



# NOTICE

## DEVELOPMENT SERVICES DEPARTMENT

CITY OF SAN DIEGO - 1222 FIRST AVENUE, M.S. 501, SAN DIEGO, CALIFORNIA 92101

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**DATE:** April 21, 2015  
**TO:** Distribution  
**FROM:** Robert Vacchi, Development Services Department Director  
**SUBJECT:** 2013 MS4 Permit Storm Water Requirements Applicability

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On May 8, 2013 the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), adopted Order No. R9-2013-0001, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements For Discharges From The Municipal Separate Storm Sewer Systems (MS4s) Draining The Watersheds Within The San Diego Region (2013 MS4 Permit). The 2013 MS4 Permit, Provision E.3, includes updated requirements that apply to development projects which becomes effective on December 24, 2015 (Effective Date).

The 2013 MS4 Permit Section E.3.e(1)(a) requires the City to “require and confirm that for all Priority Development Project applications that have not received prior lawful approval by the [City] by the effective date of the BMP Design Manual pursuant to Provision E.3.d, the requirements of Provision E.3 must be implemented. For project applications that have received prior lawful approval before the effective date of BMP Design Manual pursuant to Provision E.3.d, the [City] may allow previous land development requirements to apply.” The BMP Design Manual effective date is December 24, 2015.

On February 11, 2015, the San Diego Water Board held a public hearing to consider adoption of a revised Tentative Order (TO) No. R9-2015-0001, an Order amending the 2013 MS4 Permit, [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/stormwater/docs/oc\\_permit/R9-2015-0001/2015-0121\\_Revised\\_draft\\_Attachment\\_No\\_1\\_Order\\_2013-0001](http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/oc_permit/R9-2015-0001/2015-0121_Revised_draft_Attachment_No_1_Order_2013-0001).

The revised TO included proposed language defining prior lawful approval, which the City supported. However, the San Diego Water Board voted to strike out the proposed language and directed its staff to convene a stakeholder group to develop a proposed MS4 Permit amendment to define prior lawful approval, to be brought back to the San Diego Water Board for consideration later this year. Because it is uncertain how the San Diego Water Board will define prior lawful approval, the City is unable to provide guidance on the issue at this time.

The City will issue another notice and applicability guidelines if the San Diego Water Board amends the 2013 MS4 Permit to define prior lawful approval. For project specific requirements, please consult with the assigned Development Project Manager or plan reviewer.

*Official version signed by Robert Vacchi*  
Robert Vacchi  
Director