

## **YOU WANT ME TO RETROFIT WHAT? THE LEGAL, POLITICAL AND ENGINEERING CHALLENGES TO STORM WATER RETROFITS**

Storm water discharges from existing development are recognized as a significant contributor to water quality impairment. In addition, it is evident that heightened regulation of new development will not, alone, achieve water quality goals. To address the water quality impairments associated with existing development, recent large MS4 permits in California have included more specific requirements, in various forms, to develop retrofit plans. Similarly, as part of its current rulemaking process, EPA is considering whether to amend its regulations “to require MS4s to address discharges from existing development through retrofitting of the sewer system, drainage area, or individual structures with improved storm water control measures.”

This presentation will address the legal, political and engineering challenges to storm water retrofits. Drawing upon retrofitting approaches used in other contexts, such as water conservation or as required by the Americans with Disabilities Act, it will first discuss the legal means available to implement retrofits. It will then discuss the political challenges associated with adopting and implementing such programs, as well as the engineering difficulties associated with retrofits. The presentation will combine the legal/regulatory perspective with the engineering perspective in order to comprehensively discuss the benefits and challenges of retrofitting.