

Proposed Major Changes MRP Administrative Draft

C.2 – Municipal Operations

C.2.d – Pump Stations

- Deleted prescriptive requirements for pump station monitoring.
- Deleted all reporting requirements.

C.2.f – Corporation Yard

- Clarified the window for when annual corporation yard inspection needs to be done, between September 1st and September 30th. Based on a few corporation yard inspections performed during the permit term, we have found potential discharges and issues with the Storm Water Pollution Prevention Plans.

C.3 – New Development and Redevelopment

C.3.c – Low Impact Development

- Reference design documents for pervious pavement and pervious paver installations.

C.3.d. – Numeric Sizing Criteria for Stormwater Treatment Systems

- Remove grandfathering of pre-C.3 requirements for Regulated Projects. Regulated projects that were approved prior to the implementation date for C.3. treatment requirements, but have not begun construction by the effective date of MRP 2.0, will be subject to Provision C.3.c. LID requirements.

C.3.e – Alternative or In-Lieu Compliance with Provision C.3.c

- Allow offsite alternative compliance projects to be completed within three years of the end of construction of the Regulated Project without penalty.
- Explicitly require that Permittees evaluate and report on the feasibility or infeasibility of all the following prior to invoking any Special Projects LID credits:
 - 100% LID treatment onsite;
 - 100% LID treatment offsite or at a regional project;
 - Payment of in-lieu fees equivalent to 100% LID treatment; and
 - A combination of LID treatment onsite, offsite, and at a regional project, and payment of in-lieu fees, the total of which is equivalent to 100% LID treatment.
- Change density criteria for LID treatment reduction credits to specify use of gross density in all cases
- Define floor area ratio (FAR) for purposes of determining the appropriate LID credits for density of commercial and mixed use projects.
- Allow mixed-use projects to use either the dwelling units/acre or FAR criteria to calculate LID treatment reduction credits based on density.
- Specify that all Special Projects LID treatment reduction credits will no longer be allowed after the permit term.

- Require reporting on Special Projects only once a year in Annual Report, but better define requirements for narrative discussion on feasibility or infeasibility of 100% LID (see Bullet #2 above).

C.3.g – Hydromodification Management – *To be Determined*

- Delete separate HM requirements for Contra Costa Permittees.

C.3.h – Operation and Maintenance of Stormwater Treatment Systems

- Require inspections of pervious pavement, pervious pavers, treatment systems, and HM controls at time of installation instead of within 45 days of installation.
- Require regular inspections of pervious pavement and pervious paver installations at Regulated Projects and alternative compliance sites.
- Require regular inspections of pervious pavement and pervious paver installations of 5000 square feet or more at smaller projects that do not trigger the Regulated Project impervious surface area thresholds.
- Require Enforcement Response Plan for O&M inspections.

C.3.j – Green Infrastructure Planning and Implementation

- Require each Permittee to develop a Green Infrastructure Plan that meets the minimum requirements outlined in the MRP within the permit term
- Permittees must submit documentation of early buy-in and commitment by governing body
- Permittees must submit annual list of potential or planned green infrastructure projects

C.4 – Industrial and Commercial Site Controls

Entire provision reformatted to flow and read better. This includes a brand new C.4.d. – Inspections, which essentially consolidates the inspection requirements in C.4.b. – Inspection Plan and C.4.c. – Enforcement Response Plan.

C.4.b – Inspection Plan

- Deleted requirement to submit list of facilities scheduled for inspection each year. Instead, each year’s list is just added to the Inspection Plan.

C.4.c – Enforcement Response Plan

- Expanded to add examples and clarifications. ERP requirements are consistent in C.4, C.5, and C.6. We reviewed over 30 ERPs. Almost all of these ERPs are for all 3 provisions and nearly all of the ERPs reviewed already comply with the changes in the draft permit.

C.4.d – Inspections

- Consolidated the inspection requirements in C.4.b. – Inspection Plan (C.4.b.ii.(4)-(5)) and C.4.c. – Enforcement Response Plan (C.4.c.ii.(4) and C.4.c.iii.).
- Deleted use of “violation” as the driver for follow-up and reporting, but required adequate follow-up for **potential** and actual discharges to ensure implementation of corrective actions in a timely manner (10 business days after discovery of potential and/or actual discharges). Some Permittees allow up to 30-days for businesses to implement corrective for potential discharges, which include

housekeeping issues, evidence of actual discharges, lack of Best Management Practices (BMPs), inadequate BMPs, and inappropriate BMPs. Some of these potential discharges can lead to an actual discharge, if not corrected before the next rain event.

C.5 – Illicit Discharge Detection and Elimination

C.5.b – Enforcement Response Plan

- Expanded to add examples and clarifications. ERP requirements are consistent in C.4, C.5, and C.6. We reviewed over 30 ERPs. Almost all of these ERPs are for all 3 provisions and nearly all of the ERPs reviewed already comply with the draft changes.

C.5.c – Spill and Dumping Complaint Response Program

- To reflect the changing landscape of web usage, added requirement to specifically publicize the central contact point for reporting spills and dumping on the Permittee's website by June 30, 2016.
- Added requirement to have a response flow chart or phone tree showing Permittee's staff responsible for the spill and dumping response program.
- The provision has been reformatted to read better.

C.5.d – Control of Mobile Sources

- Called C.5.e. in the Draft Permit. C.5.f. – Tracking and Case Follow-Up moved to C.5.d. so that the provision flows better.
- Expanded reporting requirements to better understand what Permittees have done to comply with the Implementation Level requirements during this current permit term and what will be done to comply next permit term. There are **no** new Implementation Level requirements in the Draft Permit. The provision has been reformatted to read better.

C.5.e – Collection System Screening

- Deleted all requirements in the draft permit.

C.6 – Construction Site Control

C.6.b – Enforcement Response Plan

- Expanded to add examples and clarifications. ERP requirements are consistent in C.4, C.5, and C.6. We reviewed over 30 ERPs. Almost all of these ERPs are for all 3 provisions and nearly all of the ERPs reviewed already comply with the draft changes.

C.6.e – Inspections

- Added "hillside projects" for monthly inspection and follow-up during the wet season. Permittees can use their existing map of hillside development areas or criteria, or hillside development can be defined as $\geq 5\%$ slope. They will need to certify their method of determining hillside development in the 2016 Annual Report.

C.7 – Public Information and Outreach

We welcome input on alternative requirements for Provision C.7. that will result in meaningful and effective outreach actions.

C.8 - Water Quality Monitoring

C.8.a - Compliance Options

- Encourages further regional collaboration, particularly in reporting.

C.8.c - Creek Status Monitoring

Management questions remain the same, but the provision is reformatted for clarity. The changes listed below reflect what we have learned in MRP 1 and/or new monitoring protocols:

- Level of effort at bioassessment sites is increased to reflect a change in the protocol. Analytic costs stay the same; time needed to conduct the assessment increases by about 20 minutes/site.
- Most sampling frequencies for Vallejo and Fairfield-Suisun Permittees are reduced to reflect the difference in population between them and other Permittees.
- Toxicity and sediment pollutant sampling are reduced by about half (in Creek Status and POC Monitoring collectively). This represents a significant cost savings. New toxicity test procedures are required to reflect changes in the protocol and to test the most sensitive aquatic species. Old Appendix H is eliminated.
- Stream Surveys are eliminated because similar information is collected through bioassessments. This represents a significant reduction in required effort.

C.8.d - Monitoring Projects

- A new Appendix is proposed with guidelines for Stressor/Source Identification studies, which are required when monitoring data indicate water quality thresholds are exceeded. Staff did not have time to work with BASMAA representatives in developing these guidelines, although all parties have expressed a need for them. We are looking forward your feedback on this.
- Regional reporting is encouraged for Stressor/Source Identification studies.
- BMP effectiveness investigations are eliminated because redundant with Provision C.3.
- Geomorphic studies are eliminated because the information, while useful in stream restoration projects, is not directly used in managing urban runoff.

C.8.e - Pollutants of Concern (POC) Monitoring

MRP 1 included specified contaminants and frequencies and allowed an alternative monitoring approach if the approach better addressed stated management questions. MRP 2 is more explicitly designed around the goal of addressing management information needs. The changes listed below reflect this approach:

- Requirements for specific monitoring locations have been eliminated.
- Requirements of specific intensity and frequency of sampling for specific contaminants have been eliminated.
- Management information needs are stated in a way that is more focused on actions:
 - Where are opportunities for load reductions?
 - Which source areas contribute most to Bay impairment?
 - Provide support for planning future management actions or evaluate existing actions.
 - Assess POC loads, concentrations, or presence/absence.

- Evaluate trends in loads or concentrations of POCs.
- Monitoring activities that could be used to address the five management information needs are defined.
- The provisions identify specific pollutants of concern and state which management information needs apply to which pollutants.
- The overall level of effort for each management information need for each pollutant is specified.
- The Permittees have flexibility in allocating monitoring effort (provided that minimum levels of effort are satisfied) toward each of the pollutants and which type of monitoring activity can best address the management information need.

C.8.f – Citizen Monitoring and Participation

- Eliminated. Not necessary because Provision C.8.a. allows third-party monitoring.

C.9 – Pesticides Toxicity Control

This provision has relatively few changes, including updated list of pesticides of concern to water quality to reflect changes in pesticide usage.

C.9.e – Interface with County Agricultural Commissioners

- Clarified the types of interactions expected of Permittees.

C.9.h – Public Outreach

- Placed more emphasis on structural pest control and structural pest control professionals, because evidence indicates structural pest control is responsible for much of the application of pesticides of concern to water quality.

C.10 – Trash Load Reduction

- Several compliance limits included:
 - 60% trash reduction by July 1, 2016;
 - 70% by July 1, 2017;
 - 80% by July 1, 2019; and
 - 100%, or no adverse impact to receiving waters from trash, by July 1, 2022.
- Accounting is map or TMA based, with trash generation areas weighted based on $VH = 100$ gal/acre/yr, $H = 30$ gal/acre/yr, $M = 7.5$ gal/acre/yr and $L = 2.5$ gal/acre/yr.
- Additional mandatory minimum full trash capture installation required – 30% of wholesale/retail land as in last permit.
- Assessment is basis for all accounted credit toward trash reduction – visual assessment primary means
- Receiving water monitoring required

C.11 Mercury and C.12 PCBs

These two provisions were very similar during the first MRP and remain similar although the MRP 2 approach differs from that of MRP 1. Essentially, MRP 1 called for pilot projects for a variety of control measures to assess benefit allow permittees to gain implementation experience. All of these requirements directing permittees to conduct specific numbers of specific pilot control measures have been eliminated in MRP 2.

Here is a summary of **eliminated** MRP 1 elements from C.11 and C.12

- Collection and recycling mercury containing devices
- Monitor for methyl mercury
- Pilot projects to investigate and abate sources of mercury and PCBs in drainages and stormwater conveyances
- Pilot projects to evaluate and enhance sediment removal and management practices
- Pilot projects to evaluate on-site stormwater treatment via retrofit
- Diversion of dry weather and first flush flows to POTWs
- Developing an allocation-sharing scheme with Caltrans (for mercury)

C.11/12 in MRP 2 have been re-structured to focus on achieving specific load reductions to make substantial progress toward achieving TMDL load allocations for urban runoff and requires an assessment framework to document these reductions. There are some requirements relating to specific sources (e.g. PCBs in caulk), but, for the most part, permittees must determine the most efficient and effective means of achieving the required load reductions. The PCBs provision (C.12) will have these elements. We have indicated where a provision element will also apply to mercury (C.11).

C.11/12.a Implement control measures to achieve PCBs and mercury load reductions

- Identify watersheds where controls implemented and control measures employed
- Implement sufficient PCBs controls by Year 3 to account for 0.5 kg/yr reduction
- Implement sufficient PCBs controls by end of permit to account 3 kg/yr over term of MRP 2.0
- Implement sufficient mercury controls to account for substantial and measurable progress toward achieving TMDL allocations

C.11/12.b Assess PCBs and mercury load reductions from stormwater

- Develop and implement an assessment methodology and data collection program to quantify PCBs and mercury loads reduced through implementation of all control measures.

C.11/12.c Plan and implement PCBs and mercury load reductions through Green Infrastructure implementation

- Account for 120 grams/year PCBs load reductions through GI in years 3-5
- Account for 48 grams/year mercury load reductions through GI in years 3-5
- C.11/12 contains expected performance outcomes

- Evaluate/Assess likely PCB and Hg –reduction benefits (and timing) through future GI implementation
- Provide reasonable assurance that GI infrastructure will yield load reductions

C.11/12.d Plan for MRP 3.0 and beyond to reach allocation (applies to PCBs and Hg)

TMDL says: develop a plan to fully implement control measures that will result in attainment of allocations, including an analysis of costs, efficiency of control measures and an identification of any significant environmental impacts.

- Identifies specific load reduction commitments for the next five years (MRP 3.0) and details of how these will be accomplished (watersheds, control measures, schedule)
- Contains a plan and timeline designed to attain over the long-term the aggregate, region-wide, urban runoff wasteload load allocations.

C12.e Evaluate PCBs Presence in Storm Drain or Roadway Infrastructure in Public Rights-of-Way

- Take samples of caulk in roadway and storm drain infrastructure and analyze for PCBs.
- Submit sampling plan that focuses on sampling in areas where PCB caulk most likely used based on infrastructure age

C.12.f Manage PCB-Containing Materials and Wastes during Building Demolition and Renovation Activities

- Permittees shall require permit applicants (for demo/renov.) or project proponent to determine (through sampling) whether PCBs are present in the structures.
- If present, to take follow up actions (implement USEPA guidance on handling of such materials, contact USEPA, soil sampling near building) prior to issuance of the permit. Applies to structures built or remodeled between the years 1950 and 1980. Single-family residential structures are excluded.

C.12.g Fate and Transport Study of PCBs: Urban Runoff Impact on San Francisco Bay Margins (may also apply to Hg, but likely also accomplished through RMP support)

- Conduct or cause to be conducted studies aimed at better understanding the fate, transport, and biological uptake of PCBs discharged from urban runoff to San Francisco Bay margin areas.

C.11.e (C.12.h) Implement a Risk Reduction Program (applies to PCBs and Hg)

- The risk reduction framework developed in the previous permit term is an appropriate approach. Encouraged to collaborate with industrial and municipal WW discharger agencies. Evaluate effectiveness of program in year four of the permit.

C.13 – Copper Controls

C.13 is nearly identical in structure from MRP 1, but some requirements have been scaled back and some have been eliminated.

C.13.a – Manage Waste Generated from Cleaning and Treating of Copper Architectural Features, Including Copper Roofs, during Construction and Post-Construction

This provision element continues essentially unchanged. Assuming legal authority already established, permittees shall continue to prohibit discharge from this activity.

C.13.b – Manage Discharges from Pools, Spas, and Fountains that Contain Copper-Based Chemicals

- Retain similar provision element from MRP 1

C.13.c – Vehicle Brake Pads

- This element has been eliminated

C.13.d – Industrial Sources

- This element has been retained essentially unchanged.

C.13.e – Studies to Reduce Copper Pollutant Impact Uncertainties

- This element has been eliminated

C.15 - Exempted and Conditionally Exempted Discharges

C.15.a. – Exempted Non-Stormwater Discharge (Exempted Discharges)

- Deleted pumped ground water from drinking water aquifers from list. Groundwater may not be appropriate to discharge into surface water. Drinking water standards are different than surface water discharge standards. Then we have the Governor's Emergency Drought Regulations.

C.15.b.i.(2) - Pumped Groundwater, Foundation Drains, and Water from Crawl Space Pumps and Footing Drains

- Defined process on how to determine conditional exemption eligibility (some Permittees self-determine, others defer to Water Board staff).

C.15.b.iii – Potable Water System Discharges

- Deleted.

C.15.b.vii - Additional Discharge Types

- Deleted but will consider specific types presented in ROWDs (applications).

C.15.b.viii.(3) - Permit Modification by Executive Officer

- Eliminated (Executive Officer cannot modify permit).