

County of San Diego Comments on Prior Lawful Approval (PLA)

San Diego Regional Water Quality Control Board

Public Workshop on Tentative Order No. R9-2015-0001

**An Order Amending the Regional Municipal Separate Storm Sewer (MS4) NPDES
Permit for the San Diego Region**

Wednesday, October 8, 2014

City of Mission Viejo

Council Chambers

200 Civic Center

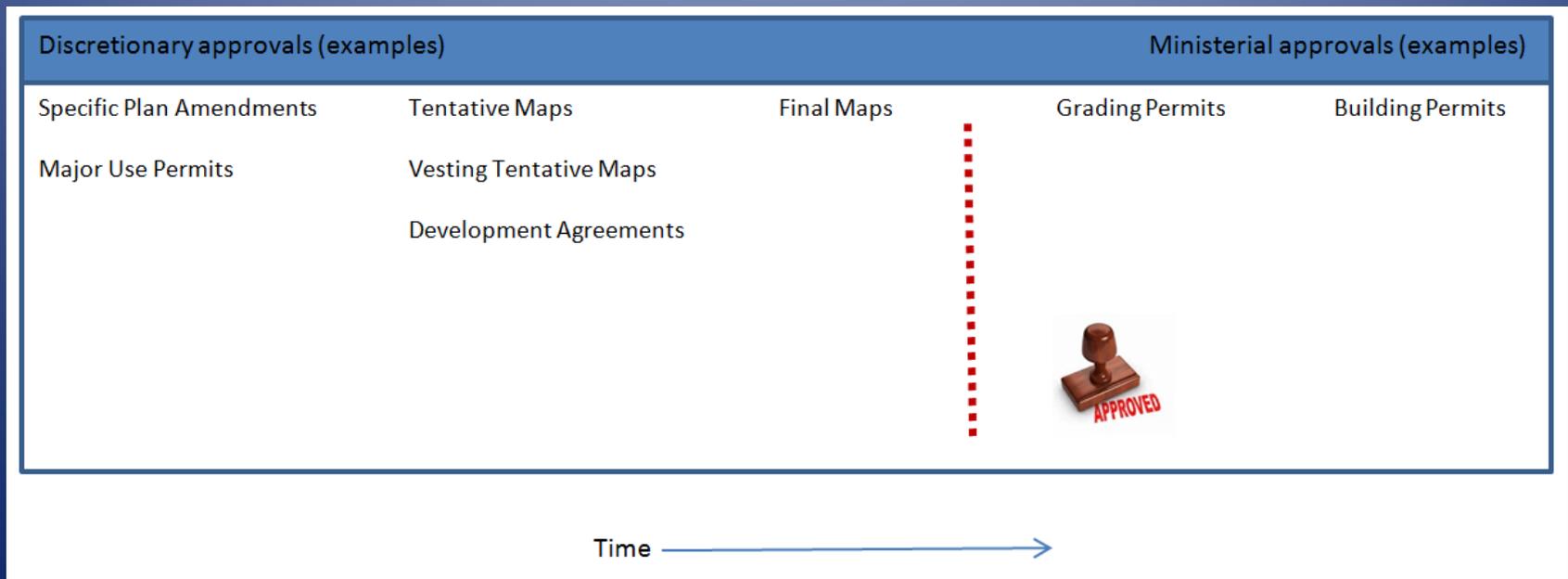
Mission Viejo, California

Prior Lawful Approval (PLA)

- Prior Lawful Approval determines when and if a development or public works project will be required to comply with updated stormwater regulations
- Often referred to as “grandfathering”
- 2013 MS4 Permit requirements are effective on December 24, 2015

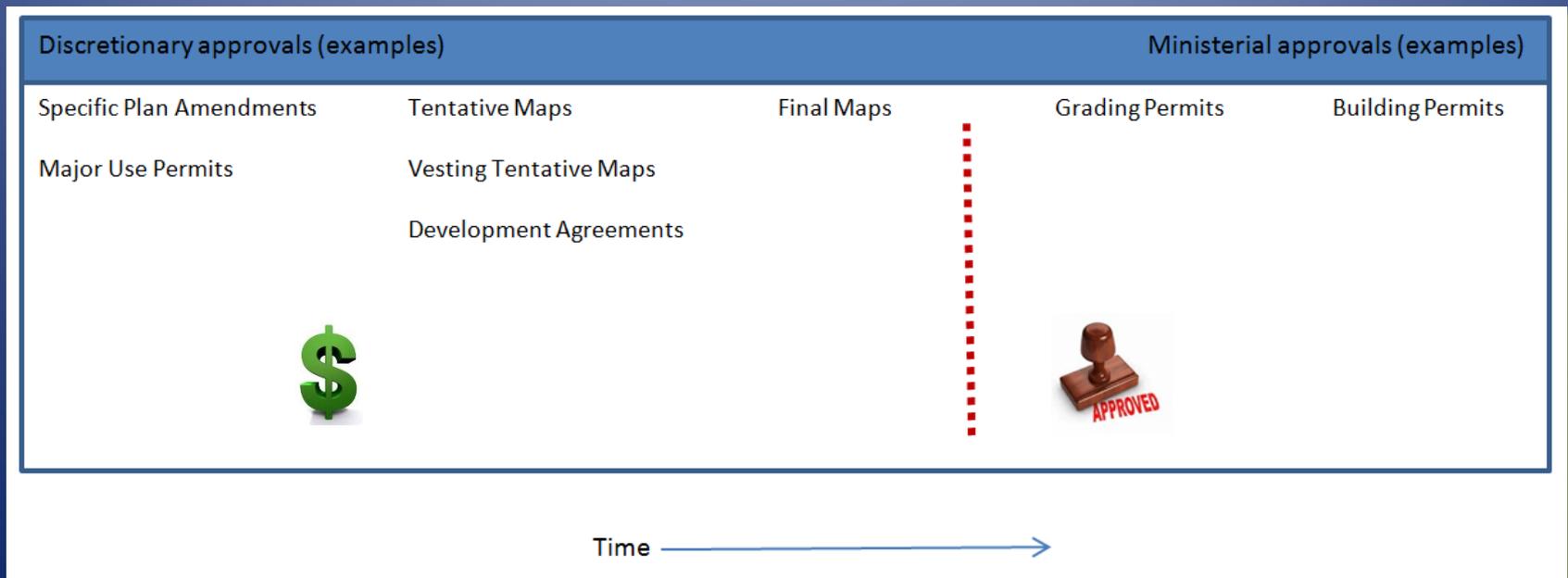
PLA under the 2007 Permit (p. 17 footnote)

³ Updated SUSMP and hydromodification requirements shall apply to all priority projects or phases of priority projects which have not yet begun grading or construction activities at the time any updated SUSMP or hydromodification requirement commences. If a Copermittee determines that lawful prior approval of a project exists, whereby application of an updated SUSMP or hydromodification requirement to the project is infeasible, the updated SUSMP or hydromodification requirement need not apply to the project. Where feasible, the Copermittees shall utilize the SUSMP and hydromodification update periods to ensure that projects undergoing approval processes include application of the updated SUSMP and hydromodification requirements in their plans.



Ongoing Coordination

- 2013 MS4 Permit does not include a PLA definition
- County requested clarification from RWQCB staff in April 2014
- Continued meetings with other Copermittees
- Additional concerns with the 2007 PLA approach identified



Balancing Potential Risks

Risks to Private & Public Projects

- Unpredictability of process
- Project redesign
- Schedule impacts
- Cost increases

Risks for Local Jurisdictions

- Water quality impacts
- MS4 permit non-compliance
- Transfer of costs or liability to jurisdictions
- Loss of jurisdictional discretion

