

treatment devices shall recognize potential clogging and loss of capacity during operation and shall be sized to provide full treatment of the design storm at all times.

5. Entitlement Process

- (a) Each Co-Permittee shall incorporate into its entitlement process standard procedures that require consideration of potential storm water quality impacts early in the planning process of any project that meets the criteria of this Order (E. Standard Provisions, Part 4, section 6) for new development and redevelopment projects. The Co-Permittees shall clearly demonstrate the developer and Co-Permittee considered storm water quality site issues before the facilities/projects reached final design. The Co-Permittees must demonstrate involvement in the conceptual design of storm water quality protection at either of two different points in the project planning and permitting process:
- (1) During the discretionary approval process of a proposed project, when the Co-Permittee must exercise judgment or deliberation in order to approve or disapprove a development or significant redevelopment project; or
  - (2) During the ministerial approval process of issuing a grading, building, demolition, or similar “construction” permits in which only fixed standards or objective measures are applied.

6. New Development and Redevelopment Projects: for purposes of this Order, impervious surface is defined as an area that has been modified in such a way as to reduce storm water runoff capture, treatment and percolation into underlying soils. For example, such surfaces include rooftops, walkways, plastic liners and parking areas. Permeable pavements shall be considered impervious for this section if they have subdrains. For purposes of this Order, structural areas that are covered under a green or eco-roof shall not be considered impervious surface.

- (a) New development and redevelopment projects that are required to implement post-construction treatment controls to mitigate all project-related storm water pollution include:
- (1) All development and redevelopment projects creating or replacing a combined total of 1.0 acre or more of impervious surface;
  - (2) Streets, roads, highways, and freeway construction or reconstruction creating or replacing a combined total of 10,000 ft<sup>2</sup> or more of impervious surface<sup>13</sup>;
  - (3) All development and redevelopment projects that include four or more houses;

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<sup>13</sup> See exception in Part 4 – 6(b)(3).

- (4) Industrial parks creating or replacing a combined total of 10,000 ft<sup>2</sup> or more of impervious surface;
  - (5) Commercial strip malls creating or replacing a combined total of 10,000 ft<sup>2</sup> or more of impervious surface;
  - (6) Retail gasoline outlets creating or replacing a combined total of 10,000 ft<sup>2</sup> or more of impervious surface;
  - (7) Restaurants (SIC 5812) creating or replacing a combined total of 10,000 ft<sup>2</sup> or more of impervious surface;
  - (8) Parking lots (if not included as part of a project type listed above) creating or replacing a combined total of 10,000 ft<sup>2</sup> or more of impervious surface, or with 25 or more parking spaces; and
  - (9) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) creating or replacing a combined total of 10,000 ft<sup>2</sup> or more of impervious surface.
- (b) Redevelopment projects that are not required to implement post-construction treatment controls include:
- (1) Routine maintenance activities<sup>14</sup> that are conducted to maintain original line and grade, hydraulic capacity, and original purpose of facility (ex. resurfacing existing roads and parking lots);
  - (2) Emergency redevelopment activities required to protect public health and safety<sup>15</sup>;
  - (3) Projects undertaken solely to install or reinstall public utilities (ex. sewer or water lines) and do not include any additional street or road development or redevelopment activities;
  - (4) Reconstruction projects, undertaken by a public agency, of streets or roads remaining within the original footprint and less than 48 feet wide<sup>16</sup>; and
  - (5) Stand alone pedestrian pathways, trails, and off-street bicycle lanes.
7. Effective Date: The updated New Development and Redevelopment sizing requirements referenced above shall apply to projects or project phases that have not received tentative tract map, use permit or other permit prior to June 1, 2010.

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<sup>14</sup> Impervious surface replacement, such as the reconstruction of parking lots or excavation to roadway subgrades, is not a routine maintenance activity.

<sup>15</sup> The Regional Water Board must agree that the activities are needed to protect public health and safety to qualify for this exception.

<sup>16</sup> Measured from face-of-curb to face-of-curb.