Appendix B1

Summary of Notable Changes to May 11, 2015 Tentative Order

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Municipal Regional Stormwater NPDES Permit
Summary of Notable Changes, May 11, 2015

C.1– Compliance with Discharge Prohibitions and Receiving Water Limitations

- Clarified applicability of Discharge Prohibitions and Receiving Water Limitations alternative compliance requirements and associated pollutants and water bodies.
- **Provision C.1 Fact Sheet -** Accounted for State Water Board Order WQ 2015-0075 direction and principles for consideration of alternative approaches for compliance with receiving water limitations.

C.3 – New and Redevelopment

C.3.b.i. (1) & (2) – Regulated Projects

- The requirement to include LID stormwater treatment systems in development projects previously approved without stormwater treatment by Permittees has been revised to include appropriate exemptions for projects where the Permittees may not have legal authority to retroactively change the conditions of approval.

C.3.b.iv. (1) – Regulated Projects Reporting

- A reporting requirement has been added for Permittees to report on any development projects captured by Provision C.3.b.i.(2)'s removal this requirement's removal of grandfathering.

C.3.c.i.(2)(b) & C.3.c.ii. – Site Design and Stormwater Treatment – Pervious Pavement

- Added allowance for previously developed countywide pervious pavement specifications to be referenced in lieu of developing new pervious pavement specifications.

C.3.e.iii.(2) & C.3.h.iii. – Special Projects and Operation & Maintenance Requirements

- Changed effective dates for new requirements to July 1, 2016, to align with fiscal reporting periods for Annual Reports and to eliminate the burden on Permittees having to comply with the requirements of this and the previous Permit.

C.3.g.iii – HM Standard – Methodology for Direct Simulation of Erosion Potential

- Allowed the new hydromodification analysis method to be approved by the Executive Officer rather than as a permit amendment by the Board.

C.3.g.vi. – Hydromodification Management Reporting

- Revised the Contra Costa reporting date to provide additional time for discussion and a clarification of the items to be considered and potential outcomes.

C.3.h.ii.(6)(b) – Operation & Maintenance Requirements – Inspections

- Provided more flexibility in the minimum percentage of Regulated Projects with installed stormwater treatment measures to be inspected annually.

C.3.j.i.(1)&(2) – Green Infrastructure Program Plan Development

- Changed dates for the Green Infrastructure planning requirements to (1) align them with the dates in C.11 and C.12 (Mercury and PCBs) and (2) provide additional time for completion of certain tasks, such as development of the framework or workplan for the Green Infrastructure Plan (both of these were in response to Permittee comments).

C.3.j.i.(2) – Green Infrastructure Program Plan Development

- Clarified that the Green Infrastructure Plans are subject to Executive Officer acceptance (in response to a comment from US EPA).

C.3.j.i.(2) & C.3.j.ii. – Green Infrastructure Plan Requirements

- Clarified that green infrastructure projects include both public and private projects.

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C.7 – Public Information and Outreach

C.7.c – Outreach Campaigns

- Changed name of subprovision from "Advertising Campaigns" to "Outreach Campaigns" since advertising implies paid advertising
- Required a minimum of one outreach campaign instead of two separate outreach campaigns.
- Removed the specificity regarding the expected public outreach campaigns and how they must be conducted.
- Included suggestion to utilize electronic and print media, and paid and free media to best reach the different target audiences with the outreach campaigns.

C.7.c – Media

- Removed specific requirements for a media relations campaign to account for the changing landscape of free media.

C.8 – Water Quality Monitoring

- Moved all monitoring requirements related to pesticides into a new subprovision, C.8.g – Pesticides and Toxicity Monitoring.
- **Provision C.8 Fact Sheet -** Added a finding to more fully describe the legal bases for monitoring requirements.
- **Provision C.8 Fact Sheet -** Clarified when monitoring results will result in Stressor/Source Identification Projects and provided the rationale for combining all pesticide and toxicity monitoring requirements into a new and separate subprovision.

C.10 – Trash Load Reduction

C.10.a.i – Schedule

- Changed 80 percent reduction by July 1, 2019 from a performance guideline to a mandatory deadline. Removed 100 percent reduction, or no adverse impact to receiving waters by July 1, from the Schedule and stated it as a goal (because it is beyond the term of the permit).

C.10.a.ii – Trash Generation Area Management

- Clarified that detailed mapping of private lands draining to the storm drain system is not a requirement.

C.10.b.i – Full Trash Capture Systems

- Revised maintenance requirements to better align maintenance with inspected condition.

C.10.b.iv – Source Control

- Increased potential load reduction value from up to five percent to up to ten percent based on substantive and credible evidence.

C.10.b.v – Receiving Water Monitoring

- Clarified purpose trash receiving water monitoring and revised requirement from undefined receiving water observations to development of receiving water monitoring tools and protocols and a proposed monitoring program.
- Added specific requirements for a plan to develop and test monitoring tools and protocols.

C.10.e – Optional Trash Load Reduction Offset Opportunities

- Increased potential maximum offset for additional creek and shoreline cleanup from five percent to ten percent.

- Increased potential maximum offset for direct trash discharge controls from ten percent to fifteen percent.

C. 11 – Mercury Controls

C.11.b - Assess Mercury Load Reductions

- Eliminated requirement to submit information on the factors needed for calculation of load reduction resulting from implementation of various control measures. Maintained requirement to submit the assessment methodology and data collection procedures that will be used to compute the load reductions, but extended due date to submittal of the 2016 Annual Report instead of April 2016.

C.11.c – Plan and Implement Green Infrastructure to reduce PCBs loads

- Revised load reduction requirements from green infrastructure to a total of 48 g/yr by June 30, 2020, with extension of the June 2020 deadline to December 2020 if documentation is submitted demonstrating attainment by this date.
- Added a default allocation of the load reduction to Permittees within counties by the fraction of county population in each municipality and allow for submittal of alternative method of allocating the county-level load reductions to individual Permittees, subject to approval by the Board via permit amendment.

C. 12 – PCBs Controls

C.12.a - Implement Control Measures to Achieve Load Reductions

- Revised load reduction requirements to a total of 0.5 kg/yr by June 30, 2018 and 3.0 kg/yr by June 30, 2020, with extension of the June 2020 deadline to December 2020 if documentation is submitted demonstrating attainment by this date. The draft tentative order stated these load reductions as "an average of 0.5 kg/yr for first two years of permit and an average of 3.0 kg/yr for final three years of permit.
- Added a default allocation of load reduction to Permittees within counties by the fraction of county population in each municipality and allow for submittal of alternative method of allocating the county-level load reductions to individual Permittees, subject to approval by the Board via permit amendment.
- Revised dates for progress report on identification of watersheds where control measures will be implemented and submittal of the final list.

C.12.b - Assess PCBs Load Reductions

- Added statement that the expected load reduction value from management programs for PCBs-containing building materials is 2 kg/yr, and added default Permittee specific portion of the load reduction value based on proportion of county population. Also allows for submittal of alternative method of distributing load reduction value to individual Permittees, subject to approval by the Board via permit amendment.
- Eliminated requirement to submit information on the factors needed for calculation of load reduction resulting from implementation of various control measures. Maintained requirement to submit the assessment methodology and data collection procedures that will be used to compute the load reductions, but extended due date to submittal of the 2016 Annual Report instead of April 2016.

C.12.c – Plan and Implement Green Infrastructure to reduce PCBs loads

- Revised load reduction requirements from green infrastructure to a total of 120 g/yr by June 30, 2020, with extension of the June 2020 deadline to December 2020 if documentation is submitted demonstrating attainment by this date.
- Added a default allocation of the load reduction to Permittees within counties by the fraction of county population in each municipality and allow for submittal of alternative method of allocating the county-level load reductions to individual Permittees, subject to approval by the Board via permit amendment.

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

- Clarified the types of structures to which the requirement applies and added exemption for a Permittee that provides evidence that there are no applicable structures within its jurisdiction.
- Revised implementation level requirements and due dates.
- Added requirement to develop an assessment methodology and data collection program to loads reduced.
- Added reporting expectation details.

C.12 Fact Sheet

- Added findings with respect to our understanding of PCBs in building materials.
- Added information supporting the estimated yearly load reduction benefit in the Bay Area of an effective program to manage the PCBs-containing wastes during building demolition. This information includes the amount of PCBs in older buildings, the number of buildings typically demolished every year, and an estimate for the amount of PCBs that would enter the storm drain system during such demolition.
- Updated land-use specific PCBs yields based on updated information and cited to this newer information.

C. 18 – Modifications to this Order

- Added new reopener clause to approve and incorporate alternative method(s) of determining Permittee specific mercury or PCB load reduction requirement.