



## Notice to Project Applicants

### Additional, New Stormwater Use and Treatment Requirements Effective December 1, 2011

If your project is required to include stormwater treatment control measures, the following additional, new requirements apply (with some limited exceptions described below). These requirements are from San Francisco Bay Region Municipal Regional Stormwater Permit (MRP).<sup>1</sup>

#### **New Restrictions on Methods of Stormwater Treatment**

Effective December 1, 2011, all projects that are required to treat stormwater must treat the permit-specified amount of stormwater runoff with the following Low Impact Development (LID) methods:

- Rainwater harvesting and use,
- Evapotranspiration,
- Infiltration, or
- If the above methods are infeasible, biotreatment (filtering stormwater through vegetation and soils before discharging to the storm drain system) is allowed.

Complete the Infiltration and Rainwater Harvesting Feasibility Screening Form to evaluate the feasibility of treating the permit-specified amount of runoff with infiltration or rainwater harvesting and use<sup>2</sup>. ***Vault-based treatment is not allowed as a stand-alone treatment measure.*** Vault-based treatment measures may be used in series with other treatment measures to remove trash or other large solids.

#### **Some Projects that Create and/or Replace 5,000 sq.ft. of Impervious Surface Must Treat Stormwater**

Beginning December 1, 2011, projects that create and/or replace 5,000 square feet or more of impervious surface related to the following categories of land use will be required to provide LID stormwater treatment:

- Auto service facilities<sup>3</sup>,
- Retail gasoline outlets,
- Restaurants<sup>4</sup>, and/or
- Uncovered surface parking (This applies to stand-alone parking, or parking included as part of any other development project. It also applies to the top uncovered portion of a parking structure, unless drainage from the uncovered portion is connected to the sanitary sewer.)

#### **Are There Exceptions to the New Rules?**

- If the project's development application was deemed complete before December 1, 2009, and you "diligently pursue<sup>5</sup>" the project, the new requirements do not apply.
- If the project's development application was deemed complete on or after 12/1/09, AND the application received final discretionary approval before 12/1/11, the new requirements do not apply.
- Certain infill, high-density, or transit oriented development projects may treat a percentage of the permit-specified amount of stormwater with non-LID treatment. Contact municipal staff for more information.

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<sup>1</sup> The MRP may be downloaded at [www.cleanwaterprogram.org](http://www.cleanwaterprogram.org). These requirements are in Provisions C.3.b.ii and C.3.c.i.2 of the MRP.

<sup>2</sup> Evapotranspiration is incorporated in infiltration, rainwater harvesting/use and biotreatment.

<sup>3</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>4</sup> Restaurants described by SIC code 5812: Retail sale of prepared food and drinks for on-premise or immediate consumption.

<sup>5</sup> Diligent pursuit 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.