



County of San Diego

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

DARREN GRETLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

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MEMORANDUM

TO: Development and Redevelopment Project Applicants

IMPLEMENTATION OF NEW REGIONAL STORMWATER PERMIT REQUIREMENTS FOR PRIVATE LAND DEVELOPMENT PROJECTS IN THE UNINCORPORATED AREAS OF SAN DIEGO COUNTY

In May 2013, the San Diego Regional Water Quality Control Board (RWQCB) reissued a Municipal Separate Storm Sewer System Permit (Order No. R9-2013-0001; hereinafter "2013 MS4 Permit") to the County of San Diego and other local jurisdictions in the region. As subsequently modified on February 11 and November 18, 2015, the 2013 MS4 Permit specifies updated, more restrictive stormwater management requirements for private and public projects. Among other changes, it lowers the minimum threshold necessary to trigger classification as a **Priority Development Project (PDP)** and sets forth stricter onsite requirements for stormwater pollutant control and hydromodification management for these projects. It also defines options for exempting projects from PDP requirements and for achieving compliance through the use of offsite alternative compliance projects.

For projects in the unincorporated County, the effective date of these updated requirements is **February 26, 2016**. To assist applicants in interpreting and complying with these requirements, two attachments are provided with this letter. Attachment 1 (***Updated Requirements for Complying with the Land Development Provisions of the 2013 MS4 Permit***) summarizes key provisions of the 2013 MS4 Permit, and describes their potential applicability to development projects. In some cases, a project may qualify to proceed under earlier MS4 Permit requirements. Attachment 2 (***Guidelines on Establishing Prior Lawful Approval (PLA) to Proceed under Earlier MS4 Permit Provisions***) outlines the conditions under which a project in process but not yet complete prior to February 26, 2016 may be allowed to do so.

Neither of these documents is intended to fully describe or substitute for the specific provisions of the 2013 MS4 Permit or the County Watershed Protection Ordinance (WPO). Moreover, they are not a substitute for case-by-case analysis. For additional detail on applicable

requirements, applicants should utilize the documents listed below¹ and consult as needed with County staff.

- County of San Diego Best Management Practices (BMP) Design Manual
- County of San Diego Watershed Protection Ordinance (WPO)
- County of San Diego Low Impact Development Handbook

Applicants should be aware that projects which have not been issued a construction permit before February 26, 2016 will be required to comply with the updated requirements of the 2013 MS4 Permit. This means that some projects currently proceeding under the design requirements of the 2007 MS4 Permit may be required to redesign their projects to meet updated standards. The 2013 MS4 Permit does not allow for consideration of infeasibility in applying these updated requirements. It's therefore critical that project applicants not already designing to 2013 MS4 Permit standards take advantage of all options available to them for obtaining a PLA to proceed under earlier standards. Examples of potentially affected projects include, but are not limited to, the following:

- Projects with approved Improvement Plans and/or Grading Plans but which do not have Final Maps and are not scheduled for Board of Supervisors' hearing before February 26, 2016;
- Projects with Final Maps, but that have not yet been issued any type of construction permit;
- Older projects that have met other applicable conditions, but which have not conducted construction activities since February 26, 2015.

In addition to the attached documents, County staff is available to assist applicants in evaluating the options available to them. Applicants should note that they are responsible to submit proposals and other required documentation in a timely manner (i.e., allowing sufficient time for County review and comment, resubmittal, and approval prior to applicable deadlines), and to demonstrate and maintain documentation of ongoing compliance with the conditions of any PLA initially recognized by the County. Staff will review the proposal and make a determination as to whether or not a qualifying PLA exists, or whether additional analysis is required.

Please contact your PDS Project Manager for more information and assistance in complying with these updated requirements.

¹ These and other supporting documents are available on the County's website at:
<http://www.sandiegocounty.gov/content/sdc/dpw/watersheds/DevelopmentandConstruction.html>.