

San Francisco Bay Regional Water Quality Control Board
May 11, 2022, Board Meeting – Municipal Regional Stormwater Permit Item
Errata Sheet #1 (Circulated April 26, 2022)

The changes set forth below to the Revised Tentative Order are necessary to correct errors that allowed Permittees that implement a Direct Discharge Control Plan an additional year, until June 30, 2026, to achieve the 100 percent trash load reduction mandatory compliance date in C.10.a.i.(2). This extension deadline for most Permittees is not consistent with the Statewide Water Quality Control Plans for Trash (Trash Amendments), which require 100 percent trash reduction to be accomplished within ten years of the first NPDES MS4 permit implementing the Trash Amendments. MRP 2 became effective on January 1, 2016, and is the first implementing permit, and therefore Permittees must achieve 100 percent trash load reduction within ten years of that date, i.e., December 31, 2025, except the East Contra Costa County Permittees, which were subject to MRP 2 after its effective date. Provisions C.10.d.iii and C.10.g.viii are corrected as provided below consistent with the preceding explanation. The correction necessitates adjusting the compliance reporting obligation to be sooner than the September 30 Annual Report deadline for those Permittees that are granted until December 31, 2025, to comply. Corresponding corrections and revisions are also made to the Fact Sheet, as detailed below. Additions are shown by underlined text, and deletions are shown by ~~strikethrough~~ text.

The Revised Tentative Order is corrected and revised as follows:

C.10.d.iii.

Permittees unable to attain 100 percent trash load reduction, relative to 2009 baseline conditions, by June 30, 2025, while accounting for credits from new source controls (as described in Provision C.10.b.v) may be granted additional time until December 31, 2025, and East Contra Costa County Permittees until June 30, 2026, to achieve 100 percent reduction via full trash capture, or equivalent, contingent on developing and implementing an approved Direct Discharge Control Plan as described in Provision C.10.f.ii.

C.10.g.viii.

Permittees unable to attain 100 percent trash load reduction, relative to 2009 baseline conditions, by June 30, 2025, while accounting for credits from new source control (as described in Provision C.10.b.v) shall, by June 30, 2025, submit a notice of noncompliance pursuant to Provision C.~~2322~~.c, including a plan to come into compliance with the 100 percent trash load reduction requirement. Permittees may be granted additional time until December 31, 2025, and East Contra Costa County Permittees until June 30, 2026, to achieve 100 percent reduction via full trash capture, or equivalent, contingent on developing and implementing an approved direct discharge control plan (DDCP) as described in Provision C.10.f.ii.

Permittees, except East Contra Costa County Permittees, that are granted additional time until December 31, 2025, to attain 100 percent reduction via full trash capture, or equivalent, shall submit by December 31, 2025, either a report that confirms that they reached 100 percent trash load reduction by December 31, 2025, or a notice of noncompliance pursuant to Provision C.22.c.

The Fact Sheet is corrected on page A-230, under Trash Amendments, as follows:

Permittees in Track 2 are required to demonstrate that the combination of methods achieves full capture system equivalency. The C.10 requirements of this Permit are consistent with the Statewide Trash Amendments and, the trash controls Permittees are required to implement are designed to achieve full trash equivalency. Permittees are required to implement a trash control plan using a combination of controls, such as full capture systems, or other controls (e.g., street sweeping, on-land pickups) that are equivalent to trash full capture systems and that can be verified through visual assessment as described in Provision C.10.b.iii, below. The Statewide Trash Amendments require Track 2 Permittees to fully comply with the Trash Amendments (trash water quality objective, trash prohibition, and implementation requirements) within ten years of the effective date of the first implementing NPDES MS4 permit. MRP 2 became effective on January 1, 2016, and is the first permit implementing the Trash Amendments. Therefore, MRP Permittees must fully comply with the Trash Amendments Prohibition within fifteen years of December 2, 2015 the effective date of the Amendments no later than December 31, 2025, except the East Contra Costa County Permittees, which were not subject to MRP 2 when it became effective in 2016.

The following language is added to the Fact Sheet on Page A-247 as the last paragraph under Direct Trash Discharge Controls and the following Provision numbers are corrected:

C.10.g.f.ii. Direct Trash Discharge Controls

Permittees that develop and implement DDCPs are generally challenged with greater volumes and areas of trash to control, so it is reasonable to allow those Permittees additional time to reach the 100 percent trash load reduction compliance benchmark as they continue to implement their DDCPs. Those Permittees, other than the East Contra Costa County Permittees, that implement an approved DDCP may be granted additional time until December 31, 2025, which is the latest compliance date allowed by the Statewide Trash Amendments, to attain 100 percent trash load reduction. Permittees that are allowed until December 31, 2025, to attain 100 percent trash load reduction must report compliance status as described in C.10.g.viii. The East Contra Costa County Permittees that implement an approved DDCP may be granted until June 30, 2026, to attain 100 percent trash load reduction, because they are not subject to the same December 31, 2025, deadline under the Trash Amendments. These permittees were subject to MRP 2 after its effective date in 2016.

C.10.h.g Reporting