

## ATTACHMENT 6

### Requirements for Road Projects in the Municipal Regional Stormwater Permit (MRP)

Provision C.3.b (Regulated Projects) in the MRP establishes the different categories of new development and redevelopment projects that Permittees must regulate under Provision C.3. It includes road projects that add and/or replace 10,000 square feet of newly constructed contiguous impervious surface, and are under the building and planning authority of a Permittee. These projects will be required to implement Low Impact Development source control, site design, and stormwater treatment onsite or at a joint stormwater treatment facility.

Specific projects that this provision applies to are explained below:

#### Construction of New Streets or Roads

- Effective December 1, 2009, construction of new streets or roads, including sidewalks and bicycle lanes built as part of the new streets or roads will be regulated under Provision C.3 as Regulated Projects. The following projects will be excluded:
  - Sidewalks built as part of new streets or roads and built to direct stormwater runoff to adjacent vegetated areas.
  - Bicycle lanes that are built as part of new streets or roads but are not hydraulically connected to the new streets or roads and that direct stormwater runoff to adjacent vegetated areas.
  - Sidewalks and bicycle lanes constructed with permeable surfaces including pervious concrete, porous asphalt, unit pavers, and granular materials.

#### Widening of Existing Streets or Roads

- Effective December 1, 2011, projects that widen existing streets or roads with additional traffic lanes will be regulated under Provision C.3. The following conditions will apply:
  - If the addition of traffic lanes results in an alteration of **more than 50 percent** of the impervious surface of an existing street or road that was not subject to Provision C.3, **the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included in the treatment system design** (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from the entire street or road that had additional traffic lanes added).
  - If the addition of traffic lanes results in an alteration of **less than 50 percent** of the impervious surface of an existing street or road that was not subject to Provision C.3, **only the new and/or replaced impervious surface of the project must be included in the treatment system design** (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from only the new traffic lanes). However, if the stormwater runoff from the existing traffic lanes and the added traffic lanes cannot be separated, any onsite treatment system must be designed and sized to treat stormwater runoff from the entire street or road. If an offsite treatment system is installed or in-lieu fees paid in accordance with the requirements for Alternative Compliance, the offsite treatment system or in-lieu fees must address only the stormwater runoff from the added traffic lanes.

- Projects that widen streets or roads with only bicycle lanes or sidewalks (not motor vehicle travel lanes) are exempt.

#### Construction of Impervious Trails

- Effective December 1, 2011, construction of impervious trails that are greater than 10 feet wide or are creek-side (within 50 feet of the top of bank) will be regulated under Provision C.3. Specific exclusions are:
  - Impervious trails built to direct stormwater runoff to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks or towards the outboard side of levees.
  - Trails constructed with permeable surfaces.

#### Exemptions:

- Routine maintenance or repair activities such as pavement resurfacing within the existing footprint.
- Caltrans highway projects and associated facilities (covered under Caltrans' stormwater permit.
- Projects that widen streets or roads with only bicycle lanes or sidewalks.
- Private/public road or trail projects that have been approved with stormwater treatment measures in compliance with Provision C.3.d under a previous MS4 permit.
- The following private/public road or trail projects that were approved with no Provision C.3. stormwater treatment requirements under a previous MS4 permit and that have not begun construction by January 1, 2016, may be granted exemptions:
  - (i) Any private/public road or trail project that was previously approved with a vesting tentative map that confers a vested right to proceed with development in substantial compliance with the ordinance, policies, and standards in effect at the time the vesting tentative map was approved or conditionally approved, as allowed by State law.
  - (ii) Any private/public road or trail project for which the local agency has no legal authority to require changes to previously granted approvals, such as projects that have been granted building permits.

This exemption from the LID requirements of Provision C.3.c. may be granted to any Regulated Project as long as stormwater treatment with media filters is provided that comply with the hydraulic sizing requirements of Provision C.3.d.