

**Explanation of MRP concepts for Pollutants of Concern (POC)– version 2**  
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This is a revised version of a brief write-up to capture some of the concepts we discussed in our meetings of Feb 1, 17, and March 3, 2006 attended by Geoff, Chris, Jon, Tom, Fred and Richard. In those meetings, we wrote on the white board at the end of the meeting some general working principles that can guide how we specify the pollutant-related actions in the Municipal Regional Permit (MRP). In particular, the POC workgroup will produce a table of candidate control measures that will speak primarily to technical considerations of MEP. In this table, the workgroup will suggest an implementation category for each measure that will help provide a framework for prioritization and support an MEP determination in the broader context of the overall permit. The implementation categories are described below.

**1) Levels of implementation and description**

We agree that there are four basic categories to describe the level at which a control measure can be implemented. These categories are:

- 1) Full-scale implementation where a specific control measure is applicable.
- 2) Focused implementation.
- 3) Pilot-testing.
- 4) Other: Experimental control measure, R&D, desktop analysis, laboratory studies, and/or literature review.

For the purposes of the below category descriptions, "effective" refers to control measures that are practicable, technically feasible, and reduce or prevent the discharge of pollutants (especially multiple pollutants) in stormwater runoff. Regardless of which category a control measure falls under, its effectiveness and other relevant factors should be periodically evaluated to determine whether it is in the appropriate category.

Implicit in this categorization is the concept that as one moves from category 4 to category 1, the level of experience, knowledge, and certainty increases and therefore confidence in the effectiveness of a control measure increases. Therefore, for control measures that start in categories 2-4, the primary purpose of each of those levels of implementation is to develop information to make determinations of whether that control measure should move up or down in the categories, be amended in some fashion or perhaps discarded.

**Category 1 (implementation to the fullest extent where applicable)** - This is fairly self-explanatory, but the specification of the control measure should include a definition of the conditions of applicability. Such a control measure is one in which we have sufficient confidence in its effectiveness based on prior experience elsewhere or in the Bay Area that MEP would entail the control action being implemented in all applicable locations and/or situations.

**Category 2 (focused implementation)** - Measures in this category are those for which there is sufficient confidence of effectiveness, based on existing information, trials, or testing, that the measure should be implemented as a series of case studies during this first permit term. Case studies would be implemented in a sufficient number of applicable locations and situations to represent the full set of applicable locations in the region. We begin with the hypothesis that the category 2 measures will be effective (based on prior testing or experience) and will be fully implemented in the next permit term. Therefore, sufficient case studies should be performed in the region to test the hypothesis and determine conditions relevant to full implementation in the region (e.g. applicable locations, circumstances, etc.). However, depending on the outcomes of the hypothesis testing, the measure may be moved up or down in terms of category, amended, or even potentially discarded.

**Category 3 (pilot testing)** - means that we currently hypothesize that the control measure has promise to be effective but that pilot testing is the appropriate course of action for this permit term. The pilot tests should take place in a sufficient number of applicable locations and situations to evaluate effectiveness and conditions of applicability. This testing will support decision regarding whether this candidate should be implemented as a category 2 measure in the next permit term, discarded or amended in some fashion. The pilot testing may involve complementary experimental, desktop or laboratory studies.

**Category 4 (Other)** - This category is a catch-all for studies that may take the form of a literature review, a desktop study, or a unique application of an innovative strategy. This is a holding bin for those measures that do not fit into the other three categories at present.

## **2) The different parts that make up the permit and their relationship (Fact Sheet, Tables, Findings)**

There are at least 4 places where the control measures will be described and supported – the Fact Sheet that accompanies the permit, the findings of the permit, the table of control measures, and perhaps some narrative section of the permit that supports the table of control measures. Here is one vision for what sort of information goes in each of these places.

**The Fact Sheet:** This accompanies the permit and is probably the best place to put information about the various factors mentioned above. This portion is not regulatory, but it is a good place to note information that we want people to keep in mind as they implement the permit. It will also be useful when we look to update the permit because it can capture assumptions about the control measures that will either be confirmed or rejected during the permit term.

**The Table of Control Measures:** This is what we are working on now, and the format being employed by other groups allows for a description of the control measure, a description of the level of implementation and reporting.

**The Findings:** This is a narrative section where we will make statements about what we deem to be controlling pollutants to the MEP.

**The narrative section in the permit to support the tables:** There may be a section in the permit apart from the findings and tables where we can elaborate more on measures in the table or the findings. We can provide some additional supporting information here as needed relevant to making the MEP findings or control measure descriptions or reporting or level of implementation shown in the tables.

### **3) Musings on how to specify intensity of effort by program area or county**

We talked briefly about the case where an action calls for pilot testing or the implementation of case studies. We desire a way to have an equitable distribution of effort that takes into consideration the different scales of program areas. There is no perfect way to do this. The more complicated we make the formula, the greater the burden for getting the data necessary to plug into the formula. One simple way to do it is based on population in the program area or county. For, if there is an action or control measure for which we want to have some number of pilot studies or case studies per program area, we can specify that number as a function of population (e.g. X pilot studies per 100,000 population). Other, more sophisticated ways to do it could take into account the spatial coverage of industrial land use or some other similar fact about the area.