

ORDINANCE NO. 9518 (N.S.)

AN ORDINANCE AMENDING THE COUNTY CODE OF
REGULATORY ORDINANCES RELATING TO WATERSHED PROTECTION,
STORMWATER MANAGEMENT AND DISCHARGE CONTROL

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purposes – The County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance regulates the design of land development and redevelopment projects, among other things, in order to reduce pollution in stormwater discharges and to prevent downstream erosion. This ordinance will enact additional requirements needed to protect water quality, to prevent erosion, and to comply with National Pollution Discharge Elimination Permit Number CAS 0108758.

Section 2. Section 67.803 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 67.803. DEFINITIONS.

The following definitions shall be applicable when the following words or phrases are used hereafter in this Ordinance (including use in the County Stormwater Standards Manual), whether or not these words or phrases are capitalized:

Accelerated Erosion: means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away. Erosion includes the movement or loss of soil by the action of water, wind, or chemical action.

Authorized Enforcement Staff: means any County employee supervised by an Authorized Enforcement Official, assigned to duties involving permits and other County approvals, inspections, and enforcement related to this Ordinance.

Authorized Enforcement Official: means the Director of Public Works; the Director of the Department of Planning and Land Use; the Director of Environmental Health; and the Agricultural Commissioner, Department of Agriculture, Weights and Measures.

Best Management Practices: means schedules of activities, pollution treatment practices or devices, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants directly or indirectly to Stormwater, Receiving Waters, or the Stormwater Conveyance System. Best Management Practices also include but are not limited to treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. Best Management Practices may

include any type of pollution prevention and pollution control measure that can help to achieve compliance with this Ordinance.

BMPs: means Best Management Practices.

Channel: means a natural or improved watercourse with a definite bed and banks that conducts continuously or intermittently flowing water.

Commercial Discharger: means a Discharger who operates a Regulated Commercial Facility.

Constructed Wetland: means a vegetated area that has been deliberately modified to provide or enhance habitat, to provide water quality benefits, or to moderate water flow rates or velocities, that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

County: means the County of San Diego.

County Stormwater Standards Manual: means the manual described in section 67.804(g) of this Ordinance, attached to this Ordinance as Appendix A.

County Urban Area: means that portion of the unincorporated area of the County that is within the service area boundary of a public water supply company or agency, as indicated on the map at Appendix B, plus any other land in the unincorporated area of the County which will, after proposed development is completed, route stormwater runoff into or through an underground conveyance other than a road-crossing culvert.

Detention: means the temporary storage of storm runoff in a manner that controls peak discharge rates and provides some gravity settling of pollutants.

Detention Facility: means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer: means a person who seeks or receives permits for or who undertakes land development activities.

Development Project Proponent: means Developer.

Discharge: when used as a verb, means to allow pollutants to directly or indirectly enter storm water, or to allow storm water or non-stormwater to directly or indirectly enter the Stormwater Conveyance System or Receiving Waters, from an activity or operations which one owns or operates. When used as a noun, "Discharge" means the pollutants, storm water and/or non-storm water that is discharged.

Discharger: means any person or entity engaged in activities or operations or owning facilities, which will or may result in pollutants entering storm water, the Storm Water Conveyance System, or Receiving Waters; and the owners of real property on which such activities, operations or facilities are located; provided however that a local government or public authority is not a discharger as to activities conducted by others in public rights of way.

Discharges Directly To: means that stormwater or non-stormwater enters Receiving Waters from a facility or activity, without mixing with any storm water or non-stormwater from another facility or activity prior to entering such Receiving Waters.

Drainage Easement: means a legal right granted by a land owner to a grantee allowing the use of private land for stormwater management purposes.

Environmentally Sensitive Area: means Impaired Water Bodies, areas designated as Areas of Special Biological Significance or with the RARE beneficial use by the SWRCB in the Water Quality Control Plan for the San Diego Basin (1994 and amendments), National Wildlife Refuges, areas designated as preserves for species-protection purposes by the State of California or a local government, and pre-approved mitigation areas identified in agreements between the County and state or federal natural resources agencies.

Erosion and Sediment Control Plan: means a Stormwater Management Plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

ESA: means Environmentally Sensitive Area.

Household Hazardous Waste: means a household hazardous material that no longer has a use and is discarded or intended to be discarded. The term includes but is not limited to paint and paint-related materials; yard and garden products; household cleaners; used oil, motor vehicle fluids, batteries and oil filters; and household batteries.

Hydrologic Soil Group (HSG): means the classification system for soil erodability set out in "Soil Survey - San Diego Area, California" (December 1973), issued by the U.S. Department of Agriculture Soil Conservation Service and U.S. Forest Service. (In this system soils are categorized into four runoff potential groups. The groups range from "A" soils, which have high permeability and little runoff production, to "D" soils, which have low permeability rates and produce much more runoff.)

Illegal Connection: means a pipe, facility, or other device connected to the Stormwater Conveyance System or Receiving Waters, which has not been reviewed and authorized by the County; or a permitted/authorized pipe, facility, or other device, which conveys Illegal Discharges.

Illegal Discharge: means any discharge into Stormwater, the Stormwater Conveyance System, or Receiving Waters that is prohibited by this Ordinance. This includes but is not limited to discharges of non-stormwater that are not exempt discharges listed in Section 67.806, any discharge from an Illegal Connection, and any discharge that contains additional pollutants due to the absence of a required BMP or the failure of a BMP unless it qualifies as an upset. Discharges that require a County permit or an RWQCB permit that has not been issued or has not been acknowledged by the Discharger to be applicable are Illegal Discharges. Discharges regulated under an applicable RWQCB or County permit or SWPPP are Illegal Discharges for purposes of this Ordinance unless compliance with all applicable permit and SWPPP conditions is maintained.

Impaired Water Body: means a water body that is listed by the SWRCB as impaired by a particular pollutant or pollutants, pursuant to section 303(d) of the Federal Clean Water Act. “303(d) listed water body” has the same meaning.

Impervious Cover or Impervious Surface: means constructed or modified surfaces that cannot effectively infiltrate rainfall. The term includes but is not limited to building rooftops, pavement, sidewalks, and driveways.

Impervious Surface Area: means the ground area covered or sheltered by an impervious surface, measured in plan view (i.e., as if from directly above). For example, the “impervious surface area” for a pitched roof is equal to the ground area it shelters, rather than the surface area of the roof itself.

Industrial Activity: means manufacturing, processing, or raw materials storage at a commercial, industrial or municipal facility. The term includes, but is not limited to, industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials; manufactured products, waste material, or by-product creation or storage; material handling; refuse storage or disposal; the application or disposal of process wastewaters; storage and maintenance of material handling equipment; treatment, storage or disposal of residuals; outdoor shipping and receiving; activities in manufacturing buildings; storage of raw materials and intermediate and finished products; and areas where significant industrial activity has taken place in the past and significant materials remain and are exposed to storm water. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.

Industrial Discharger: means a Discharger who operates a Regulated Industrial Facility.

Industrial Stormwater Permit: means the State General Industrial Stormwater Permit.

Infiltration: means the process of percolating storm water or non-storm water into the subsoil.

Infiltration BMP or Infiltration Facility: means any structural treatment BMP designed primarily to percolate water into the subsurface, such as an infiltration trench or infiltration basin. An infiltration facility may include filtering prior to or during infiltration. BMPs that infiltrate some water but which are designed primarily to retain water or to treat water, such as retention basins, constructed wetlands, or filtering swales are not infiltration facilities.

Jurisdictional Wetland: means an area that is naturally inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. This includes but is not limited to areas previously designated by the County as wetlands (e.g., in the County's Resource Protection Ordinance). Constructed wetlands are not jurisdictional wetlands.

Land Development Activity: means any activity or proposed activity that requires any of the permits or approvals listed in section 67.804(e) of this Ordinance.

Land Disturbance Activity: means any activity that moves soils or substantially alters the pre-existing vegetated or man-made cover of any land. This includes, but is not limited to, grading, digging, cutting, scraping, stockpiling or excavating of soil; placement of fill materials; paving, pavement removal, exterior construction; substantial removal of vegetation where soils are disturbed including but not limited to removal by clearing or grubbing; or any activity which bares soil or rock or involves streambed alterations or the diversion or piping of any watercourse. Land Disturbance Activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or the original purpose of the facility, nor does it include emergency construction activities (i.e., land disturbances) required to protect public health and safety.

Land Owner: means the holder of legal title to the land, and other persons or entities who exercise control over a land development project pursuant to rights granted in a purchase agreement, joint venture agreement, development agreement, or long-term lease.

Maintenance [of a BMP]: means periodic action taken to maintain the as-designed performance of a BMP, and includes but is not limited to repairs to the BMP as necessary, and replacement of the BMP by an equally effective or more effective BMP at the end of its useful life.

Maximum Extent Practicable ["MEP"]: is an acceptability standard for Best Management Practices (BMPs). When BMPs are required to meet this standard, the BMPs must be the most effective set of BMPs that is still practicable. A BMP is effective if it prevents, reduces or removes the pollutants that would otherwise be present in runoff due to human activity. A BMP is practicable if it complies with other regulations as well as stormwater regulations; is compatible with the area's land use, character, facilities, and activities; is technically feasible (considering area soil,

geography, water resources, and other resources available); is economically feasible; and provides benefits that are reasonable in relation to costs.

MEP: means Maximum Extent Practicable.

Motor Vehicle: means any automobile, car, truck, bus, motor home or other self-propelled vehicle used or suited to use for on-road transportation: and any similar vehicle modified for off-road use.

Municipal Facility: means a facility owned or operated by the County of San Diego, by the Port Authority of San Diego, or by an incorporated City within San Diego County, that is used for a governmental purpose. Facilities on municipally owned land that are leased or rented to others to generate municipal revenues are not Municipal Facilities. (The commercial or industrial lessees of such facilities may, however, be subject to this Ordinance as Commercial Dischargers or Industrial Dischargers.)

NPDES Permit: means a National Pollutant Discharge Elimination System permit issued by the U.S. Environmental Protection Agency, the SWRCB, or the RWQCB.

NPDES Permit No. CAS 0108758: means RWQCB Order No. 2001-01, NPDES Permit No. CAS 0108758, “Waste Discharge Requirements for Discharges of Urban Runoff From the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District.”

Off-Site BMP: means a stormwater management measure located outside the subject property boundary of a facility or outside the boundary described in the permit application for a land development activity.

On-Site BMP: means a stormwater management measure located within the subject property boundary of a facility, or inside the boundary described in the permit application for a land development activity.

Performance Standard: means a requirement under this Ordinance that specifies a result that must be achieved (e.g., “minimize impervious surface area” or “do not impair receiving water quality”) without specifying the means that must be used to achieve that result. (This Ordinance applies performance standards only to certain land development and redevelopment projects that require discretionary County permits; those permits will typically include enforceable project-specific requirements intended to achieve the result required by the performance standard.)

Pollutant: means any agent introduced to stormwater or non-stormwater through human activity that may cause or contribute to the degradation of water quality such that public health, the environment, or beneficial uses of waters may be affected. The term does not include trauma scene post-cleanup residues. The term may include but is not limited to dredged spoil, rock, sand, or silt (excluding sediment, silt, or substances in

quantities which would enter Stormwater from a natural undeveloped watershed); solid waste, sewage, garbage, or medical waste; wrecked or discarded equipment; radioactive materials; industrial waste; fecal coliform, fecal streptococcus, and enterococcus bacteria and other pathogens that pose a threat to human health; volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbons, total organic carbon, lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides; and any contaminant which can significantly degrade the quality of Receiving Waters by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients, or temperature.

Primary Pollutant of Concern: means any of the following pollutants, if that pollutant may be discharged from a priority development project or significant redevelopment project, and is also a basis for a listing of the receiving water for the project as impaired pursuant to Section 303(d) of the federal Clean Water Act: sediments, nutrients, heavy metals, organic compounds, trash and debris, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides.

Priority Development Project: means a development project that falls within any of the following categories:

- i. *Home subdivisions of 100 housing units or more.* This category includes single-family homes, multi-family homes, condominiums, and apartments.
- ii. *Home subdivisions of 10-99 housing units.* This category includes single-family homes, multi-family homes, condominiums, and apartments.
- iii. *Commercial developments greater than 100,000 square feet.* This category is defined as any development on private land that is not for heavy industrial or residential uses where the land area for development is greater than 100,000 square feet. The category includes, but is not limited to: hospitals; laboratories and other medical facilities; educational institutions; recreational facilities; commercial nurseries; multi-apartment buildings; car wash facilities; mini-malls and other business complexes; shopping malls; hotels; office buildings; public warehouses; automotive dealerships; commercial airfields; and other light industrial facilities.
- iv. *Automotive repair shops.* This category is defined as a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.
- v. *Restaurants.* This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary

lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812), where the land area for development is greater than 5,000 square feet.

- vi. *All hillside development greater than 5,000 square feet.* This category is defined as any development which creates 5,000 square feet of impervious surface which is located in an area with known erosive soil conditions, where the development will grade on any natural slope that is twenty-five percent or greater.

- vii. *Environmentally Sensitive Areas: All development and redevelopment located within or directly adjacent to or discharging directly to an environmentally sensitive area (where discharges from the development or redevelopment will enter receiving waters within the environmentally sensitive area), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition.* Environmentally sensitive areas include but are not limited to all Clean Water Act Section 303(d) impaired water bodies; areas designated as Areas of Special Biological Significance by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); water bodies designated with the RARE beneficial use by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); areas designated as preserves or their equivalent under the Multi Species Conservation Program within the Cities and County of San Diego; and any other equivalent environmentally sensitive areas which have been identified by the Copermittees. “Directly adjacent” means situated within 200 feet of the environmentally sensitive area. “Discharging directly to” means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.

- viii. *Parking lots 5,000 square feet or more or with 15 or more parking spaces and potentially exposed to urban runoff.* Parking lot is defined as a land area or facility for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.

- ix. *Street, roads, highways, and freeways.* This category includes construction of any paved surface which is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.

Rainy Season: means, from October 1 through April 30.

Receiving Waters: means all waters that are “Waters of the State” within the scope of the State Water Code, including but not limited to natural streams, creeks, rivers, reservoirs, lakes, ponds, water in vernal pools, lagoons, estuaries, bays, the Pacific Ocean, and ground water.

Redevelopment: means any construction, alteration or improvement at an already developed site that will increase the total impervious surface area of that site, or that involves activities that could expose contaminants to rainfall. Redevelopment can include but is not limited to the expansion of building footprints, the addition or replacement of a structure, exterior construction and remodeling, replacement of existing impervious surfaces that is not part of a routine maintenance activity , and other activities that create additional impervious surface.

Regulated Commercial Facility: means all non-residential facilities engaged in business or commerce, whether for profit or not-for-profit, or publicly or privately owned, except for Regulated Industrial Facilities and Municipal Facilities; plus residences used for commercial repair, maintenance, cleaning, manufacturing, food preparation or painting activity if that activity has the potential to result in the discharge of non-storm water or the discharge of pollutants to storm water.

Regulated Industrial Facility: means any facility subject to the State General Industrial Stormwater Permit; any other facility primarily engaged in manufacturing, processing, storage or handling of raw materials, processed bulk materials, or refuse; and any other facility with a total outdoor uncovered area of more than two (2) acres that is used for an Industrial Activity. Municipal Facilities are not Regulated Industrial Facilities, unless they are subject to the State General Industrial Stormwater Permit.

Residential Discharger: means, for an occupied residence, the occupants; and for a vacant residence, the owner and the manager of the residence.

RWQCB: means the California Regional Water Quality Control Board for the San Diego Region.

Significant Redevelopment: means (1) any Redevelopment in the County Urban Area that creates or adds at least 2,500 net square feet of additional impervious surface area within or within 200 feet of an ESA, where runoff from the Redevelopment would Discharge Directly To receiving waters within the ESA; and (2) any Redevelopment in the County Urban Area that creates or adds at least 5,000 net square feet of additional impervious surface area, if that Redevelopment involves grading any natural slope with a total pre-construction height of 20 feet or more and an average pre-construction slope from toe to top of 25% or more in an area of known erosive soil conditions; and (3) any Redevelopment in the County Urban Area in a Priority Development Project Category that creates or adds at least 5,000 net square feet of additional impervious surface area.

Secondary Pollutant of Concern: means any of the following pollutants, discharged from a priority development project or significant redevelopment project, that is not a primary pollutant of concern for that project: sediments, nutrients, heavy metals, organic compounds, trash and debris, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides.

Standard Urban Stormwater Mitigation Plan: means the SUSMP Guidance Manual.

State General Construction Stormwater Permit: means NPDES Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Associated with Construction Activities, and any amendments thereto.

State General Industrial Stormwater Permit: means NPDES Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities, and any amendments thereto.

Stop Work Order: means an order issued which requires that specifically identified activity or all activity on a site be stopped.

Storm Water: means surface runoff and drainage associated with storm events.

Stormwater Conveyance System: means private and public drainage facilities other than sanitary sewers within the unincorporated area of San Diego County by which urban run-off may be conveyed to Receiving Waters, and includes but is not limited to roads, streets, constructed channels, aqueducts, storm drains, pipes, street gutters, inlets to storm drains or pipes, or catch basins.

Stormwater Management: means the use of structural or non-structural BMPs that are designed to reduce urban run-off pollutant loads, discharge volumes, and/or peak discharge flow rates or velocities. When applied to the County or another municipality, stormwater management also includes planning and programmatic measures.

Stormwater Management Plan: means a plan, submitted on a County form or in a County-specific format in connection with an application for a County permit or other County approval, identifying the measures that will be used for stormwater and non-stormwater management during the permitted activity.

Stormwater Pollution Prevention Plan [“SWPPP”]: means a document (other than a Stormwater Management Plan), which meets the requirements for a Stormwater Pollution Prevention Plan set out in the State General Construction Stormwater Permit or State General Industrial Stormwater Permit. A Stormwater Pollution Prevention Plan submitted to the County must describe the BMPs to be implemented and other steps to be taken by the Discharger to meet the requirements of this Ordinance.

Storm Water Retrofit: means a stormwater management BMP designed for an existing development site or activity that previously had either no stormwater management BMPs in place or that relied on BMPs inadequate to meet the stormwater management requirements of the site or activity.

Structural BMP: means a BMP that relies on either a physical condition (other than an entirely natural and undisturbed condition), or on a constructed or installed device to reduce or prevent pollutants in stormwater discharges and authorized non-stormwater discharges. Constructed or enhanced BMPs that depend on natural materials and processes (e.g., constructed drainage swales or buffers, or constructed wetlands), and that require periodic maintenance to function as designed, are Structural BMPs.

Structural Post-Construction BMP: means a structural BMP (other than a temporary construction-related BMP) put in place in connection with a land development or redevelopment project to prevent or reduce contamination in stormwater or Receiving Waters, or to prevent or reduce erosion downstream from the project.

Structural Treatment BMPs: means a structural post construction BMP that treats or filters stormwater to remove pollutants, or that infiltrates stormwater to soils.

SUSMP: means Standard Urban Stormwater Mitigation Plan.

SUSMP Guidance Manual: means the Standard Urban Storm Water Mitigation Plan Guidance Manual For Land Development Projects and Public Improvement Projects, adopted by the County Board of Supervisors on November 13, 2002, as it may thereafter be revised by the Director, Department of Public Works.

SWPPP: means Stormwater Pollution Prevention Plan.

SWRCB: means the State Water Resources Control Board.

Trauma Scene Post-Clean Up Residues: means residues that remain at a trauma scene after trauma scene wastes are removed pursuant to the Trauma Scene Waste Management Act, and after any spilled materials and fluids from vehicles are cleaned up. Bleach and similar chemicals used to clean a trauma scene are not trauma scene post-clean up residues

Tributary To an Impaired Water Body: a facility or activity is tributary to an impaired water body if urban runoff from that facility or activity enters (1) the stormwater conveyance system at a place and in a manner that will carry pollutants for which that water body is impaired in that discharge to the impaired water; (2) a flowing stream that will carry pollutants for which that water body is impaired in that discharge to the impaired water; or (3) an ephemeral stream that reaches the impaired water during storm events and that will carry pollutants for which that water body is impaired from the facility or activity to the impaired water body during such storm events.

Upset: means an exceptional incident in which there is unintentional and temporary noncompliance with technology based effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Urban Run-off: means all flows in a stormwater conveyance system in the County Urban Area other than point source discharges in violation of a site-specific NPDES permit. Urban run-off includes but is not limited to storm water, exempt non-stormwater discharges, and illicit discharges.

Water Main: means a potable or recycled water delivery line greater than or equal to four (4) inches in diameter.

Watercourse: means a permanent or intermittent stream or other body of water, either natural or improved, which gathers or carries surface water.

Water Quality Standards: are defined as the beneficial uses (e.g., swimming, fishing, municipal drinking water supply, etc.) of water and the water quality objectives adopted by the State or the United States Environmental Protection Agency to protect those uses.

Waters of the United States: means water subject to the regulatory jurisdiction of the United States under the Federal Clean Water Act and applicable case law. (In general, this includes “navigable” waters, waters tributary to “navigable” waters, and adjacent wetlands.)

Section 3. Section 67.804 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 67.804. GENERAL PROVISIONS.

(a) Responsibility for Administration. This Ordinance shall be administered for the County of San Diego by its Authorized Enforcement Officials.

(b) Effective Date. This Ordinance shall take effect on February 20, 2002.

(c) Construction and Application. Interpretation of the meanings of parts of this Ordinance shall assure consistency with the purpose and intent of this Ordinance. This includes but is not limited to consistency with the requirements of NPDES Permit No. CAS 108758. This Ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Ordinance should be considered minimum requirements, and where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more

restrictive or impose higher protective standards for human health or the environment shall take precedence.

(d) Exemption of Certain RWQCB-Permitted Discharges. Stormwater and non-stormwater discharges regulated under a valid facility-specific NPDES permit or facility-specific RWQCB Waste Discharge Requirements (WDR) permit (not including a state General Permit) are not subject to this Ordinance, but shall instead be regulated exclusively by the RWQCB, provided compliance with all relevant NPDES or WDR permit conditions is maintained to the satisfaction of the RWQCB. This subsection does not exempt Stormwater discharges at a facility with an NPDES or WDR permit that only addresses process discharges or non-stormwater discharges. This exemption also does not apply to County review of proposed development projects. These projects must still comply with County design requirements, even if future discharges from the project will be regulated under an RWQCB permit.

(e) Recycled Water. This ordinance is not intended to prohibit or prevent the use of recycled water, or the discharge of recycled water after use. This ordinance is intended to require the use of BMPs for such uses and discharges as necessary to protect human health and the environment.

(f) Severability and Validity. If any section of this Chapter is declared invalid by a court of law, the remaining sections shall remain valid.

(g) County Permits and Approvals.

(1) An application for any of the following discretionary permits or approvals shall be accompanied by plans demonstrating how the requirements of this Ordinance will be met, and the permit or approval shall not be approved unless the decision maker determines that the application complies with the requirements of this Ordinance:

- a. Administrative Permit for Clearing
- b. Agricultural Exemption
- c. Lot Line Adjustment
- d. Final Map Modification
- e. Grading Plan (including Modification or Renewal)
- f. Improvement Plan (including Modification)
- g. Landscape Plan
- h. Major Use Permit (including Modification, Minor Deviation, or Extension)
- i. Minor Use Permit (including Modification, Minor Deviation, or Extension)
- j. Parcel Map Modification
- k. Reclamation Plan
- l. Site Plan (including Amendment)

- m. Solid Waste Facility Permit
- n. Tentative Map (including Resolution Amendment or Time Extension)
- o. Tentative Parcel Map
- p. Variance
- q. Watercourse Permit

(2) An application for any of the following ministerial permits or approvals shall be accompanied by plans demonstrating how the specifically applicable requirements, if any, set out in corresponding sections of Appendix A of this Ordinance will be met, and the permit or approval shall not be approved unless the decision maker determines that the application complies with those requirements.

- a. Building Permit
- b. Construction Right of Way Permit
- c. Encroachment Permit
- d. Excavation Permit
- e. On-site wastewater system Permit
- f. Underground Tank Permit
- g. Well Permit

(h) Stormwater Standards Manual. The Stormwater Standards Manual attached as Appendix A is a part of this Ordinance. In most cases, the manual provides a choice of compliance methods. Authorized Enforcement Officials may provide additional flexibility using the Guidance Documents authorized in subsection (h) below. The SUSMP Guidance Manual is not a part of this Ordinance; it is a guidance document.

(i) Guidance Documents. Any Authorized Enforcement Official may prepare, circulate for public comment, disseminate and maintain guidance documents addressing the use of pollution prevention practices and best management practices for specific activities or facilities, illicit connections, and illegal disposal.

These guidance documents may set out additional compliance alternatives that, in specified circumstances, can provide the same environmental protection that is afforded by the BMPs required by this Ordinance or specified in the Stormwater Standards Manual.

These guidance documents may also identify practices that have been determined by the Authorized Enforcement Official to be additional Best Management Practices that may be implemented for Land Disturbance Activities and Land Development Activities to prevent or control pollution to the Maximum Extent Practicable. These additional Best Management Practices shall become mandatory for affected Dischargers only after being adopted into the Code, unless an Order is issued pursuant to subsection 67.804(i) of this Ordinance.

Authorized Enforcement Officials and Authorized Enforcement Staff may also take these guidance documents into account when determining whether any practices used by a Discharger, or proposed in a grading plan, a SWPPP, an enforcement settlement offer, or any other submittal to the County, are Best Management Practices that will prevent or control pollution to the Maximum Extent Practicable. These case-specific discretionary decisions may involve circumstances that were not anticipated when general guidance documents were prepared. Therefore, these guidance documents do not confer rights on Dischargers in these circumstances and do not constrain the discretion of Authorized Enforcement Officials or Authorized Enforcement Staff. Where appropriate, and provided the same protection is provided to the environment, Authorized Enforcement Officials and Authorized Enforcement Staff may depart from these guidance documents when making case-specific decisions authorized by this Ordinance.

(j) Significant Sources of Pollutants. Authorized Enforcement Officials shall identify Discharges and categories of facilities and activities that are a significant source of contaminants to Waters of the United States, despite compliance with this Ordinance. If any such contamination problem identified by the Authorized Enforcement Official involves more than five identified sources having similar characteristics, the Authorized Enforcement Official shall propose appropriate amendments to this Ordinance to better control the contamination at issue. If the contamination problem identified by the Authorized Enforcement Official is limited to fewer than five identified sources, the appropriate Dischargers shall be Ordered by the Authorized Enforcement Official or by Authorized Enforcement Staff to install, implement and maintain additional BMPs to prevent or reduce contamination in storm water and non-storm water to the maximum extent practicable. Any such Order shall specify a reasonable date by which those BMPs must be put in place. A failure to install, implement, or maintain additional BMPs as required by any such Order is a violation of this Ordinance.

(k) Determining Whether a Discharge is “Tributary To” an Impaired Water Body: Areas within which facilities and sources will be presumed to be tributary to an impaired water body are identified on the maps in Appendices C and D of this Ordinance. The presumption that a discharge is tributary to an impaired water body can be overcome for a particular discharge based on specific facts and analysis presented by a Discharger. In making a site-specific determination as to whether a discharge is tributary to an impaired water body, consideration may be given to the amount of water and pollutant discharged; to whether the pollutant for which the water body is impaired is a suspended or dissolved pollutant; to whether the pollutant is volatile or degradable; and to whether the pollutant is substantially removed during transport by any natural or man-made features (sinks, infiltration areas, ponds or impoundments, vegetated swales or wetlands, media filtration devices, etc.) located between the site and the impaired water body. Any such analysis must consider common mechanisms for pollutant mobilization, remobilization, and transport over time. Any such analysis and determination shall be disclosed for public review and comment to the extent required by CEQA or by County procedures for permit issuance.

(l) Compliance Schedules: Existing facilities required to retrofit BMPs specified in the Stormwater Standards Manual shall complete those retrofits by July 1, 2003.

(m) Collection and Use of Storm water. An Authorized Enforcement Official may modify any requirement imposed by this Ordinance to allow the on-site collection and use of storm water, or the collection of storm water for delivery to and use at County-designated sites, provided the modified requirements are enforceable and provide equivalent environmental protection.

Section 4. Section 67.806 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 67.806. DISCHARGES EXEMPTED FROM DISCHARGE PROHIBITIONS; CONDITIONS FOR EXEMPTION

(a) Separately Permitted Discharges. Discharges called out in and regulated under a valid facility-specific NPDES permit or facility-specific RWQCB Waste Discharge Requirements (WDR) permit, not including a state General Permit, shall be regulated exclusively by the RWQCB and are exempt from discharge prohibitions established by this Ordinance, provided compliance with all relevant permit conditions is maintained to the satisfaction of the RWQCB. See subsection 67.804(d). Stormwater discharges at a facility with an NPDES or WDR permit that only addresses process discharges or non-stormwater discharges are not exempted by this subsection or by subsection 67.804(c).

(b) State General Permit Discharges. Stormwater discharges regulated under the State General Industrial Stormwater Permit or State General Construction Stormwater Permit, are exempt from discharge prohibitions established by this Ordinance, provided compliance with all relevant general permit conditions is maintained to the satisfaction of the RWQCB. These discharges are not otherwise exempted from this Ordinance.

(c) Certain Agricultural Discharges. Non-stormwater agricultural discharges that the SWRCB or RWQCB have explicitly determined to allow pursuant to a written waiver or formal policy, including any such discharges from commercial nurseries and greenhouses that are covered by such waivers or policies, are exempt from the discharge prohibitions established by this Ordinance, provided compliance with all relevant permit, waiver or policy conditions established by the SWRCB or RWQCB is maintained to the satisfaction of the SWRCB or RWQCB. These discharges are not otherwise exempt from this Ordinance.

(d) Categorically Allowed Discharges Subject to Section 67.807. The following categories of non-stormwater discharges are exempt from discharge prohibitions established by this Ordinance, but Dischargers must install, implement and

maintain the applicable BMPs set out in section 67.807 of this Ordinance, and any applicable BMPs specified in the Stormwater Standards Manual:

- discharges from potable water sources other than water main breaks;
- diverted stream flows (provided required permits are obtained);
- flows from riparian habitats and wetlands;
- foundation drains (not including active groundwater dewatering systems);
- individual residential washing of vehicles;
- irrigation water including recycled water used for irrigation;
- landscape irrigation;
- lawn watering;
- rising ground water;
- swimming pool discharges (if dechlorinated to less than one PPM chlorine);
- uncontaminated ground water infiltration to storm drains;
- uncontaminated pumped ground water;
- water from crawl space pumps; and
- water from footing drains (not including active groundwater dewatering systems).

(e) Categorically Allowed Discharges Not Subject to Section 67.807. The following categories of non-stormwater discharges are exempt from discharge prohibitions established by this Ordinance and are not subject to section 67.807. Dischargers must however comply with any Order issued pursuant to section 67.804(i) of this Ordinance; and must install, implement and maintain the specifically applicable minimum BMPs, if any, set out in the Stormwater Standards Manual:

- air conditioning condensation;
- flows from emergency fire fighting activities;
- springs; and
- water line flushing.

(f) Exemptions to Protect Public Health and Safety. Discharges of trauma scene post-cleanup residues, and other discharges determined by any Authorized Enforcement Official or by Authorized Enforcement Staff to be necessary to protect public health and safety are exempt from discharge prohibitions established by this Ordinance, provided any conditions on such discharges imposed by the Authorized Enforcement Official or Authorized Enforcement Staff are satisfied. In emergency circumstances, the determination of an Authorized Enforcement Official or Authorized Enforcement Staff that a discharge is necessary may initially be oral but must be promptly confirmed in writing by an Authorized Enforcement Official or by Authorized Enforcement Staff. In non-emergency situations, a prior written determination is required to exempt a discharge.

(g) On-site wastewater systems. Discharges to the subsurface from permitted properly functioning on-site wastewater systems are not prohibited by this Ordinance.

(h) Exemptions Not Absolute. Any discharge category described in subsection (b) above that is a significant source of pollutant to waters of the United States shall be prohibited from entering the stormwater conveyance system, or shall be subjected to a requirement to implement additional BMPs to reduce pollutants in that discharge to the maximum extent practicable. Such prohibitions shall be effective on a schedule specified by an Authorized Enforcement Official in a written notice to the Discharger. That schedule may take into account the nature and severity of any effects caused by the discharge; and the time required to design, engineer, fund, procure, construct and make appropriate BMPs operational.

Section 5. Section 67.807 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 67.807. BEST MANAGEMENT PRACTICE REQUIREMENTS AND GENERAL REQUIREMENTS APPLICABLE TO ALL DISCHARGERS

(a) Applicable Requirements. All Dischargers in the County Urban Area must comply with the generally applicable prohibitions and requirements in sections 67.801 through 67.807 of this Ordinance, and must also comply with any other parts of this Ordinance (including relevant parts of Appendix A) that are applicable to the type of facility or activity owned or operated by that Discharger.

(b) Minimum Best Management Practices for All Dischargers. All dischargers in the County Urban Area must install, implement and maintain at least the following minimum Best Management Practices:

- (1) Eroded soils. Prior to the rainy season, Dischargers must remove or secure any significant accumulations of eroded soils from slopes previously disturbed by clearing or grading, if those eroded soils could otherwise enter the Stormwater Conveyance System or Receiving Waters during the rainy season.
- (2) Pollution Prevention. Dischargers employing ten or more persons on a full-time basis shall implement those stormwater pollution prevention practices that are generally recognized in that Discharger's industry or business as being effective and economically advantageous.
- (3) Prevention of Illegal Discharges. Illicit connections must be eliminated (even if the connection was established pursuant to a

valid permit and was legal at the time it was constructed), and illegal discharge practices eliminated.

- (4) Slopes. Completed slopes that are more than five feet in height, more than 250 square feet in total area, and steeper than 3:1 (run-to-rise) that have been disturbed at any time by clearing, grading, or landscaping, shall be protected from erosion prior to the first rainy season following completion of the slope, and continuously thereafter.
- (5) Storage of Materials and Wastes. All materials and wastes with the potential to pollute urban runoff shall be stored in a manner that either prevents contact with rainfall and storm water, or contains contaminated runoff for treatment and disposal.
- (6) Use of Materials. All materials with the potential to pollute urban run off (including but not limited to cleaning and maintenance products used outdoors, fertilizers, pesticides and herbicides, etc.) shall be used in accordance with label directions. No such product may be disposed of or rinsed into Receiving Waters or the Stormwater Conveyance System.

(c) Inspection, Maintenance, Repair and Upgrading of BMPs. BMPs at manned facilities must be inspected by the Discharger before and following predicted rain events. BMPs at unmanned facilities must be inspected by the Discharger at least once during the rainy season and at least once between each rainy season. These BMPs must be maintained so that they continue to function as designed. BMPs which fail must be repaired as soon as it is safe to do so. If the failure of a BMP indicates that the BMPs in use are inappropriate or inadequate to the circumstances, the BMPs must be modified or upgraded to prevent any further failure in the same or similar circumstances.

(d) Stormwater Pollution Prevention Plan. An Authorized Enforcement Official may require a Commercial, Industrial or Land Disturbance Activities Discharger to prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) for approval by that official if (1) the Discharger does not come into compliance with this Ordinance after one or more warnings or other enforcement action, because BMPs are inadequate or are not being adequately maintained; or (2) the facility or activity at issue is a significant source of contaminants to Receiving Waters despite compliance with this Ordinance. Any Discharger required to submit and to obtain approval of a SWPPP shall install, implement and maintain the BMPs specified in the approved SWPPP.

The SWPPP shall identify the BMPs that will be used by the Discharger to prevent or control pollution of storm water to the Maximum Extent Practicable. If the facility is an industrial facility, the SWPPP submitted to the County shall at a minimum meet the requirements of the State NPDES General Industrial Stormwater Permit. If the activity at issue is a construction or land disturbance activity, the SWPPP submitted to

the County shall at a minimum meet the requirements of the State NPDES General Construction Stormwater Permit. If a facility required to submit a SWPPP to the County discharges non-stormwater to ground water, the facility shall obtain an RWQCB permit as required by the State Water Code, and shall describe the requirements of that permit in the SWPPP.

Whenever submission of a SWPPP is required pursuant to this ordinance, an Authorized Enforcement Official or Authorized Enforcement Staff may take existing County guidance documents into account when determining whether the practices proposed in the SWPPP are best management practices that will prevent or control pollution to the required level of maximum extent practicable.

(e) Notification of Spills, Releases and Illegal Discharges. Spills, releases, and illegal discharges of Pollutants to Receiving Waters or to the Stormwater Conveyance System shall be reported by the Discharger as required by all applicable state and federal laws. In addition, any such spills, releases and illegal discharges with the potential to endanger health, safety or the environment shall be reported to the Director of Environmental Health within 24-hours after discovery of the spill, release or discharge. If safe to do so, necessary actions shall be taken to contain and minimize the spill, release or illegal discharge.

(f) Sampling, Testing, Monitoring, and Reporting. Commercial, Industrial or Land Disturbance Activities Dischargers shall perform the sampling, testing, monitoring and reporting required by this Ordinance. In addition, an Authorized Enforcement Official or Authorized Enforcement Staff may order a Discharger to conduct testing or monitoring and to report the results to the County if (1) the Authorized Enforcement Official determines that testing or monitoring is needed to determine whether BMPs are effectively preventing or reducing pollution in stormwater to the maximum extent practicable, or to determine whether the facility is a significant source of contaminants to Receiving Waters; or (2) the Authorized Enforcement Official or Authorized Enforcement Staff determines that testing or monitoring is needed to assess the impacts of an illegal discharge on health, safety or the environment; or (3) an Illegal Discharge has not been eliminated after written notice by an Authorized Enforcement Official or Authorized Enforcement Staff; or (4) repeated violations have been documented by written notices from Authorized Enforcement Officials or Authorized Enforcement Staff; or (5) the RWQCB requires the County to provide any information related to the Discharger's activities.

Testing and monitoring ordered pursuant to this subsection may include the following:

- (1) Visual monitoring of dry weather flows, wet weather erosion, and/or BMPs;
- (2) Visual monitoring of premises for spills or discharges;

- (3) Laboratory analyses of stormwater or non-stormwater discharges for Pollutants;
- (4) Background or baseline monitoring or analysis; and
- (5) Monitoring of Receiving Waters or sediments that may be affected by Pollutant discharges by the Discharger (or by a group of Dischargers including the Discharger).

The Authorized Enforcement Official or Authorized Enforcement Staff may direct the manner in which the results of required testing and monitoring are reported, and may determine when required sampling, testing or monitoring may be discontinued.

(g) Mitigation. All Illegal Discharges must be mitigated within a reasonable period of time to correct or compensate for all damage to the environment caused by the illegal discharge. The Authorized Enforcement Official or Authorized Enforcement Staff who issued notice to the Discharger that a discharge was illegal, or Authorized Enforcement Staff designated by that official, shall determine whether mitigation measures proposed or completed by the discharger meet this standard. The Authorized Enforcement Official or Authorized Enforcement Staff shall require the Discharger to submit a mitigation plan and schedule by a specified date prior to taking action, and to submit a summary of completed mitigation by a specified date.

(h) Access for inspections. All dischargers shall provide access to authorized enforcement staff, upon reasonable notice, for inspection of facilities and discharges subject to this ordinance.

Section 6. Section 67.809 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 67.809. ADDITIONAL MINIMUM BEST MANAGEMENT PRACTICE REQUIREMENTS FOR COMMERCIAL ACTIVITIES AND FACILITIES

(a) Priorities and Requirements. Regulated Commercial Facilities are classified in this section as High Priority or All Other, and additional requirements are imposed on those facilities by this section based on those classifications. All commercial Dischargers must install, implement and maintain at least the additional minimum Best Management Practices, if any, specified in this section or in the County Stormwater Standards Manual for the priority classification and category of activity or facility owned or operated by that Discharger. All Regulated Commercial Facilities shall review their facilities, activities, operations and procedures at least annually to detect and eliminate illicit connections and illegal discharges. Corrective training shall be provided as needed (and documented in training records) whenever an illegal disposal practice is discovered.

(b) High Priority Commercial Facilities Identified. As required by NPDES Permit No. CAS 0108758, facilities in the County Urban Area having one or more of the following characteristics are High Priority Commercial Facilities:

- (1) The facility is a Regulated Commercial Facilities primarily engaged in one of the following commercial activities:
 - Airplane mechanical repair, maintenance, fueling, or cleaning;
 - Motor Vehicle (or other vehicle) parking lots and storage facilities;
 - Motor Vehicle and other vehicle body repair or painting;
 - Motor Vehicle mechanical repair, maintenance, fueling, or cleaning;
 - Boat mechanical repair, maintenance, fueling, or cleaning;
 - Botanical or zoological gardens and exhibits;
 - Cement mixing or cutting;
 - Cemeteries;
 - Eating or drinking establishments;
 - Equipment repair, maintenance, fueling, or cleaning;
 - Golf courses, parks and other recreational areas/facilities;
 - Landscaping;
 - Marinas;
 - Masonry installation;
 - Mobile Motor Vehicle or other vehicle washing;
 - Mobile carpet, drape or furniture cleaning;
 - Nurseries and greenhouses;
 - Painting and coating;
 - Pest control services;
 - Pool and fountain cleaning;
 - Port-a-Potty servicing; or
 - Retail or wholesale fueling.
- (2) The facility is a Regulated Commercial Facility that has outdoor Industrial Areas totaling two (2) acres or more or an outdoor parking lot for 100 or more vehicles; and stormwater or runoff from the facility may adversely affect impaired waters or waters within an environmentally sensitive area.
- (3) The facility is a Regulated Commercial Facility and has been notified in writing by an Authorized Enforcement Official or Authorized Enforcement Staff that it is a High Priority Commercial Facility. Such designations shall take effect 90 days after mailing or service of this notice. These designations shall be made where the facility discharges a pollutant load in storm water or runoff that causes or contributes to the violation of water quality standards.

(c) Additional Minimum Best Management Practices for All Regulated Commercial Facilities. All Regulated Commercial Facilities shall install, implement and maintain the BMPs specified in the County Stormwater Standards Manual (Appendix A of this Ordinance) in the following areas:

- Employee training
- Stormwater pollution prevention plans;
- Storm drain tileage and signing;
- Annual review of facilities and activities;
- Pollution prevention;
- Materials and waste management
- Vehicles and equipment;
- Outdoor areas.

(d) Additional Minimum Best Management Practices for Specific Types of Regulated Commercial Facilities. Regulated Commercial Facilities, including but not limited to the types of facilities and activities listed below, shall install, implement and maintain the BMPs specified in the County Stormwater Standards Manual for each such type of facility or activity.

- Vehicle and equipment repair and maintenance;
- Outdoor storage of vehicles and equipment;
- Retail and wholesale fueling;
- Vehicle body repair and painting;
- Painting and coating;
- Eating and drinking establishments;
- Marinas;
- Botanical and zoological gardens and exhibits;
- Golf courses, parks, and other recreational facilities;
- Parking lots and storage facilities
- Cement mixing and cutting;
- Mobile carpet, drape, and furniture cleaning;
- Nurseries and greenhouses;
- Masonry storage or installation;
- Pool and fountain cleaning;
- Portable sanitary toilet servicing;
- Mobile vehicle washing;
- Pest control;
- Landscaping.

Section 6. Section 67.812 of the San Diego County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.812. ADDITIONAL MINIMUM BEST MANAGEMENT PRACTICE REQUIREMENTS FOR MUNICIPAL AND COUNTY OF SAN DIEGO ACTIVITIES AND FACILITIES

(a) Municipal Facilities. Municipal Facilities must meet the requirements set out in sections 67.801 through 67.807, and where applicable, sections 67.817 and 67.818 of this Ordinance. In addition, these facilities and activities must install, implement and maintain at least the additional minimum Best Management Practices, if any, specified in section 67.810 or in the County Stormwater Standards Manual, for industrial areas and activities at the municipal facility.

(b) Public Improvement Projects. It is the policy of the County that public improvement projects in the County shall conform to the requirements this ordinance would impose on similar private development projects within the county urban area. These projects must meet the requirements set out in sections 67.801 through 67.807, and where applicable, sections 67.817 and 67.818 of this Ordinance, and must be designed and constructed in accordance with the SUSMP Guidance Manual.

Section 7. Section 67.817 of the San Diego County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.817. ADDITIONAL REQUIREMENTS FOR LAND DISTURBANCE ACTIVITIES

(a) Permit Issuance. No land owner or development project proponent shall receive any County grading, clearing, building or other land development permit required for Land Disturbance Activity without first meeting the requirements of this Ordinance with respect to the portion of the development project and the Land Disturbance Activity to which the permit at issue would apply.

(b) Owners and Operators Both Responsible and Liable. Persons or entities performing Land Disturbance Activities (including but not limited to construction activities) in the County, and the owners of land on which Land Disturbance Activities are performed, are Dischargers for purposes of this Ordinance; provided however that a local government or public authority is not a Discharger as to activities conducted by others in public rights of way.

(c) Stormwater Management Plan. All applications to the County for a permit or approval associated with a Land Disturbance Activity must be accompanied by a Stormwater Management Plan, on a form or in a format specified by the County. The Stormwater Management Plan shall specify the manner in which the Discharger/Applicant will implement the BMPs required by this Ordinance for the activity at issue, including but not limited to the applicable BMPs required by subsection (d) below.

(d) Additional Minimum BMPs for Land Disturbance Activities. Whether a County permit or approval is required or not, and whether a Stormwater Management Plan is required to be submitted or not, all Discharges engaged in Land Disturbance Activities shall implement BMPs as detailed in the County Stormwater Standards Manual in the following additional areas if applicable to the project:

- (1) Erosion control on slopes;
- (2) Erosion control on flat areas; or BMPs to prevent runoff from or to desilt runoff from flat areas;
- (3) Runoff velocity reduction;
- (4) Sediment control;
- (5) Offsite sediment tracking control;
- (6) Materials management;
- (7) Waste management;
- (8) Vehicle and equipment management;
- (9) Water conservation;
- (10) Structure construction and painting;
- (11) Paving operations;
- (12) Dewatering operations;
- (13) Planned construction operations;
- (14) Downstream erosion control;
- (15) Prevention of non-storm water discharges;
- (16) Protection of ground water; and
- (17) Well development.

Section 8. Section 67.818 of the San Diego County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.818. ADDITIONAL PLANNING, DESIGN AND POST-CONSTRUCTION REQUIREMENTS FOR ALL LAND DEVELOPMENT AND REDEVELOPMENT PROJECTS

(a) Application to Development and Redevelopment Projects. No land owner or development project proponent in the County Urban Area shall receive any County permit or approval listed in section 67.804(e) of this Ordinance for Land Development Activity or significant redevelopment activity unless the project meets or will meet the requirements of this Ordinance. Post-Construction BMP requirements imposed by this section and by the Stormwater Standards Manual shall not apply to those physical aspects of the project that have been completed or substantially completed pursuant to and as required by a valid County permit or approval, at the time a complete application for a subsequent permit or approval is submitted.

(b) Owners and Developers Responsible and Liable. Developers, Development Project Proponents, and Land Owners for land on which Development Activities are performed, are Dischargers for purposes of this Ordinance; provided

however that a local government or public authority is not a Discharger as to activities conducted by others in public rights of way.

(c) Post-construction Best Management Practices Required. Land development and redevelopment projects with the potential to add pollutants to storm water or to affect the flow rate or velocity of stormwater runoff after construction is completed, shall be designed to include and shall implement post-construction BMPs to ensure that pollutants and runoff from the development will be reduced to the Maximum Extent Practicable, will not significantly degrade receiving water quality, and will not cause or contribute to an exceedance of receiving water quality objectives.

(d) Natural BMPs. Natural BMPs, such as constructed wetlands, grassed swales, biofilters, wet ponds, and vegetated filter strips, shall be utilized whenever practicable for post-construction BMPs that are proposed by a discharger.

(e) Post-Construction Stormwater Management Plan. All applications to the County for a permit or approval associated with a land development or redevelopment activity must be accompanied by a Post-Construction Stormwater Management Plan on a form or in a format specified by the County. The plan shall specify the manner in which the Discharger/Applicant will implement the post-construction BMPs required by this Ordinance. The plan must address those aspects of the project that, at the time a complete application is submitted, are subject to further environmental review pursuant to section 15162 of the California Environmental Quality Act. Post-Construction BMPs for other aspects of the project need not be addressed in this plan.

(f) Stormwater Management Plan Review Deposit. **[Reserved]**

(g) Additional Minimum Post-Construction BMPs for Land Development Activities. Whether a County permit or approval is required or not, and whether a Post-Construction Stormwater Management Plan is required to be submitted or not, all Dischargers engaged in land development or significant redevelopment activities in the County Urban Area shall implement post-construction BMPs in the following areas if applicable to the project:

- (1) BMPs for permanent control of erosion from slopes. These BMPs can include structures to convey runoff safely from the tops of slopes, vegetation or alternative stabilization of all disturbed slopes, the use of natural drainage systems to the Maximum Extent Practicable, flow and velocity controls upstream of sites; and stabilization or permanent channel crossings, unless the crossing is not publicly accessible and is not frequently used.
- (2) BMPs to control flows, velocity and erosion. These BMPs can include but are not limited to the use of energy dissipaters, such as riprap, at the outlets of storm drains, culverts, conduits, or lined channels that enter unlined channels to minimize erosion;

installation of retention or equalization basins, or other measures. Flow control and downstream erosion protection measures shall prevent any significant increase in downstream erosion as a result of the new development, but shall not prevent flows needed to sustain downstream riparian habitats or wetlands.

- (3) Pollution prevention and source control BMPs, to minimize the release of pollutants into Stormwater.
- (4) Site design BMPs, such as impervious surface minimization; and appropriate use of buffer areas to protect natural water bodies.
- (5) Site planning BMPs, such as siting and clustering of development to conserve natural areas to the extent practicable.
- (6) The installation of storm drain tiles or concrete stamping, and appropriate signage to discourage illegal discharges.
- (7) BMPs for trash storage and disposal and materials storage areas.
- (8) Structural BMPs to treat and/or to infiltrate stormwater where a development project would otherwise cause or contribute to a violation of water quality standards in receiving waters. Off-site structural BMPs may be used for treatment and infiltration necessary to meet water quality standards only if the conveyance of run-off to those facilities prior to treatment will not cause or contribute to an exceedance of water quality standards, or deprive wetlands or riparian habitats of needed flows. Offsite facilities shall not substitute for the use of any on-site source control BMPs required by the Stormwater Standards Manual.
- (9) When an Infiltration BMPs is used, related BMPs set out in the Stormwater Standards Manual (including but not limited to siting constraints), to protect present uses of ground water, and future uses of that ground water as currently designated in the applicable RWQCB Basin Plan. (Discharges to infiltration BMPs may also require an RWQCB permit, and additional state requirements may also be applicable to these discharges.)
- (10) Other applicable BMPs required by the County Stormwater Standards Manual.

(h) Control to the Maximum Extent Practicable. All Discharges engaged in Land Development and Significant Redevelopment Activities shall install, implement and maintain post-construction BMPs as needed to prevent or reduce pollutant discharges in stormwater from land disturbance to the Maximum Extent Practicable.

(i) Priority Development Projects. All priority development projects and significant redevelopment projects (including ministerial projects) shall be designed using the methods and including the studies and reviews described in the SUSMP Guidance Manual. In addition to the other requirements of this ordinance, and except as provided in subsections (j) (k) and (l) below, all such projects shall be constructed to include structural treatment BMPs as specified in Section G, Part 6 of Appendix A to this Chapter (i.e., the Stormwater Standards Manual).

(j) Waivers based on infeasibility. The authorized enforcement official with responsibility for the principal permits or approvals sought for a project otherwise subject to subsection (i) of this section, may waive the requirements of that subsection if compliance would be infeasible. A waiver shall only be granted if all available structural treatment BMPs have been considered and rejected as infeasible. If a waiver is granted, the authorized enforcement official may impose alternative, feasible runoff treatment requirements, or may impose other conditions consistent with state law and County ordinances to facilitate the construction of a shared treatment facility in the future.

(k) Localized Equivalent Area Drainage (LEAD) Proposals. With the advanced consent of the Deputy Chief Administrative Officer, Land Use and Environment Group (DCAO LUEG), the proponent of an in-fill or redevelopment project that would otherwise be subject to subsection (i) may instead propose to treat stormwater for an alternative treatment area, as provided in Section VI of the Final Model SUSMP approved by the RWQCB on June 12, 2002. The DCAO LUEG shall determine whether proposed private projects and County projects meets the requirements of this subsection, and shall recommend to the Board of Supervisors whether specific projects should be accepted as one of the three such projects the County is authorized to approve or construct prior to February 20, 2007. Proposed LEAD projects must meet the following criteria:

- The alternative treatment area shall be located within the proximity of the project;
- The alternative treatment area shall discharge to the same receiving water as the project;
- The alternative treatment area shall be equivalent or greater than the project footprint;
- The alternative treatment area shall have an equivalent or greater impervious surface area than the project;
- The alternative treatment area shall have an equivalent or greater pollutant load than the project;
- Site Design and Source Control BMPs shall be required in the project design.

(l) Site Design Stormwater Treatment Credits [Reserved]

Section 9. Section 67.819 of the San Diego County Code of Regulatory Ordinances is amended to read as follows:

SEC. 67.819. MAINTENANCE OF BMPs

(a) Existing Development. Residential, commercial, industrial, agricultural and municipal dischargers shall maintain the BMPs they rely upon to achieve and maintain compliance with this Ordinance.

(b) New Development. The owners and occupants of lands on which structural post-construction BMPs have been installed to meet the requirements of this Ordinance shall ensure the maintenance of those BMPs, and shall themselves maintain those BMPs if other persons or entities who are also obliged to maintain those BMPs (by contract or covenant, or pursuant to this Ordinance) fail to do so.

(c) Maintenance Obligations Assumed by Contract or Other Agreement. Primary responsibility to maintain a BMP may be transferred through a contract or other agreement. If that contract provides that it will be submitted to the County pursuant to this Ordinance as part of a development permit application, and if that contract is so submitted, the person or entity accepting a maintenance obligation in such a contract or agreement will also be legally obliged to maintain that BMP pursuant to this Ordinance.

(d) Obligation to Maintain BMPs Not Avoided by Contracts or Other Agreements. For purposes of County enforcement, no contract or other agreement imposing an obligation to maintain a BMP can relieve a person or entity of any obligation to maintain a BMP imposed by this Ordinance.

(e) Disclosure of Maintenance Obligations: Any developer who transfers ownership of land on which a BMP is located or will be located, or who otherwise transfers ownership of a BMP or responsibility for the maintenance of a BMP to another person or entity, shall provide clear written notice of the maintenance obligations associated with that BMP to the new or additional responsible party prior to that transfer.

(f) Maintenance Plans for Land Development Projects. The proponents of any land development project or significant redevelopment project that requires a discretionary County permit, shall provide to the County for review and approval prior to issuance of such permit, a plan for maintenance of all post-construction structural BMPs associated with the project. The plan shall specify the persons or entities responsible for maintenance activity, the persons or entities responsible for funding, schedules and procedures for inspection and maintenance of the BMPs, worker training requirements, and any other activities necessary to ensure BMP maintenance. The plan shall provide for servicing of all post-construction structural BMPs at least annually, and for the retention of inspection and maintenance records for at least three (3) years.

(g) Access Easement/Agreement. The proponents of any land development project or significant redevelopment project that requires a discretionary County permit,

shall provide to the County for review and approval prior to issuance of such permit an executed, permanent, easement onto the land on which post-construction structural BMPs will be located (and across other lands as necessary for access), to allow inspection and/or maintenance of those BMPs.

(h) Assurance of Maintenance for Land Development Projects. Except as provided in subsection (i) below, the proponents of any land development or significant redevelopment project that requires a discretionary County permit, shall provide to the County prior to issuance of such permit, proof of a mechanism acceptable to the County which will ensure ongoing long-term maintenance of all structural post-construction BMPs associated with the proposed project. The proponents shall be responsible for maintenance, repair and replacement of BMPs unless and until an alternative mechanism for ensuring maintenance is accepted by the County and becomes effective.

(i) Acceptance of Maintenance Responsibilities by a Public Entity. The County or another public entity may accept responsibility for maintenance of any BMP, under such conditions as the County or other public entity determines are appropriate. Where a maintenance obligation is proposed to be accepted by a public entity other than the County, the County shall be involved in the negotiations with that agency, and in negotiations with the resource agencies responsible for issuing permits for the construction and/or maintenance of the BMP. The County must be identified as a third party beneficiary empowered to enforce any such maintenance agreement.

Section 10. Section F.3.1.2 of Appendix A of the County of San Diego Watershed Protection, Storm Water Management, and Discharge Control Ordinance (Section 67.801 of the County Code and following) is hereby amended to read as follows:

F.3.1.2: All manufactured slopes and cleared slopes of 3:1 (horizontal to vertical) and steeper are to be protected with a BMP approved by the County of San Diego, as described in subsection F.3.1.1 above. During the rainy season cleared slopes flatter than 3 to 1 must still be protected from erosion using either an approved BMP or by using hydromulch with a Guar, straw mulch, Gypsum or similar binder. Flat areas of less than 5% (like building pads, parking areas, leach fields) shall have 100% protection using geotextiles, mats (SS-7 or ESC20), or other material approved by the County for stabilizing slopes, or using tracking and soil stabilizers/binders (SS-5), temporary seeding (SS-4), mulch/wood chips (SS-3, SS-6, SS-8), or jute matting (SS-7). The County may reduce this requirement for flat areas and the below requirement, provided full sediment control is provided through use of the standard lot perimeter protection design described in section F.3.1.2.1 below, or through constructed and maintained desiltation basins (SC-2) at all project discharge points. Stabilized Fiber Matrix may be used on slopes that are not steeper than 2 to 1 (horizontal to vertical). During the non-rainy season

flat areas of less than 5% may be protected by rolled plastic as part of a weather-triggered action plan until the structure's roof has been completed.

Section 11. Section F.3.1.2.1 is added to Appendix A of the County of San Diego Watershed Protection, Storm Water Management, and Discharge Control Ordinance to read as follows:

F.3.1.2.1: Standard Lot Perimeter Protection Design. Flat areas that have a slope no greater than 3% may be configured as described below to provide a desilting function, thus eliminating the need for other protection. The following requirements control the use of this option:

- Maximum holding time is 72 hours.
- Maximum size for using Lot Perimeter Protection is 1 acre of disturbed area.
- Basin shall be sized for the entire pad. Each pad shall be treated separately.
- A berm with a minimum height of 1 foot, shall be placed and compacted along the outlet side. A berm, with a minimum height of 6 inches, shall be installed and compacted around the remaining perimeter of the pad.
- A rock filter shall be placed at the outlet location to slowly release the captured flows. For basins sized between 1 to 0.75 acre the rock filter shall be 6 feet in length. For basins that are sized less than 0.75 acre but greater than 0.10 acre the rock filter shall be 4 feet in length. For basins that are less than or equal to 0.10 acre the rock filter shall be 2 feet in length.
- The rock filter shall have a minimum width of 1 foot.
- The minimum height of the rock filter shall be 1 foot.
- The rock size shall be between 1 to 3 inches in diameter.
- Fiber roll with the equivalent length of the rock filter shall be properly placed 1 foot downstream of the rock filter
- Access to the pad shall be restricted to prevent tracking off of the pad or appropriate tracking control installed.

Section 12. Section G.4.5 of Appendix A of the County of San Diego Watershed Protection, Storm Water Management, and Discharge Control Ordinance is amended to read as follows:

G.4.5. Source Control BMPs

G.4.5.1: All sources of potentially significant post-construction pollutant loading shall be identified and the introduction of pollutants from these sources into storm water and non-storm water discharges shall be prevented or reduced to the maximum extent practicable.

G.4.5.2: The project must be designed and built to protect slopes and channels from eroding.

Project proponents must provide satisfactory evidence that each of the following measures has been provided in the proposed project design:

- a) Convey runoff safely from the tops of slopes and discharge in a manner so as not to cause downstream erosion.
- b) Stabilize all disturbed slopes
- c) Utilize natural drainage systems to the maximum extent practicable
- d) Control or reduce flow to natural drainage systems to the maximum extent practicable
- e) Stabilize permanent channel crossings.
- f) Vegetate slopes with native or drought tolerant vegetation.
- g) Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels to minimize erosion, with the approval of all agencies with jurisdiction, e.g., the U.S. Army Corps of Engineers, RWQCB, and the California Department of Fish and Game

G.4.5.3: Outdoor materials storage areas must be properly designed. Personal storage areas at detached single-family residences are exempt from this requirement.

Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Where proposed project plans include outdoor areas intended for storage of materials that may contribute pollutants to the storm water conveyance system, a proper design of such areas should include the following BMPs:

- a) Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage into the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

- b) The storage area must be paved and sufficiently impervious to contain leaks and spills.
- c) The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

G.4.5.4: Outdoor trash storage areas must be properly designed. Personal trash storage areas at detached single-family residences are exempt from this requirement. A “trash storage area” refers to an area where a trash receptacle or receptacles are located for use as a repository for solid wastes. Loose trash and debris can be easily transported by the forces of water or wind into nearby storm drain inlets, channels, and/or creeks. Trash container areas are required to meet the following BMP requirements.

- a) Trash container areas must be designed to either prevent spillage to the storm water conveyance system; or to include protection by secondary containment structures such as berms, dikes, or curbs.
- b) The trash storage area must be paved with an impervious surface, and designed not to allow run-on from adjoining areas, with drainage from adjoining roofs and pavement diverted around the area(s).
- c) Trash storage areas must be screened or walled to prevent off-site transport of trash.
- d) Provided with attached lids on all trash containers that exclude rain, or a roof or awning to minimize direct precipitation.

Section 13. Section G.5.2.2 of Appendix A of the County of San Diego Watershed Protection, Storm Water Management, and Discharge Control Ordinance is amended to read as follows:

G.5.2.2 Source Control BMPs

The use of source control BMP is mandatory whenever such BMPs are practicable.

G.5.2.2.1. Step 3: Provide Storm Drain System Stenciling and Signage. See subsection G.4.9 above.

G.5.2.2.2. Step 4: Design Outdoor Material Storage Areas to Reduce Pollutant Releases. See subsection G.4.5.3 above.

G.5.2.2.3. Step 5: Design Trash Storage Areas to Reduce Pollution Introduction. See subsection G.4.5.4 above.

G.5.2.2.4. Step 6: Use Efficient Irrigation Systems & Landscape Design. Projects shall design the timing and application methods of irrigation water to minimize the runoff of excess irrigation water into the storm water conveyance system. (Limited exclusion: detached residential homes.) The following methods to reduce excessive irrigation runoff shall be considered, and incorporated and implemented where determined applicable and feasible:

- (a) Rain shutoff devices shall be employed to prevent irrigation after precipitation.
- (b) Irrigation systems shall be designed to each landscape area's specific water requirements.
- (c) Flow reducers or shutoff valves triggered by a pressure drop shall be used to control water loss in the event of broken sprinkler heads or lines.
- (d) Employing other comparable, equally effective methods to reduce irrigation water runoff.

G.5.2.2.5. Step 7: Incorporate Requirements Applicable to Individual Project Categories. Where identified in Table 2 (Attachment G-2), the following requirements shall be incorporated into applicable projects during the storm water BMP selection and design process. Projects shall adhere to each of the individual project category requirements that apply to the project (e.g., a restaurant with more than 15 parking spaces would be required to incorporate the requirements for “g. Equipment Wash Areas and “h. Parking Areas” into the project design).

- (a) Private Roads. Private roadway drainage shall be designed using one of the following methods (for further guidance, see Start at the Source [1999]). Applicants shall assess project applicability in this order:
 - i. Rural swale system: street sheet flows to vegetated swale or gravel shoulder, curbs at street corners, culverts under driveways and street crossings;
 - ii. Urban curb/swale system: street slopes to curb, periodic swale inlets drain to vegetated swale/biofilter;

- iii. Dual drainage system: First flush captured in street catch basins and discharged to adjacent vegetated swale or gravel shoulder, high flows connect directly to storm water conveyance system.
- iv. Urban curb/filter system: street slopes to curb, periodic inlet drain are filtered and then enter conveyance system;
- v. Other features which are comparable and equally effective.

The County shall consider alternatives to established road standards that will more readily allow this type of BMP.

(b) Residential Driveways and Guest Parking. New driveways and new private residential parking areas shall be designed with the following features.

- i. Design driveways with shared access, flared (single lane at street) or wheelstrips (paving only under tires); or, drain into landscaping prior to discharging to the storm water conveyance system.
- ii. Uncovered temporary or guest parking on private residential lots shall either be: paved with a permeable surface; or, designed to drain into landscaping prior to discharging to the storm water conveyance system.

(c) Dock Areas. Loading/unloading dock areas shall include the following:

- i. Cover loading dock areas or design drainage to preclude urban run-on and runoff.
- ii. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited;
- iii. Other features which are comparable and equally effective.

(d) Maintenance Bays. Maintenance bays shall include the following:

- i. Repair/maintenance bays shall be indoors; or, designed to preclude urban run-on and runoff.

- ii. Design a repair/maintenance bay drainage system to capture all wash water, leaks and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required by local jurisdiction, obtain an Industrial Waste Discharge Permit;
- iii. Other features which are comparable and equally effective.

(e) Vehicle Wash Areas. Projects that include areas for washing/steam cleaning of vehicles shall be:

- i. Self-contained; or covered with a roof or overhang;
- ii. Equipped with a clarifier or other pretreatment facility;
- iii. Properly connected to a sanitary sewer;
- iv. Other features which are comparable and equally effective.

(f) Outdoor Processing Areas. Outdoor process equipment operations, such as rock grinding or crushing, painting or coating, grinding or sanding, degreasing or parts cleaning, landfills, waste piles, and wastewater and solid waste treatment and disposal, and other operations determined to be a potential threat to water quality by the County shall adhere to the following requirements:

- i. Cover or enclose areas that would be the most significant source of pollutants; or, slope the area toward a dead-end sump; or, discharge to the sanitary sewer system following appropriate treatment in accordance with conditions established by the applicable sewer agency.
- ii. Grade or berm area to prevent run-on from surrounding areas.
- iii. Installation of storm drains in areas of equipment repair is prohibited;
- iv. Other features which are comparable and equally effective.

(g) Equipment Wash Areas. Outdoor equipment/accessory washing and steam cleaning activities at projects shall be:

- i. Self-contained; or covered with a roof or overhang;

ii. Equipped with a clarifier, grease trap or other pretreatment facility, as appropriate;

iii. Properly connected to a sanitary sewer

iv. Other features which are comparable and equally effective.

(h) Parking Areas. To minimize the offsite transport of pollutants from parking areas, the following design concepts shall be included:

- i. Where landscaping is proposed in parking areas, incorporate landscape areas into the drainage design.
- ii. Overflow parking (parking stalls provided in excess of the County's minimum parking requirements) shall be constructed with permeable paving:
- iii. Other features which are comparable and equally effective.

(i) Roadways. Roadway projects shall select treatment control BMPs following the enhanced treatment control selection procedure identified in "Establish Storm Water BMPs."

(j) Fueling Areas. Fuel dispensing areas shall contain the following:

- i. Overhanging roof structure or canopy. The cover's minimum dimensions must be equal to or greater than the area within the grade break. The cover must not drain onto the fuel dispensing area and the downspouts must be routed to prevent drainage across the fueling area. The fueling area shall drain to the project's treatment control BMP(s) prior to discharging to the storm water conveyance system.
- ii. Paved with Portland cement concrete (or equivalent smooth impervious surface). The use of asphalt concrete shall be prohibited.
- iii. Paving must have a 2% to 4% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of urban runoff.
- iv. At a minimum, the concrete fuel dispensing area must extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length

at which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter), whichever is less.

(k) Hillside Landscaping. Hillside areas that are disturbed by project development shall be landscaped with deep-rooted, drought tolerant plant species selected for erosion control, satisfactory to the County.

Section 14. Part G.6 of Appendix A of the County of San Diego Watershed Protection, Storm Water Management, and Discharge Control Ordinance (Section 67.801 of the County Code and following) is amended to read as follows:

PART G.6 ADDITIONAL DESIGN AND BMP REQUIREMENTS FOR PRIORITY DEVELOPMENT PROJECTS AND SIGNIFICANT REDEVELOPMENT PROJECTS

The requirements in this Part G.6 apply to priority development projects and significant redevelopment projects, and are in addition to all other requirements imposed on such projects by this ordinance. This Part does not apply to trenching and resurfacing associated with utility work; applying asphalt overlay to existing pavement; new sidewalk, pedestrian ramp, or bike lane construction on existing roads; or replacement of damaged pavement.

G.6.1 Pollutants and Conditions of Concern

Applicants shall identify the primary pollutants of concern (if any), secondary pollutants of concern, and conditions of concern associated with their proposed project, taking into account the location of the project and the receiving water that may be affected by discharges from the project.

G.6.2. Structural Treatment BMPs

Applicants shall incorporate structural treatment BMPs into their project designs, and shall construct the BMPs approved by the County for use to meet the requirements of this Part. One or more structural treatment BMPs may be used for a single project or combination of projects. Any such shared BMPs shall be operational prior to the use of any dependent development or phase of development. The shared BMPs shall only be required to treat the dependent developments or phases of development that are in use. Interim stormwater BMPs that provide equivalent or greater treatment than is required by section G.6.3 below may be implemented by a dependent development until each shared BMP is operational. If interim BMPs are selected, the BMPs shall remain in use until permanent BMPs are operational.

G.6.2.1 Structural Treatment BMPs for Projects that Generate Primary Pollutants of Concern

Projects that generate primary pollutants of concern shall select and propose structural treatment BMPs that maximize the removal of the primary pollutants of concern generated by the project, and which remove secondary pollutants of concern.

G.6.2.2 Structural Treatment BMPs for Projects that Generate Only Secondary Pollutants of Concern

Projects that are not anticipated to generate primary pollutants of concern shall select and propose structural treatment BMPs that target the secondary pollutant of concern determined to be most significant for the project, and that will remove secondary pollutants of concern to the maximum extent practicable.

G.6.3 Minimum Sizes for Required Structural Treatment BMPs

G.6.3.1 Volume-based Structural Treatment BMPs

Except as provided in G.6.3.3 below, volume-based structural treatment BMPs shall be designed to treat, filter or infiltrate either:

- i. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record; or
- ii. The volume of runoff produced by the 85th percentile 24-hour runoff event, determined as the maximized capture urban runoff volume for the area, from the formula recommended in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998)*; or
- iii. The volume of runoff, as determined from the local historical hourly rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event. Where this option is used, storm events shall be identified by their separation from one another by at least six hours of no rain.

The size of the 85th percentile storm event is different for various parts of the County. The project proponent or County staff may calculate the 85th percentile storm event using local rain data. In addition, isopluvial maps contained in the County of San Diego Hydrology Manual may be used to interpolate rainfall data to areas where insufficient data exists. Such interpolations shall be linear.

G.6.3.2 Flow -based Structural Treatment BMPs

Except as provided in G.6.3.3 below, flow-based structural treatment BMPs shall be designed to treat, filter or infiltrate either:

- i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour for each hour of a storm event; or

- ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
- iii. The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

G.6.3.3. Limited Exclusions from Minimum Size Requirements

Proposed restaurants, where the land area for development or redevelopment is less than 5,000 square feet, are excluded from the minimum size requirement for structural treatment BMPs set out in this Part G.6.3.

Where significant redevelopment results in an increase of less than 50 percent of the impervious surfaces of a previously existing development, and the existing development was not subject to SUSMP requirements, the minimum size requirement for structural treatment BMPs set out in this Part G.6.3 apply only to the addition, and not to the entire development.

G.6.4 Location Restrictions for Required Structural Treatment BMPs

Structural treatment control BMPs required by this Part G.6 shall be located so as to infiltrate, filter, and/or treat the required runoff volume or flow prior to its discharge to any receiving water body supporting beneficial uses.

G.6.5 Restrictions on the Use of Infiltration BMPs

G.6.5.1. Preference for Other BMPs

Infiltration BMPs shall not be used if the County determines the proposed BMP may adversely affect ground water in the County or other jurisdictions. Infiltration BMPs shall not be used if structural treatment BMPs that involve only incidental groundwater infiltration, such as bio-swales or extended detention basins, are practicable for the project.

G.6.5.2 Conditions for Use of Infiltration BMPs

Any use of an infiltration BMP is subject to the following conditions:

1. Urban runoff from commercial developments shall undergo pretreatment to remove both physical and chemical contaminants, such as sedimentation or filtration, prior to infiltration.

2. All dry weather flows shall be diverted from infiltration devices except for those non-storm water discharges authorized pursuant to 40 CFR 122.26(d)(2)(iv)(B)(1): diverted stream flows, rising ground waters, uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)] to storm water conveyance systems, uncontaminated pumped ground water, foundation drains, springs, water from crawl space pumps, footing drains, air conditioning condensation, flow from riparian habitats and wetlands, water line flushing, landscape irrigation, discharges from potable water sources other than water main breaks, irrigation water, individual residential car washing, and dechlorinated swimming pool discharges.
3. These BMPs shall not be used when infiltration rates are less than 0.27 inch per hour, as defined by the least permeable layer in the shallow soil profile. This excludes most “C” and “D” soils (Standard Soil Classification System), which cannot percolate enough runoff through the subsoil.
4. Pollution prevention and source control BMPs shall be implemented at a level appropriate to protect groundwater quality at sites where infiltration structural treatment BMPs are to be used.
5. The vertical distance from the base of any infiltration structural treatment BMP to the seasonal high groundwater mark shall be at least 10 feet. Where groundwater does not support beneficial uses, this vertical distance criterion may be reduced, but cannot be less than 4 feet, provided groundwater quality is maintained.
6. The soil through which infiltration is to occur shall have physical and chemical characteristics (such as appropriate organic content, clay content, and infiltration rate) that are adequate for proper infiltration durations and treatment of urban runoff for the protection of groundwater beneficial uses.
7. Infiltration structural treatment BMPs shall not be used for areas of industrial or light industrial activity; areas subject to high vehicular traffic (25,000 or greater average daily traffic on main roadway or 15,000 or more average daily traffic on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (bus, truck, etc.); nurseries; and other high threat to water quality land uses and activities as determined by the County.
8. Infiltration BMPs must be designed to completely drain within 72 hours after a storm. If the infiltration rates of the underlying soils are slow, depth and footprint of the infiltration BMP must be adjusted to achieve this standard.
9. The horizontal distance between the base of any infiltration structural BMP and any water supply wells shall be 100 feet or as determined on an individual, site-specific basis by the County.

10. Infiltration BMPs may be clogged by large loads of sediment generated during construction, and shall not be installed until all of the land to be disturbed by construction is effectively and permanently stabilized. To prevent clogging after construction, a pre-treatment device must be used to filter sediment and other coarse particles before they reach the infiltration BMP.

G.6.5.3 Continuing Evaluation of Infiltration BMPs

Where infiltration BMPs are authorized, BMP maintenance requirements include continued evaluation of the BMP, as specified in permit conditions, for impacts on groundwater quality in the County and in any other potentially affected municipal jurisdiction. If the County determines that the infiltration BMP may impact groundwater quality in another jurisdiction, the County may require as a maintenance measure that the infiltration BMP be replaced with a non-infiltrating structural treatment BMP.

G.6.6 Erosion

Projects shall control post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion.

Section 15. Appendix B of the County of San Diego Watershed Protection, Storm Water Management, and Discharge Control Ordinance (section 67.801 and following of the County Code) is amended to read as follows:

APPENDIX “B”

Appendix B is that certain map entitled “Appendix B - Urban and Environmentally Sensitive Areas Municipal Stormwater Permit – NPDES: CAS0108758,” dated 04/18/2002, on file with the Clerk of the Board as Document Number 0769212.

This map is also available on the Internet, through the SANGIS Interactive Map Site, at <SANGIS.org>.

Section 16. Appendix C of the County of San Diego Watershed Protection, Storm Water Management, and Discharge Control Ordinance (section 67.801 and following of the County Code) is amended to read as follows:

APPENDIX “C”

Appendix C is that certain map entitled “Appendix C – Tributary to EPA 303(d) Water Bodies Impaired for Sediment Municipal Stormwater Permit – NPDES: CAS0108758,” dated 04/19/2002, on file with the Clerk of the Board as Document Number 0769213.

This map is also available on the Internet, through the SANGIS Interactive Map Site, at <SANGIS.org>.

Section 17. Appendix D of the County of San Diego Watershed Protection, Storm Water Management, and Discharge Control Ordinance (section 67.801 and following of the County Code) is amended to read as follows:

APPENDIX “D”

Appendix D is that certain map entitled “Appendix D - Environmentally Sensitive Areas Municipal Stormwater Permit – NPDES: CAS0108758,” dated 01/18/2002, on file with the Clerk of the Board as Document Number0769214.

This map is also available on the Internet, through the SANGIS Interactive Map Site, at <SANGIS.org>.

Section 18. Effective Date & Publication. This ordinance shall take effect and be in force on January 10, 2003, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of the Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 4th day of December 2002