

Additional, New Stormwater Use and Treatment Requirements Will Go Into Effect December 1, 2011

Additional, new, regional requirements mandated by the Regional Water Quality Control Board will affect private development projects beginning December 1, 2011. The following is a summary of applicable new requirements in Provisions C.3.b.ii and C.3.c.i.2 of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (“Municipal Regional Permit” or “MRP”). The full text of the MRP and other information may be downloaded from the Santa Clara Valley Urban Runoff Pollution Prevention Program website: www.scvurppp.org.

New Restrictions on 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 methods: rainwater harvesting and reuse, infiltration, evapotranspiration, or biotreatment. However, biotreatment (filtering stormwater through vegetation and soils before discharging to the storm drain system) will be allowed only where harvesting and reuse, infiltration and evapotranspiration are infeasible at the project site. Criteria for determining infeasibility are scheduled to be developed by May 1, 2011. ***Vault-based treatment will not be allowed as a stand-alone treatment measure.*** Where stormwater harvesting and reuse, infiltration, or evapotranspiration are infeasible, vault-based treatment measures may be used in series with biotreatment, for example, to remove trash or other large solids. (See Provision C.3.c.i.2 of the MRP.)

New Rules for Auto Service Facilities, Retail Gasoline Outlets, 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 facilities¹, retail gasoline outlets, restaurants², 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 (see Provision C.3.b.ii.1 of the MRP). For all other land use categories, 10,000 square feet will remain the regional threshold of impervious surface area for requiring low impact development, source control, site design, and stormwater treatment measures, although municipalities can encourage smaller projects to incorporate these measures.

Will These Requirements Affect My Project?

- If you submitted a development application that was deemed complete before December 1, 2009, and you “diligently pursue”² the project, the additional, new requirements will not affect your project.
- If you submit a development application that is deemed complete after December 1, 2009, the additional, new requirements will not apply if the development application has received final discretionary approval before December 1, 2011.
- In all other cases, the additional, new requirements will apply.

¹ See page 2 of this fact sheet for definitions.

² Diligent pursuance may be demonstrated by the project applicant’s submittal of supplemental information to the original application, plans, or other documents required for any necessary approvals of the project

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.