

The San Francisco Bay Regional Water Board Quality Control Board reissued the [Municipal Regional Stormwater Permit \(MRP 3\)](#), which took effect July 1, 2022. MRP 3 mandates stormwater control measures for specified development projects, including development of new roads, the reconstruction of existing roads, and maintenance of pavement.

Key Changes Summarized in this Fact Sheet

- Requirements for New Road Construction
- Requirements for Road Reconstruction
- Requirements for Pavement Maintenance
- Effective Date of the Changes
- Alternative Compliance Options

Regulatory Background

In urban areas, stormwater washes pollutants and trash off impervious surfaces (e.g., roads and parking lots) into creeks and waterways. The impervious surfaces also prevent rainwater from infiltrating into the soil. MRP 3 mandates that municipalities use their land use planning authorities to require Low Impact Development (LID), which mimics drainage patterns of more natural landscapes. By using LID more stormwater soaks into and is filtered by the soil so that less ends up as runoff into creeks and waterways.



Stormwater Curb Extension in the City of Burlingame

Key MRP 3 Changes

MRP 3 defines types of regulated projects and establishes thresholds in square feet (sf) of created or replaced impervious area for determining whether projects must incorporate stormwater treatment measures. *MRP 3 removed exemptions allowed by previous versions of the MRP and lowered the impervious area thresholds for other projects.*

New Roads, Sidewalks, Trails, and Public Works Projects

MRP 3 lowered the thresholds for new roads, sidewalks, trails, and roads to which travel lanes are added. If these projects create $\geq 5,000$ contiguous sf of impervious area, they are Regulated Projects. (See MRP Provision C.3.b.ii.4, pg. C.3-8.)

Road Reconstruction

Previous permits exempted most road reconstruction activities from the LID requirements. Under MRP 3, road reconstruction projects that replace ≥ 1 acre (contiguous) of impervious area are Regulated Projects. Utility trenches with an average width of ≥ 8 feet over the length of the trench are considered road reconstruction projects. (See MRP Provision C.3.b.ii.(5), pg. C.3-9.)

Pavement Maintenance

Previous permits exempted most types of pavement maintenance activities from LID requirements. MRP 3 continues to exempt many, but not all, of these activities. Pavement maintenance on a parcel-based project that creates or replaces (down to base course) $\geq 5,000$ sf of impervious area (cumulatively on the project site) is a Regulated Project. (See MRP Provision C.3.b.ii.(1)(b), pg. C.3-4.) Pavement overlays and coating activities remain exempt from C.3.

**Table 1. Road and Pavement Regulated Projects
Threshold Summary**

Regulated Project Category	MRP 3 Impervious Surface Threshold
New Roads, Sidewalks, Trails, and Public Works Projects	5,000 sf, contiguous
Reconstruction of existing roads, including sidewalks and bicycle lanes; and utility trenching projects \geq 8 ft wide	1 acre, contiguous
Maintenance of parking lots and other pavement on a parcel that disturbs down to top of base course	5,000 sf, cumulative
See Table 2 for more details.	

Note for Regulated Pavement Maintenance and Road Reconstruction Activities

Removing and replacing asphalt or concrete pavement to the top of the base course or lower or repairing the pavement base are considered activities that replace impervious surfaces and may trigger LID requirements.

Effective Date of MRP 3 Requirements

The Regulated Project thresholds in Table 1 took effect on **July 1, 2023**. Until then, the MRP 2 thresholds and exemptions remain in effect (see Table 2).

- Projects approved by June 30, 2023, are not subject to the MRP 3 requirements.
- Projects approved on or after July 1, 2023, must comply with the MRP 3 requirements.

The process to approve public projects differs for each agency. Consult with your municipality’s stormwater program manager to determine how they comply with this MRP requirement.



Pervious Pavement in the City of Daly City



Bioretention Area in the City of Menlo Park

Alternative Compliance Options

MRP 3 provides an alternative compliance option that allows LID treatment at an offsite location. For this option you need to treat as much runoff onsite as feasible and then treat the remaining portion at an offsite project in the same watershed that provides a net benefit. Alternative compliance projects must be completed within three years after the end of construction of the Regulated Project. The timeframe may be extended up to five years with prior Regional Water Board approval. (See MRP Provision C.3.e.i, pg. C.3-20.)

In addition, constrained road reconstruction projects may qualify for alternative treatment measure sizing criteria if they meet the conditions described in the [Guidance for Sizing Green Infrastructure Facilities in Streets Projects](#) with companion analysis *Green Infrastructure Facility Sizing for Non-Regulated Street Projects* (June 2019).

Resources

For more information about stormwater requirements for road and pavement projects, please see the following resources:

- [Municipal Regional Stormwater Permit 3 \(MRP 3\)](#)
- [SMCWPPP’s Annual C.3 Workshop, January 2023](#), (presentation on [Transportation Projects](#))
- [C.3 Regulated Projects Guide](#)

Table 2. Road, Trail, and Pavement Construction and Maintenance Project Types and Threshold Comparison

Regulated Projects	MRP 2	MRP 3	Provision
New Roads, Sidewalks, Trails, and Public Works Projects			
New roads, including sidewalks and bicycle lanes	10,000 sf	5,000 sf ^{1,2}	C.3.b.ii.(4)
Adding traffic lanes to an existing road	10,000 sf	5,000 sf ¹	C.3.b.ii.(4)
New impervious trail ≥ 10 feet wide or ≤ 50 feet from creek bank	10,000 sf	5,000 sf ^{1,2}	C.3.b.ii.(4)
Projects such as sidewalk gap closures, sidewalk replacement, and ADA curb ramps not associated with a parcel-based project	Exempt	5,000 sf ^{1,2}	C.3.b.ii.(3)
Road Reconstruction			
Reconstruction of existing roads, including sidewalks and bicycle lanes	Exempt	1 acre ^{1,2}	C.3.b.ii.(5)
Utility trenching projects ≥ 8 feet wide (average over length of project)	Exempt	1 acre ¹	C.3.b.ii.(5)
Pavement Maintenance			
Pavement repair or reconstruction that disturbs existing pavement down to top of base course	Exempt	5,000 sf ³	C.3.b.ii.(1)(a)(iv)
Regulated Activities	MRP 2	MRP 3	Provision
Specific activities subject to MRP 3 LID requirements include:			
Upgrade from dirt to gravel (exempt if built to specification for pervious pavement system)	Exempt	Included ⁴	C.3.b.ii.(1)(b)(iii)
Upgrade from dirt/gravel to pavement (exempt if built to specification for pervious pavement system)	Included	Included	C.3.b.ii.(1)(b)(iii)
Removing/replacing asphalt or concrete to top of base course or lower	Exempt	Included	C.3.b.ii.(1)(b)(iii)
Repair of pavement base (i.e., base failure repair)	Exempt	Included	C.3.b.ii.(1)(b)(iii)
Extending roadway edge (e.g., lane widening or safety improvement)	Exempt	Included	C.3.b.ii.(1)(b)(iii)
Paving gravel or dirt roadway shoulder	Exempt	Included	C.3.b.ii.(1)(b)(iii)
Exempt Activities	MRP 2	MRP 3	Provision
Specific exemptions from MRP 3 LID requirements include:			
Pothole and square cut patching	Exempt	Exempt	C.3.b.ii.(1)(b)(ii)
Overlay gravel on existing gravel	Exempt	Exempt	C.3.b.ii.(1)(b)(ii)
Overlay chip seal or cape seal on existing asphalt (no increase in area)	Exempt	Exempt	C.3.b.ii.(1)(b)(ii)
Overlay asphalt or concrete on existing asphalt or concrete (no increase in area)	Exempt	Exempt	C.3.b.ii.(1)(b)(ii)
Upgrade from chip seal or cape seal to asphalt or concrete (no increase in area)	Exempt	Exempt	C.3.b.ii.(1)(b)(ii)
Shoulder grading	Exempt	Exempt	C.3.b.ii.(1)(b)(ii)
Reshaping/regrading of drainage systems	Exempt	Exempt	C.3.b.ii.(1)(b)(ii)
Crack sealing	Exempt	Exempt	C.3.b.ii.(1)(b)(ii)
Pavement preservation that does not expand road prism	Exempt	Exempt	C.3.b.ii.(1)(b)(ii)

Notes:

¹ Contiguous. Project areas interrupted by cross streets or intersections are considered contiguous.

² Sidewalks, bike lanes, and trails that drain to adjacent vegetated areas that are at least half as large as the contributing impervious surface area are exempt from LID treatment requirements.

³ Cumulative. The threshold is for 5,000 sf of parking lot(s) or other pavement throughout the project site.

⁴ MRP 3 defines gravel as an impervious surface unless it is constructed as part of a pervious pavement system.

SMCWPPP thanks the Alameda Countywide Clean Water Program and the Contra Costa Clean Water Program for developing and sharing the content of this fact sheet.