

- (d) Minimize pollutant loadings from impervious surfaces such as roof-tops, parking lots, and roadways through the use of properly designed, technically appropriate BMPs (including Source Control BMPs such as good housekeeping practices), Low Impact Development Strategies, and Treatment Control BMPs.
- (e) Properly select, design and maintain Treatment Control BMPs and Hydromodification Control BMPs to address pollutants that are likely to be generated, assure long-term function, and to avoid the breeding of vectors.¹
- (f) Prioritize the selection of BMPs suites to remove storm water pollutants, reduce storm water runoff volume, and beneficially reuse storm water to support an integrated approach to protecting water quality and managing water resources in the following order of preference:
 - (1) Infiltration BMPs
 - (2) BMPs that store and reuse storm water runoff.
 - (3) BMPs that incorporate vegetation to promote pollutant removal and runoff volume reduction and integrate multiple uses
 - (4) BMPs which percolate runoff through engineered soil and allow it to discharge downstream slowly
 - (5) Approved modular/ proprietary treatment control BMPs that are based on LID concepts and that meet pollution removal goals

II. Applicability

- 1. New Development Projects.
 - (a) Development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate storm water pollution, prior to completion of the project(s), are:
 - (1) All development projects equal to 1 acre or greater of disturbed area and adding more than 10,000 square feet of impervious surface area
 - (2) Industrial park 10,000 square feet or more of surface area
 - (3) Commercial strip mall 10,000 square feet or more of impervious surface area
 - (4) Retail gasoline outlet 5,000 square feet or more of surface area
 - (5) Restaurant (SIC 5812) 5,000 square feet or more of surface area
 - (6) Parking lot 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces
 - (7) Streets, roads, highways, and freeway construction of 10,000 square feet or more of impervious surface area shall incorporate USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets to the maximum extent practicable.
 - (8) Automotive service facilities (SIC 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) [5,000 square feet or more of surface area]

¹ Treatment BMPs when designed to drain within 72 hours of the end of rainfall minimize the potential for the breeding of vectors.

- (9) Redevelopment projects in subject categories that meet Redevelopment thresholds (identified in subpart E.II.2 below)
- (10) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
 - (A) Discharge storm water runoff that is likely to impact a sensitive biological species or habitat; and
 - (B) Create 2,500 square feet or more of impervious surface area
- (11) Single-family hillside homes. To the extent that a Permittee may lawfully impose conditions, mitigation measures or other requirements on the development or construction of a single-family home in a hillside area as defined in the applicable Permittee's Code and Ordinances, each Permittee shall require that during the construction of a single-family hillside home, the following measures to be implemented:
 - (A) Conserve natural areas
 - (B) Protect slopes and channels
 - (C) Provide storm drain system stenciling and signage
 - (D) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability
 - (E) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability

2. Redevelopment Projects

- (a) Redevelopment projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate storm water pollution, prior to completion of the project(s), are:
 - (1) Land-disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on development categories identified in subpart 4.E.III.1.
 - (2) Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, the entire project must be mitigated.
 - (3) Where Redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, only the alteration must be mitigated, and not the entire development.
- (b) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

- (c) Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.
- 3. Effective Date –The New Development and Redevelopment requirements contained in Section E of the Order shall begin (90 calendar days) after Regional Water Board Executive Officer approval of the changes to the Technical Guidance Manual needed to comply with this permit. After that date all discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals must comply with the requirements in Section E. Projects that have been deemed complete prior to the update of the technical design manual are not subject to this section. For Permittee’s projects the effective date shall be the date the governing body or their designee approves initiation of the project design.

III. New Development/ Redevelopment Performance Criteria

- 1. Integrated Water Quality/ Flow Reduction/Resources Management Criteria
 - (a) Except as provided in subpart 4.E.III.1.(c) below, Permittees shall require all New Development and Redevelopment projects identified in subpart 4.E.II to control pollutants, pollutant loads, and runoff volume emanating from impervious surfaces through infiltration, storage for reuse, evapotranspiration, or bioretention/ biofiltration by reducing the percentage of Effective Impervious Area (EIA) to 5 percent or less of the total project area.
 - (b) Impervious surfaces may be rendered "ineffective", and thus not count toward the 5 percent EIA limitation, if the stormwater runoff from those surfaces is fully retained on-site for the design storm event specified in provision (c), below. To satisfy the EIA limitation and low-impact development requirements, the permittees must require stormwater runoff to be infiltrated, reused, or evapotranspired on-site through a stormwater management technique allowed under the terms of this permit and implementing documents. If on-site retention is determined to be technically infeasible pursuant to 4.E.III.2(b), an on-site biofiltration system that achieves equivalent stormwater volume and pollutant load reduction as would have been achieved by on-site retention shall satisfy the EIA limitation. An on-site biofiltration system that releases above the design volume shall achieve 1.5 times the amount of stormwater volume and pollutant load reduction as would have been achieved by on-site retention and, thereby, shall satisfy the EIA limitation.
 - (c) The permittees shall require all features constructed or otherwise utilized to render impervious surfaces "ineffective", as described in provision (b), above, to be properly sized to infiltrate, store for reuse, or evapotranspire, without any runoff at least the volume of water, or in the case of biofiltration with release above the design volume, 1.5 times the volume of water, that results from: