



2016 Update: Stormwater Quality Control Requirements

Information for Developers, Builders and Project Applicants

April 2016

New Permit Requirements

Some local stormwater requirements for development projects are changing. These requirements are in the updated Municipal Regional Stormwater Permit (MRP 2), reissued in November 2015 by the Regional Water Quality Control Board (Water Board) to local agencies in urbanized portions of the Bay Area. Key changes and continuing requirements are described below.

Key Changes

Simplified LID Approval Process

Evaluating the feasibility of treating the full water quality volume of runoff with infiltration, rainwater harvesting and use, and/or evapotranspiration is no longer necessary to meet Low Impact Development (LID) treatment requirements. LID includes biotreatment measures – such as flow-through planters and bioretention areas that do not infiltrate the full water quality volume described in the permit.

Pervious Paving Maintenance

Starting July 1, 2016, maintenance plans and maintenance agreements are required to assure the ongoing maintenance of areas of pervious pavement included in projects.



Pervious paving in Berkeley allows infiltration of stormwater

Overview of Continuing Requirements

Stormwater runoff from urbanized areas remains the largest source of pollution to San Francisco Bay, and local agencies must continue to require projects to include stormwater controls as part of the development review process. Depending on project type and size, this includes:

- Site design measures,
- Source controls,
- Low Impact Development (LID) treatment measures,
- Hydromodification management,
- Construction BMPs

Site Design for Water Quality

Site design measures to reduce water quality impacts include:

- Reduce impervious surfaces.
- Direct runoff from impervious surfaces to vegetated areas.

For site design requirements specific to small projects, see Small Project Site Design on page 2.

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).

Contact the city where your project is located for the Source Control requirements that apply to your project (see Contact Information on page 2).

Report spills to the local agency contacts on the list provided at <http://cleanwaterprogram.org/report-a-spill.html>

Low Impact Development (LID) Stormwater Treatment

The goal of low impact development (LID) is to reduce stormwater runoff and mimic a site's predevelopment hydrology. LID treatment consists of:

- Infiltration,
- Harvesting and using rainwater,
- Evapotranspiration (evaporating water into the air directly or through plant transpiration), or
- Biotreatment (filtering water through vegetation and engineered soil before it reaches the storm drain).

LID treatment is required for projects, including residential subdivisions, that create and/or replace 10,000 square feet or more of impervious surface. The following project categories require LID if they 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 facilities¹,
- Retail gasoline outlets.

The use of vault-based systems is restricted to projects that meet the Special Projects criteria described below.

Special Projects

Infill, high density, or transit oriented development projects that meet Special Projects criteria may qualify for reduced LID treatment. Prior to receiving LID treatment reduction, projects must demonstrate that 100% LID treatment is infeasible. Details are provided in Appendix J of the C.3 Technical Guidance - see the weblink under Contact Information on page 2.

Clean Water Program: Protecting Alameda County Creeks, Wetlands and the Bay

A Consortium of Local Agencies – Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, Alameda County, Alameda County Flood Control and Water Conservation District, Zone 7 Water Agency

Small Project Site Design

The site design requirement for small projects applies to:

- Projects, including residential subdivisions, that create and/or replace at least 2,500 square feet, but less than 10,000 square feet, of impervious surface, and
- Individual single family homes that create and/or replace 2,500 square feet or more of impervious surface.

These projects must include at least one of the following:

- Direct roof runoff into cisterns or rain barrels for use, or onto vegetated areas.
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- Direct runoff from driveways/uncovered parking lots onto vegetated areas.
- Construct sidewalks, walkways, and/or patios with permeable surfaces.
- Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

If your project creates and/or replaces less than 2,500 square feet of impervious surface, contact the city where the project is located to identify any applicable requirements.

Hydromodification Management (HM)

When land is covered with buildings and pavement, runoff enters creeks at higher rates and volumes, resulting in channel erosion and flooding.



Bioretention area in Fremont

These changes to waterways are known as hydromodification. Hydromodification management (HM) measures are detention and/or infiltration facilities that are constructed with special discharge structures to match pre-project runoff patterns.

HM requirements are different from flood control requirements.

HM requirements apply if a project meets all three of the following conditions (1) it creates and/or replaces one acre or more of impervious surface, (2) increases impervious surface over the pre-project condition, and (3) is located in a susceptible area. To view a map of susceptible areas and flyer on HM requirements, go to the weblink under Contact Information on page 2, click on "Popular Development Related Documents", then scroll to "Hydromodification Resources".

Maintaining Treatment and HM Measures

Stormwater treatment measures, including pervious paving, and HM controls need ongoing maintenance to keep working properly. Applicants must prepare a maintenance plan and sign, with the applicable local agency, a maintenance agreement that runs with the land, which will be transferred to future owners of the property.

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

For more information, visit http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml.

What is Required for My Project?

Check with the city where your project is located for specific application requirements. See Contact Information, below.



Flow-through planters provide biotreatment of runoff in Emeryville.

Contact Information

- Clean Water Program: 510/670-5543
- Program's New Development webpage www.cleanwaterprogram.org/development.html
- Water Board staff: 510/622-2300 (request Alameda County stormwater program manager)
- For contact info for new development representatives at local agencies, go to the weblink listed above, then click on "Popular Development Related Documents", then "Local Agency Stormwater Contacts"

¹ Standard Industrial Classification (SIC) Codes for auto service facilities include:

- Wholesale distributors (SIC Codes 5013 and 5014);
- Gasoline service stations (SIC Code 5541);
- Auto repair facilities (SIC Codes 7532, 7533, 7534, 7536, 7537, 7538, 7539).