

### Update on Stormwater Treatment Requirements for New Development and Redevelopment Projects

Additional requirements mandated by the Regional Water Quality Control Board for private and public development projects became effective on December 1, 2011 and January 1, 2016. The following is a summary of applicable new requirements in Provisions C.3.b and C.3.c of the San Francisco Bay Region Municipal Regional Stormwater Permit (“Municipal Regional Permit” or “MRP”). The full text of the MRP and other information may be downloaded at:

[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/Municipal/index.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/index.shtml)

#### Allowable Methods of Stormwater Treatment

Beginning December 1, 2011, all projects that are required to treat stormwater will need to treat the permit-specified amount of stormwater runoff with the following low impact development (LID) methods: rainwater harvesting and use, infiltration, evapotranspiration, or biotreatment. ***Vault-based treatment such as media filters will not be allowed as a stand-alone treatment measure*** (except in Special Projects described below). However, vault-based treatment measures may be used in series with biotreatment, for example, to remove trash or other specific pollutants.

#### Special Projects

Some “Smart Growth” developments, specifically urban infill, high-density, and transit oriented development projects, called “Special Projects” can receive LID treatment reduction credits and use non LID treatment measures, such as media filters, if they demonstrate that use of LID treatment is infeasible. Contact your local jurisdiction to find out if your project is eligible to receive LID treatment reduction credits.

#### Requirements for Auto Service Facilities, Gas Stations, Restaurants, and Uncovered Parking

Beginning December 1, 2011, projects that create and/or replace 5,000 square feet or more of impervious surface related to auto service facilities<sup>1</sup>, retail gasoline outlets, restaurants<sup>2</sup>, and/or surface parking will be required to provide low impact development treatment of stormwater runoff. ***This requirement will apply to uncovered parking that is stand-alone, or included as part of any other development project***, and it applies to the top uncovered portion of a parking structure, unless drainage from the uncovered portion is connected to the sanitary sewer. For all other land use categories, 10,000 square feet will remain the threshold of impervious surface area for requiring LID source control, site design, and stormwater treatment measures, although municipalities can encourage smaller projects to incorporate these measures.

#### Will These Requirements Affect My Project?

- These requirements will apply to your project if: 1) you have not yet submitted a development application; 2) your application has not yet been approved; or 3) if your application was approved after December 1, 2011.
- If you submitted a development application that was approved with stormwater treatment measures in compliance with Provision C.3.d (numeric sizing criteria) prior to December 1, 2011, your project is not affected by the new requirements and you may proceed with the approved treatment measures.

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<sup>1</sup> See page 2 of this fact sheet for definitions of these “special land use” categories.

- If you submitted a development application that was approved with no Provision C.3. stormwater treatment requirements under a previous MS4 permit and that has not begun construction by January 1, 2016, your project may be granted exemption from LID requirements if:
  - (i) It was previously approved with a vesting tentative map that confers a vested right to proceed with development in substantial compliance with the ordinance, policies, and standards in effect at the time the vesting tentative map was approved or conditionally approved, as allowed by State law.
  - (ii) If the local agency has no legal authority to require changes to previously granted approvals, such as projects that have been granted building permits.

This exemption from the LID requirements of Provision C.3.c. may be granted to any Regulated Project as long as stormwater treatment with media filters is provided that complies with the hydraulic sizing requirements of Provision C.3.d.

### **Definitions of Special Land Use Categories:**

- Auto service facilities include those described by the following Standard Industrial Classification (SIC) codes:
  - 5013: Establishments primarily engaged in wholesale distribution of motor vehicle supplies, accessories, tools, equipment, and parts.
  - 5014: Establishments primarily engaged in wholesale distribution of tires and tubes for passenger and commercial vehicles.
  - 5541: Gasoline service stations primarily engaged in selling gasoline and lubricating oils.
  - 7532: Establishments primarily engaged in the repair of automotive tops, bodies, and interiors, or automotive painting and refinishing.
  - 7533: Establishments primarily engaged in the installation, repair, or sale and installation of automotive exhaust systems.
  - 7534: Establishments primarily engaged in repairing and retreading automotive tires.
  - 7536: Establishments primarily engaged in the installation, repair, or sales and installation of automotive glass
  - 7537: Establishments primarily engaged in the installation, repair, or sales and installation of automotive transmissions.
  - 7538: Establishments primarily engaged in general automotive repair.
  - 7539: Specialized automotive repair such as fuel service (carburetor repair), brake relining, front-end and wheel alignment, and radiator repair.
- Restaurants include those described by SIC code 5812: Retail sale of prepared food and drinks for on-premise or immediate consumption.