

County of San Diego Proposed Modifications to Tentative Order No. R9-2015-0001  
February 11, 2015  
(With Changes Proposed by RWQCB Staff)

e. **Priority Development Project BMP Implementation and Oversight**

Each Copermitttee must implement a program that requires and confirms structural BMPs on all Priority Development Projects are designed, constructed, and maintained to remove pollutants in stormwater to the MEP.

(1) Structural BMP Approval and Verification Process

(a) Each Copermitttee must require and confirm that for all Priority Development Project applications that have not received prior lawful approval by the Copermitttee by the effective date of the BMP Design Manual pursuant to Provision E.3.d, the requirements of Provision E.3 must be implemented. For project applications that have received prior lawful approval before the effective date of the BMP Design Manual pursuant to Provision E.3.d, the Copermitttee may allow previous land development requirements to apply.

(b) For private development projects, prior lawful approval under this Order is a development approval or construction permit that either:

1) complies with the Priority Development Project requirements of the Fourth Term MS4 permits<sup>1</sup> and includes the design of the storm water drainage system for the project in its entirety as accepted by the Copermitttee, or

2) in the case of a development agreement, vesting tentative map or other statutory mechanism established by the State allowing for the vesting of rights, the rights vested shall be deemed to include the right ~~confers a vested right to proceed under the Priority Development Project prior storm water requirements of the Fourth Term MS4 permits.~~

For public projects, approval means that the design of the storm water drainage system for the project in its entirety complies with the Priority Development Project requirements of the Fourth Term MS4 permits and has been stamped by the City or County Engineer or engineer of record for the project. For public projects completed on a design build or similar basis where project design is completed after construction contract award, the project may be designed in conformance with the Priority Development Project requirements of the Fourth Term MS4 permits if the contract is awarded before the effective date of the BMP Design Manual.

For any applicable portion(s) of ~~the a~~ public or private project, approvals may be extended to any subsequent discretionary or ministerial approvals necessary to implement the initial project approval with the following conditions:

(i) All subsequent development approvals and construction permits, or equivalent approvals for public projects, must be issued within 5 years of the effective date of the BMP Design Manual pursuant to Provision E.3.d; and

(ii) BMP installation under subsequent approvals must remain in substantial conformity with the design of the storm water drainage system included in the initial approval.