



# Changes to Stormwater Quality Control Requirements

## Information for Developers, Builders and Project Applicants

Alameda Countywide Clean Water Program

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### Why Are New Requirements Needed?

Stormwater runoff from urbanized areas remains the largest source of pollution to San Francisco Bay. Local agencies in urbanized portions of the Bay Area are responsible for controlling stormwater pollution by complying with the new Municipal Regional Stormwater Permit, issued by the State Regional Water Quality Control Board (Water Board) in October 2009.



Vegetated swale collects and filters stormwater runoff in Livermore.

### Summary of Requirements

During the development review process, local agencies apply stormwater requirements to projects, as described below. Most requirements are unchanged; new requirements are labeled "New!"

- ⇒ **Apply to all projects, as appropriate:**
  - Source control measures to help keep pollutants out of stormwater.
  - Construction best management practices (BMPs).
  - Site designs that maximize pervious areas.
  - Post-construction stormwater treatment, if required by the municipality.

#### ⇒ **Applicable based on project size/location:**



- Projects that create and/or replace 10,000 sq. ft. or more of impervious surface require post-construction stormwater treatment measures. For certain land use categories (see back of page), this threshold will drop to 5,000 square feet on December 1, 2011.
- Projects in susceptible areas that create and/or replace 1 acre or more of impervious surface, must include hydromodification management.
- Projects with treatment and/or hydromodification management measures require maintenance agreements.
- New low impact development requirements start on December 1, 2011! See back of page for more information.



For specific application requirements, contact the city where your project is located.

### Site Design for Water Quality

Site design measures to reduce water quality impacts include:

- Reduce impervious surfaces.
- Minimize stormwater runoff by directing roof runoff to vegetated areas or rainwater cisterns for reuse.
- Direct runoff from impervious surfaces to vegetated areas.

### Source Controls

Source controls prevent potential pollutant sources from

contacting rainfall and stormwater. Examples include:

- Roofed trash enclosures.
- Pest-resistant landscaping.
- Sanitary sewer drains for vehicle wash areas (with sewer district approval).

ACCWP's Source Control Model List can be found at [www.cleanwaterprogram.org/businesses\\_developers.htm](http://www.cleanwaterprogram.org/businesses_developers.htm) (scroll to Source Controls).

### Construction Site Controls

Project sites are required to use construction BMPs, such as:

- Prepare and use sediment and erosion control plans.
- Minimize exposed soil by stabilizing slopes.
- Maintain filter materials at storm drain inlets.

Projects disturbing one acre or more must comply with the Statewide Construction NPDES General Permit. For more information, visit

[www.swrcb.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml).



Rain garden collects and filters parking lot runoff in Brisbane.

### Stormwater Treatment

Stormwater treatment measures are engineered systems that remove pollutants before stormwater reaches the storm drain system, and ultimately San Francisco Bay.

The Municipal Regional Stormwater Permit specifies hydraulic sizing criteria for treatment measures. Examples of treatment measures include:

- Bioretention areas / rain gardens,
- Flow-through planters,
- Vegetated swales,
- Detention basins.

Beginning December 1, 2011, new Low Impact Development requirements will limit the use of treatment measures. See “Low Impact Development,” below.

### Hydromodification Management (HM)

When land is covered with buildings and pavement, runoff enters creeks at higher rates and volumes, resulting in channel erosion, flooding and habitat loss. Many projects require hydromodification management (HM) measures – detention and/or infiltration combined with special discharge structures – to match pre-project runoff patterns. HM requirements apply if the project creates and/or replaces one acre or more of impervious surface, AND is located in a susceptible area. You can view a map of susceptible areas and flyer on HM requirements at [http://cleanwaterprogram.org/businesses\\_developers.htm](http://cleanwaterprogram.org/businesses_developers.htm).



Flow-through planters collect and filter roof runoff in Emeryville.

### Maintaining Treatment and HM Measures

Post-construction treatment measures and HM measures need ongoing maintenance to keep working properly.

Applicants must prepare a maintenance plan and sign a maintenance agreement with the applicable local agency.

### Low Impact Development (LID)

**New!**

These changes go into effect December 1, 2011, and may affect projects under review:

- Starting December 1, 2011, stormwater treatment will be required for the following categories of projects that create and/or replace 5,000 square feet, or more, of impervious surface: uncovered parking areas (stand-alone or part of another use), restaurants, auto service facilities<sup>i</sup>, and retail gasoline outlets.
- Also starting December 1, 2011, stormwater treatment requirements must be met using evapotranspiration, infiltration, and/or rain-water harvesting and reuse. If this is infeasible, landscape-based treatment (“biotreatment”) is allowed. Criteria to determine infeasibility will be available by May 1, 2011.

### Will New Requirements Affect My Project?

If your permit application was deemed complete before December 1, 2009, and you “diligently pursue<sup>ii</sup>” the project, the new requirements will not affect your project. If a permit application is deemed complete after December 1, 2009, and final discretionary approval is received before

December 1, 2011, the new requirements will not apply. Otherwise, the new requirements will apply.

### Contact Information

- ACCWP: 510/670-5543, [www.cleanwaterprogram.com](http://www.cleanwaterprogram.com)
- Water Board staff : 510.622.2300 (request Alameda County stormwater program manager)
- Contact info for local stormwater programs: [www.cleanwaterprogram.org/businesses\\_developers.htm](http://www.cleanwaterprogram.org/businesses_developers.htm)



Rainwater is captured and used to flush toilets in Oakland.

<sup>i</sup> Auto service facilities Include the following Standard Industrial Classification Codes:  
5013: Wholesale distribution of motor vehicle supplies, accessories, tools, equipment, and parts.  
5014: Wholesale distribution of tires and tubes for passenger and commercial vehicles.  
7532: Repair of automotive tops, bodies, and interiors, or automotive painting and refinishing.  
7533: Installation, repair, or sale and installation of automotive exhaust systems.  
7534: Repairing and retreading automotive tires.  
7536: Installation, repair, or sales and installation of automotive glass.  
7537: Installation repair, or sales and installation of automotive transmissions.  
7538: General automotive repair.  
7539: Specialized automotive repair such as fuel service, brake relining, front-end and wheel alignment, and radiator repair.

<sup>ii</sup> Diligent pursuance may be demonstrated by submitting supplemental information, plans, or other documents needed for project approval.



## Notice to Project Applicants

### **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 may be downloaded at [www.cleanwaterprogram.org](http://www.cleanwaterprogram.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 may 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 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 (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 for requiring low impact development, source control, site design, and stormwater treatment, although municipalities have the authority to require treatment to the maximum extent practicable for smaller projects.

#### **Will These Requirements Affect My Project?**

- If you submitted a development application that was deemed complete before December 1, 2009, and you “diligently pursue<sup>3</sup>” 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.

<sup>1</sup> Auto service facilities, 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.

<sup>2</sup> Restaurants described by SIC code 5812: Retail sale of prepared food and drinks for on-premise or immediate consumption.

<sup>3</sup> 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.