



Provision C.3 in MRP 2.0 – What Will the Future Bring?



An Update on Upcoming Stormwater Permit Requirements

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Outline of Presentation

- Background on Municipal Regional Permit (MRP) and Reissuance
- Overview of Anticipated New C.3 Requirements:
 - The Good, the Bad, the Confusing, and the Challenging
- What Happens Next?





Bay Area Municipal Regional Permit (MRP)

- One Phase 1 municipal stormwater permit that covers 76 permittees:
 - San Mateo, Santa Clara, Alameda, and Contra Costa Counties, Fairfield-Suisun area, and City of Vallejo
- Effective Dec. 1, 2009
- Five-year permit term





Background on Reissuance

- Discussions with Water Board staff on permit reissuance began in 2013
 - Work Group meetings
 - Steering Committee meetings
 - EPA involvement, review assistance
- Submittals to Water Board established Permittees' positions on future permit
 - Report of Waste Discharge – 5/20/14
 - LID White Paper and Feasibility Reports
 - Early input on Administrative Draft





Background, continued

- Current MRP expired on 11/30/14
 - Extended until reissued permit takes effect
- Administrative Draft MRP 2.0 provided to Permittees in February 2015
- MRP 2.0 Tentative Order released for public comment on 5/11/15
- Water Board hearing on C.3 and other issues conducted on 6/10/15



The Good News

- Many C.3 requirements will not change:
 - Regulated project thresholds
 - Road requirements and thresholds
 - C.3.a Performance Standards
 - Site design and source control measures
 - Pervious paving design standards required
 - Numeric sizing criteria
 - Hydromodification management & maps
 - (for SMCWPPP)
 - Small project site design requirements



The Good News

- Many C.3 requirements will have positive changes:
 - **LID Treatment** -- eliminates requirement to demonstrate feasibility of infiltration and rainwater harvesting prior to using biotreatment
 - **Bioretention Soil Specifications** – allows Permittees to collectively develop and adopt revisions to specifications (with Executive Officer approval)



The Good News

- Positive changes, continued:
 - **Special Projects**
 - Allows mixed use projects to use either FAR or DU/ac density criterion (proposed FAR and gross density definitions are still issues)
 - Eliminates mid-year reporting of potential Special Projects (report once per year in Annual Report)
 - Does not require Special Projects credits to end after MRP 2.0 term



The Good News

- Positive changes, continued:
 - **Alternative Compliance** – provides more flexibility in timing of alternative compliance projects (complete within 3 years of Regulated Project, or up to 5 years with EO approval)
 - **Hydromodification Management** – allows Permittees to develop new approach for sizing HM facilities based on direct simulation of erosion potential



The Good News

- Positive changes, continued:
 - **O&M Verification Inspections**
 - Allows Permittees to accept third party inspections of vault-based treatment systems if inspected annually
 - Allows inspection frequency to be tracked by number of Regulated Project sites instead of number of treatment/HM controls
 - Allows reporting of summary data instead of details for each inspection (must still track inspection data in database)



The Bad News

- Negative changes to C.3 include:
 - **No Grandfathering for Pre-C.3 Projects**
 - Projects approved prior to any C.3 requirements (i.e., before Oct. 2003) that have not begun construction by the MRP 2.0 effective date must include LID treatment
 - **O&M Inspection Enforcement Response**
 - Corrective actions must be implemented within 30 days of inspection (can be temporary and can allow more time for permanent corrections with explanation)



The Challenging ... New Requirements for O&M

- Initial inspection of stormwater controls “at the time of installation”
- O&M verification inspection of at least 20% of project sites per year
- Installation and O&M inspections of pervious paving systems $\geq 3,000$ sq.ft.
 - Excludes private patios
 - Allows inspection of “representative no.” of pervious driveways in subdivisions



The Most Challenging: Green Infrastructure

- Permittees are required to complete and implement Green Infrastructure Plans that:
 - Include LID drainage design in public and private streets, parking lots, roofs, etc.
 - Disconnect/treat impervious surface
 - Reduce adverse water quality impacts of urbanization and urban runoff over long term
 - Help achieve reduction in PCB and mercury loads and meet TMDL requirements



Green Streets – the Super BMP?

- Shift from “gray” to “green” infrastructure is a trend throughout the U.S.
- Multiple benefits:
 - Flow reduction
 - Pollutant loading reduction (e.g., PCBs, mercury, metals and pesticides)
 - Trash capture (potentially)
 - Urban greening
 - Improved bike/pedestrian environment
 - Climate change abatement (e.g., reduce GHGs)



GI Plan Requirements

- Prepare a framework (work plan with tasks and timeframes) within 1st year
- Get framework approved by local governing body, mayor or city/county manager
- Prepare GI Plan with following elements:
 - Mechanism to prioritize and map potential and planned GI projects over next 2, 7, & 12 years
 - Outputs (maps, project lists) that can be incorporated into long term planning and capital improvement programs



GI Plan Requirements

- GI Plan elements, continued
 - Targets (projections?) for amount of impervious surface in Permittee’s jurisdiction to be retrofitted over 2, 7, 12, 27, and 52 years
 - Process for tracking and mapping completed projects and making information available
 - Guidelines for streetscape and project design
 - Standard specifications and design details
 - Requirement that projects be designed to meet C.3.d treatment (and hydromod?) sizing requirements (or propose another approach)



GI Plan Requirements

- GI Plan elements, continued
 - Summary of planning documents updated to incorporate GI concepts/requirements
 - Workplan to incorporate GI into future plans
 - Workplan to complete prioritized projects
 - Evaluation of project funding options
- Adopt policies and ordinances to ensure implementation of GI Plan
- Conduct outreach/training to staff, elected officials and the public





“Early Implementation” of GI Projects

- Prepare and maintain list of:
 - GI projects planned for implementation during permit term
 - Public infrastructure projects planned during permit term that have potential for GI
 - If not practicable to implement GI on planned public projects, have to explain why





Other GI Requirements

- Participate in Processes to Promote GI
 - (Collectively) provide information to assist regional, state and federal agencies to plan, design and fund GI measures in local infrastructure and transportation projects
- Track and Report Progress
 - (Collectively) develop and implement methods to track and report disconnected impervious area and PCB/Hg loads reduced due to GI projects





Timeline & Annual Reporting

- Permit Effective Date – 12/1/15 (?)
- Framework/Approval – due 12/1/16
 - Report in 2017 Annual Report
- GI Plan – due 9/15/19
 - Report in 2019 Annual Report
- Policies/Ordinances – adopt by 9/15/19
 - Report in 2019 Annual Report
- List of planned/potential GI projects
 - Submit list & status in each Annual Report





The Confusing... Questions Remaining

- What is the minimum required in a GI Plan for compliance?
 - “One size fits all” approach to a wide range of Permittee jurisdictions
 - Permittee collaborative effort allowed
- How will targets be established for amount of retrofitted impervious surface over prescribed time frames?
 - Can these be “projections” and include projected private development?






The Confusing... Questions Remaining

- How will early implementation “opportunities” will be judged?
 - Need clear set of evaluation criteria
- Will Permittees be required to construct any GI projects during this permit term?
 - Unclear what will be required to meet prescribed PCB/Hg load reductions
 - Can load reductions be met by private development projects that comply with C.3?



What Happen’s Next?

- Comments on TO due: 7/10/15
 - SMCWPPP letter
 - Co-permittee letters
- Proposed adoption date: 10/12/15
- Proposed effective date: 12/1/15



Questions?



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