. Available: [TAPE – Washington Stormwater Center \(wastormwatercenter.org\)](https://www.wastormwatercenter.org)

HOW can I use the ACP?

A PDP applicant may choose to purchase credits developed under the City's ILF program or propose an alternative compliance project to meet the PDP's water quality credit needs. A PDP interested in utilizing the ACP Program should consult with the City early in the PDP development process.

Use of the ACP through the purchase of ILF water quality credits will be streamlined and similar to existing processes. Projects proposing development within the City's jurisdiction will fill out the existing Storm Water Requirements Applicability Checklist for All Permit Applications (Intake Form). When prompted, the applicant will indicate their desire to utilize the City's ILF Program to satisfy their MS4 requirements.



Available credits and credit costs can be found at www.chulavistaca.gov/ACP.

A PDP applicant can also develop their own ACP stream rehabilitation project. Standard restoration design and methods should be used to develop a restoration project that will improve retention, sediment, and the ecological condition of the site. The NSMP Pollutant Control Concept shows the main factors that contribute to the credit development; Appendix B of the Program Guidance Document provides details on how to determine credits that a project will generate. The quantity of credits that an ACP project can produce is dependent on the land use factor, and influenced by the amount of water treated, reduction of sediment discharged from the site, and improvement in ecological conditions.

NSMP Pollutant Control Concept

$$\text{Credits} = \text{Land use } (\Delta\text{Volume} + \text{Restored Volume} * \text{Condition } (N_2) - \text{Original Volume} * \text{Condition } (N_1))$$

$$N = \text{Effective Volume Retention} + \text{Sediment} + \text{Vegetation} * \text{Ecological Condition}$$

WHY should I use ACP?

The ILF Program provides regional benefits not realized through standard on-site compliance. These benefits include:

- Generally more cost-effective solution for water quality compliance than full onsite treatment
- Greater water quality benefit is achieved compared to onsite BMP implementation.
- Facilitating implementation of watershed-scale natural system solutions that improve watershed functions and hydromodification impacts not met through project level onsite compliance.
- Allowing developers to maximize the developable space within a PDP and support the City's housing and community development goals.
- Improving local resiliency to climate change through stream rehabilitation.
- Improves habitat and watershed health within Chula Vista

Additional Information

City of Chula Vista BMP Design Manual and ACP Program documents are available at

<https://www.chulavistaca.gov/departments/public-works/services/storm-water-pollution-prevention/documents-and-reports>

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