

# **Appendix B**

**San Francisco Bay Regional Water Quality Control Board  
May 11, 2022, Board Meeting**

**Item 6: Municipal Regional Stormwater NPDES Permit  
Errata Sheet #1 and Errata Sheet #2**

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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.

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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**

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Errata Sheet #2 includes corrections and clarifications to the Revised Tentative Order.

Page Number	Provision	Change
C.3-9	C.3	Correct the page number, so it starts at C.3-1 instead of C.3-9.
C.3-10	C.3.a.i.(7), 2 <sup>nd</sup> bullet point	Change “Bay-Friendly Landscaping” to “ReScape California.”
C.3-10	C.3.a.i.(8)	Change “Bay-Friendly Landscaping” to “ReScape California.”
C.3-15	C.3.b.ii.(3)	In the second paragraph of the preamble, change 5,000 to 10,000.
C.3-17	C.3.b.ii.(5)	In the first sentence of the second paragraph of the preamble, revise as follows: <u>“Project activities that are included and excluded, which</u> <del>The specific exclusions that apply to this category,</del> are listed in Provision C.3.b.ii.(1)(b)(ii)-(iv).”
C.3-17	C.3.b.ii.(5)	In the second sentence of the second paragraph of the preamble, change C.3.b.ii.(1)(b)(iv) to C.3.b.ii.(1)(b)(iii).
C.3-17	C.3.b.ii.(4)(d)(iv)	In footnote 11, revise as follows: <u>“As defined in the Glossary, Permeable surfaces include pervious concrete, porous asphalt, and unit pavers, designed consistent with stormwater best management practice standards to limit discharges of runoff from the project.”</u>  And, revise the definition in the Glossary as follows: “...pervious or permeable concrete <u>unit pavers,</u> ...”
C.3-20	C.3.b.iv.(2)	Revise the preamble as follows: “...(as set forth in the <del>attached</del> Provision C.3.b. Sample Reporting Table <u>included in Attachment B</u> ):...”
C.3-34	C.3.e.ii.(5)(c)(i)	Revise as follows: “ <del>At least</del> 100 percent...”
C.3-37	C.3.e.iii.(2)	Delete this subprovision and subprovision (3) is renumbered to (2).
C.3-38	C.3.e.v.(3)(f)	Revise as follows: “...area median household income levels specified in <del>Table H-2 of Attachment H</del> <u>Provision C.3.e.ii.(5)(c).</u> ”
C.3-51	C.3.i	Revise as follows: “ <u>Prior to July 1, 2023, the Permittees shall require all development and redevelopment projects, which create and/or replace ≥ 2,500 ft<sup>2</sup> to &lt; 10,000 ft<sup>2</sup> of impervious surface, and detached single-family home projects,<sup>28</sup> which create and/or replace ≥ 2,500 ft<sup>2</sup> of impervious surface, to</u>

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		<u>install one or more of the following site design measures. Beginning July 1, 2023, the Permittees shall require all development and redevelopment projects, which create and/or replace <math>\geq 2,500</math> ft<sup>2</sup> to <math>&lt; 5,000</math> ft<sup>2</sup> of impervious surface, and detached single-family home projects,<sup>28</sup> which create and/or replace <math>\geq 2,500</math> ft<sup>2</sup> to <math>&lt; 10,000</math> ft<sup>2</sup> of impervious surface, to install one or more of the following site design measures:</u>
C.3-55	C.3.j.ii.(2)(d)	Delete the errant bracket at the beginning of the fourth line of the third paragraph.
C.3-55	C.3.j.ii.(2)(f)	Revert the language to the Tentative Order language: “If a project is not completed by June 30, 2027, it may still count towards the Provision C.3.j.ii.(2) Numeric Implementation retrofit requirements, <u>if it is approved and is fully funded as long as it is either a private project which has received final discretionary approval or a public project which has had construction scheduled and has been fully funded.</u> Permittees that count such projects towards the Provision C.3.j.ii.(2) Numeric Implementation retrofit requirements shall certify in their Annual Reports that <del>the any counted private projects have received final discretionary approval by June 30, 2027, and any counted public projects have</del> <u>are approved had construction scheduled and have been fully funded by June 30, 2027.</u> ”
C.3-56	C.3.j.ii.(2)(i)	Revise as follows: “...with construction <u>completed</u> by June 30, 2027. If a project...”
C.3-60	C.3.j.v.(8)	Revise as follows: “...shall certify in <del>each</del> <u>the 2027</u> Annual Report that any projects...”
C.3-62	Table 3.1	Revise as follows: “...area median household income levels specified in <del>Table H-2 of Attachment H</del> <u>Provision C.3.e.ii.(5)(c).</u> ”
C.5-4	C.5.c.iii	The list items C.5.c.iii.(1), (2), and (3) will be revised to C.5.c.iii.(1)(a), (b), and (c), respectively. List item C.5.c.iii.(4) will be revised to C.5.c.iii.(2). C.5.c.iii. will be revised to “Reporting— <del>Permittees shall provide the following information in the 2024 and 2026 Annual Reports,</del> ” and C.5.c.iii.(1) will be revised to

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		“Permittees shall provide the following information in the 2024 and 2026 Annual Reports:”
C.5-5 and C.5-6	C.5.d.iii	The list items C.5.d.iii.(1), (2), and (3), will be revised C.5.d.iii.(1)(a), (b), and (c), respectively, and list item C.5.d.iii.(4) will be revised to C.5.d.iii.(2). C.5.d.iii. will be revised to “Reporting— <del>Permittees shall provide the following information in the Annual Report;</del> ” and C.5.d.iii.(1) will be revised to “Permittees shall provide the following information in the Annual Report.”
C.8-1	C.8.b	Revise as follows: “...the latest version of the SWAMP Quality Assurance <del>Project</del> <u>Program</u> Plan (QAPrP) for applicable parameters...”
C.8-4	C.8.d.ii	Revise as follows: “...(including their study design, analysis methods, results, <u>and conclusions</u> ) prior to submission...”
C.8-5	Table 8.d.1	Under required monitoring methods to investigate pollutant removal benefits, revise as follows: “...at the component, facility, site and/or a watershed scale; and...”
C.8-5	Table 8.d.1	Under optional monitoring methods to investigate pollutant removal benefits, revise as follows: “...sampling of sediment; <u>and</u> other technically sound...”
C.8-6	Table 8.d.2	In footnote 35, revise as follows: “...for all of the <u>required</u> parameters listed in this column.”
C.8-8	C.8.e.i	Revise as follows: “To ensure comparable data, for each monitoring site, Permittees and the TAG shall <u>consider incorporating the implementation of</u> <del>perform</del> steps 1-6 as specified in the Statewide Trash Monitoring Methods Project Trash Monitoring Playbook <u>into the Trash Monitoring Plan</u> . <sup>40</sup> These <u>Permittees and the TAG shall consider adapting and repeating these six steps</u> <del>should be repeated</del> for all methods specified in Provision C.8.e.ii, to reflect site information that can be collected regardless of method and can increase comparability between methods. The six steps are as follows:...”
C.8-14	C.8.e.v.(1)	Revise as follows: “Selected site locations ( <del>address as well as</del> <u>latitudinal and longitudinal</u> coordinates), including...”
C.8-14	C.8.e.v.(5)	Revise as follows: “...(of sampling during <u>and between</u> storm events)...”

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C.8-16	C.8.f	Revise as follows: "...addressing the following <del>four</del> <u>six</u> priority POC management information needs."
C.8-16	C.8.f.i	Revise as follows: "...to address each of the <del>five</del> <u>six</u> POC management information needs."
C.8-28	C.8.h.ii	Revise the preamble of C.8.h.ii as follows: "...conducted pursuant to Provision C.8.d LID Monitoring, <u>C.8.e</u> Trash Monitoring, <u>C.8.f</u> Pollutants of Concern Monitoring, and C.8.g Pesticides and Toxicity <u>Monitoring</u> ."
C.8-28	C.8.h.iii	Revise the preamble of C.8.h.iii as follows: "...shall contain summaries of <u>C.8.d</u> LID Monitoring, <u>C.8.e</u> Trash Monitoring, <u>C.8.f</u> Pollutants of Concern Monitoring, and <u>C.8.g</u> Pesticides and Toxicity Monitoring..."
C.8-32	C.8.h.iv	A new subprovision heading (c) is added before "By no later than March 31, 2026, or as part of..."
C.9-2	C.9.b.i	Revise as follows: "...such as the <del>Bay-Friendly</del> <u>ReScape California Landscape Maintenance Training &amp; Qualification Program</u> ..."
C.9-4	C.9.e.ii.(3)	Revise as follows: "...UC-IPM; <del>BASMAA</del> ; <u>BAMSC</u> ; <u>CASQA</u> ; EcoWise Certified Program..."
C.10-10 & C.10-11	C.10.e	The "iii." at the top of page C.10-11 is moved to go in front of "Alternative Controls" at the bottom of page C.10-10 from its mid-paragraph location.
C.10-2	C.10.a.ii.(a)	The definition of certified full trash capture device in C.10.a.ii.(a) is revised to be consistent with the State Board definition. Replace the first sentence of the second paragraph of C.10.a.ii.(a). with:  <u>A full capture device or system is a treatment control, or series of treatment controls, including, but not limited to, a multi-benefit project (as defined in the Trash Amendments) or a low-impact development control that traps all particles that are 5 mm or greater, and has a design treatment capacity that is either: a) of not less than the peak flow rate, Q, resulting from a one-year, one-hour storm in the subdrainage area, or b) appropriately sized to, and designed to carry at least the same flows as, the corresponding storm drain.</u>

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C.11-5	C.11.c.iii.(2)	The text is revised as follows “consistent with the plan submitted in March 2023.”
C.12-2	C.12.a.iii.(2)	The second paragraph of C.12.iii.(2) is renumbered to C.12.iii.(3) to be consistent with Provision C.11.iii.(3)
C.12-5	C.12.c.iii.(2)	The text is revised as follows: “consistent with the plan submitted in March 2023.”
C.14-5 through C.14-7	C.14.a.viii	<p>The (1) on page C.14-5 is moved in front of the “Task Description” (not mid-paragraph), and the (3) on page C.14-7 is moved to in front of “Reporting” from its mid-paragraph location.</p> <p>The list items (c), (d), and (e) on pages C.14-5 to C.14-6 are revised to (i), (ii), and (iii), respectively, and list items (f) and (g) are revised to (c) and (d), respectively.</p>
C.14-1	C.14.a.	Replace Footnote #55 with the following: <u>“The geometric mean of indicator bacteria levels in a waterbody shall not be greater than the applicable geometric mean water quality objective in any six-week interval, calculated weekly. The indicator bacteria levels shall not be greater than the applicable statistical threshold value water quality objective in more than 10 percent of the samples collected in a calendar month, calculated in a static manner.”</u>
C.14-7	C.14.a.viii.(2)(e)	Replace Calaveras Creek with Calabazas Creek
C.15-10	C.15.b.iii.(4)	Remove (b), and change (c) to (b).
Acronyms & Abbreviations	Acronyms & Abbreviations	Add: Bay Area Municipal Stormwater Collaborative (BAMSC) and North American Industry Classification System (NAICS). Fix font for CDFW.
Glossary – 3	Glossary	The Full Trash Capture Device definition in the Glossary is revised to be consistent with the Trash Amendments.



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		<p><u>A Full Capture Device or System is a treatment control, or series of treatment controls, including, but not limited to, a multi-benefit project (as defined in the Trash Amendments) or a low-impact development control that traps all particles that are 5 mm or greater, and has a design treatment capacity that is either: a) of not less than the peak flow rate, Q, resulting from a one-year, one-hour storm in the subdrainage area, or b) appropriately sized to, and designed to carry at least the same flows as, the corresponding storm drain.</u></p>
Glossary-8	Glossary	Delete “Standard Industrial Classification (SIC)” entry from Glossary as it is already included in Acronyms & Abbreviations.
Attachment A-147	C.3.j.ii.(2)	Change “fice” to “five.”
Attachment A-227	C.9.f	Revise as follows: “...participation with <del>BASMAA</del> <u>BAMSC</u> and CASQA...”
Attachment C, Page 12	C.3.g	Replace SCVURPPP HM Map with corrected map (without gray area in middle).
N/A	Order and Attachment A	Footnotes that have been deleted in the Revised Tentative Order are still shown in redline strikeout, and subsequent footnote numbering reflects this. The final footnote numbering in the adopted Order will not include any deleted footnotes, and hence the numbering will be adjusted accordingly. Any changes to footnote content are included as a standalone entry in the Errata Sheet #2 table.