

Proposed Modifications to May 14, 2015 RWQCB Draft Language on Priority Development Project Approvals; Submitted by the County of San Diego, City of San Diego, and Building Industry Coalition -- June 11, 2015~~June 10, 2015~~

Revise May 14, 2015, Draft of Provision E.3.e.(1)(a) as follows:

e. PRIORITY DEVELOPMENT PROJECT BMP IMPLEMENTATION AND OVERSIGHT

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

(1) Structural BMP Approval and Verification Process

(a) Each Copermittee must require and confirm that all Priority Development Projects implement the requirements of Provision E.3, except that the Copermittee may allow previous land development requirements to apply to a Priority Development Project if all of the following conditions are met:

(i) The Copermittee has, prior to the effective date of the BMP Design Manual required to be developed pursuant to Provision E.3.d, approved¹ a design that incorporates the storm water drainage system for the Priority Development Project in its entirety, including all applicable structural pollutant treatment control and hydromodification management BMPs, and that complies with the Priority Development Project requirements of the Previous Term MS4 permit;² AND

(ii) ~~The~~ For private projects, the Copermittee has, prior to the effective date of the BMP Design Manual required to be developed pursuant to Provision E.3.d, issued a development approval or construction permit building permit, or functional equivalent that authorizes the Priority Development Project applicant to commence construction activities; based on a design that incorporates the approved storm water drainage system for the Priority Development Project in its entirety; AND

(iii) ~~The Copermittee confirms that there have been construction activities on the Priority Development Project site within the 365 days prior to the effective date of the BMP Design Manual required to be developed pursuant to Provision E.3.d, OR the Copermittee confirms that construction activities will commence on the Priority Development Project site within the 180 days after the effective date of the BMP Design Manual required to be developed pursuant to Provision E.3.d, where construction activities are undertaken in reliance on the building permit, or functional equivalent, issued by the Copermittee in conformance with Provision E.3.e.(1)(a)(ii).~~ All subsequent development approvals and construction permits, or equivalent

¹ For public projects, approval means that the design of the storm water drainage system for the project in its entirety has been stamped by the City or County Engineer, or engineer of record for the project.

² Order Nos. R9-2007-0001, R9-2009-0002, and R9-2010-0016 for San Diego, Orange, and Riverside Counties, respectively.

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approvals for public projects, that are needed to implement the initial approval, must be issued within 5 years of the effective date of the BMP Design Manual pursuant to Provision E.3.d. BMP installation must remain in substantial conformity with the design of the storm water drainage system included in the initial approval.

(b) Alternatively, the Copermittee may allow previous land development requirements to apply to a Priority Development Project if application of Provision E.3 would be legally infeasible.