

# Summary of Proposed MRP Major Revisions in Response to Comments

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

Revised language tying compliance with Prohibitions and Receiving Water Limitations to permit provisions.

Clarified iterative process in response to exceedances of water quality standards, clarified prompt notification (30 days), and added specific reference to pollutants of concern provisions.

## C.2 Municipal Operations

Deleted the entire sub-provision that deals with **street sweeping**.

Deleted the **storm drain inlet**/catch basin inspection and cleanup.

**Pump stations** to be inspected twice a year during the dry season between July and October and to monitor for dissolved oxygen and to take appropriate correction measures for discharges that detected dissolved oxygen concentration 3 mg/L or lower.

**Rural road public works** and construction is also revised to clarify the requirements are not for capital improvement, but to implement appropriate BMPs when conducting maintenance reconstruction and post-construction treatment measures consistent with C.3.

## C.3 New and Re-Development

Deleted **road reconstruction treatment** requirement. Replaced with requirement for ten **green streets** pilot projects region-wide built by Year 5 of permit.

Deleted **impervious data collection** for small “unregulated” projects. Replaced with requirement for one site design measure for all projects creating/replacing  $\geq 2500$  ft<sup>2</sup> to  $< 10,000$  ft<sup>2</sup> impervious area and all stand-alone single-family home projects  $\geq 2500$  ft<sup>2</sup>.

**Low impact development** requirements revised so that at least one site design measure must be included in all projects. Clarifies that site design measures precede treatment design, and that landscape based treatment must be maximized. Also, requires each project to provide recycling, infiltration, and landscape based treatment for as much runoff as practicable first before vault-based, non-landscape treatment may be considered. Projects using vault-based treatment for 10%-50% of site treatment must be reported to us with justification. Projects using vault based treatment for  $> 50\%$  of site treatment must have Executive Officer approval first. Alternative Compliance can only be accomplished with landscape based treatment.

**Trails** draining to vegetation or other non-erodible permeable areas exempt from treatment.

**Grandfathering/pipeline language** for exempting projects from new 5000 ft<sup>2</sup> . requirements revised to “final, major, staff-level discretionary review and approval date,” rather than the December 2007 Tentative Order’s reference to just “final discretionary approval” date. This

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applies projects in the pipeline for the 10,000 ft<sup>2</sup> to 5000 ft<sup>2</sup> threshold change for parking lots, gas stations, restaurants, auto repair.

**Alternative compliance is allowed** for all infill sites (no size limitation) in urbanized areas.

**Sidewalks** added to existing roads are exempt from treatment if they drain to vegetation.

**Bike lanes** added to existing roads are exempt from treatment.

**Hydromodification** – Now states that Contra Costa’s two types of pre-designed Hydromodification Management Projects, flow through planters and swales, are not required to meet the low flow standard pending monitoring data. Both the Santa Clara and San Mateo hydromodification applicability maps had minor revisions based on further investigation of actual conditions. For San Mateo Hydromodification Management Projects, added exemption for discharges in hardened channels to tidal waters of Bay or Ocean.

Operation and maintenance reporting requires inspection findings instead of compliance status and does not require calculation of compliance rates.

### **C.4, C.5, C.6 Industrial/Commercial Sites, Illicit Discharges, Construction Sites**

Requirements for Industrial/Commercial Sites, Illicit Discharges, and Construction Sites are now based more on outcomes of inspections and the reporting of problem resolutions, with less prescriptive requirements for the tools used to achieve outcomes.

The step by step prescriptive language for the Enforcement Response Plans has been removed along with the tiered system of violations. The prescriptive enforcement response requirements have been replaced with a goal of correcting all violations before the next rain event but no longer than 10 business days after violations are discovered. Longer problem correction can occur for large issues, with rationale.

The means and measures used to achieve compliance are left to the permittees discretion. Detailed inspection and tracking data are retained at Permittees site for easy access by Water Board staff, and only a summary of outcomes to verify compliance are included in annual report.

Specific inspection requirements for all mobile businesses have been removed from C4. The mobile source control provisions have been moved to C5 Illicit Discharge Control and are now focused on developing specific BMPs for various groups of mobile sources and conducting inspections on an as needed basis.

### **C.7 Public Information and Outreach**

No major revisions, but some minor changes in the direction of an outcome-based approach.

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## C.8 Monitoring

Added:

"The types, quantities, and quality of data required within Provision C.8 establish the minimum level-of-effort that a regional monitoring collaborative must achieve. Provided these data types, quantities, and quality are obtained, a regional monitoring collaborative may develop its own sampling design."

Made numerous changes in format, methods, and reduced total amount of sampling in response to public comments.

Added flexibility in the selection of streams and monitoring locations.  
Deleted storm event sampling done under Status Monitoring.

Deleted Pump Station & Trash monitoring – that monitoring is now in C.2 and C.10.

Reports: data report by Sept. 30 each year, written report by Dec. 15.

## C.9 Pesticides

Specific pesticides of concern listed (organophosphates, pyrethroids, carbaryl, and fipronil).

Reduced effectiveness evaluation from annually to once in the Permit term.

Clarified that actions and reporting can be done regionally. Streamlined/clarified reporting requirements (focus on specific pesticides).

## C.10 Trash

Major changes to allow flexibility with accountability. Permittees select trash hot spots based on combination of population and ABAG defined Retail/Wholesale Commercial Land Use acreage. Hot spots must be cleaned up to SCVURPPP Urban Rapid Trash Assessment "Optimal" level which is less than 100 trash pieces/100 feet, and no visual impact from trash in the assessment reach by 2012.

No prescription on clean up methods and means. Twice (2X) / year assessments at hot spots. One Hot Spot per 30,000 population or per 100 acres retail/wholesale commercial land (ABAG 2005 statistics), whichever greater.

In addition, Permittees will be required to install trash capture devices, meeting L.A. full capture definition, or booms with less than full catchment area credit, to address 30% of the Retail/Wholesale Commercial Land Use acreage (ABAG 2005 Land Use). Some small permittees with little population or commercial land use will not have a trash capture requirement. Permittees who implement increased trash and litter source reduction, such as a foam food container ban, will obtain reduced trash capture requirements.

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Permittees may work cooperatively to achieve this capture installation requirement, and there is the potential for Regional revenue development.

Long-Term Plan for trash impact abatement by 2023 is due in 2013.

### C.11–C.12 Mercury and PCBs

C.11.c/C.12.c (**pilot abatement projects**): We clarified role (limitation) of permittees in addressing contamination found on private or public property.

C.11.d/C.12.d (**sediment management**): Final reporting of pilot project implementation due in 2013 Annual Report instead of 2012.

C.11.e/C.12.e (**on-site treatment pilots**): Report on candidate locations for on-site treatment delayed until 2010 Annual Report. Final Report on pilot project results and effectiveness delayed until 2013 Annual Report.

C.11.f/C.12.f (**diversion to POTW**): Feasibility Results delayed to 2010. Final report on pilot projects delayed to 2013 Annual Report.

C.11.g/C.12.g (**monitor loads and loads reduced**): All reports delayed by one year.

C.11.h/C.12.h (**fate and transport studies**): Permit requires status reports in 2010-2012 Annual Reports. Final Report on studies delayed to 2013 Annual Report.

C.11.i/C.12.i (**risk reduction**): Requirements were harmonized with NPDES wastewater permit (watershed mercury permit). Permit requires status reports in 2010-2012 Annual Reports. Final Report on activities delayed to 2013 Annual Report.

C.11.j (**allocation sharing with Caltrans**): This was mistakenly missing from tentative order. This is a requirement of the TMDL that needs to be accomplished.

C.12.b (**PCBs in building materials**): Sampling and analysis reporting accomplished over two years (2010 and 2011 Annual Reports) instead of all due in 2010.

### C.13 – Copper

C.13.c.iii (**desktop study for copper in brakepads**): This requirement was deleted.

### C.14 - PBDEs, Selenium, and Legacy pesticides

Reporting requirements modified to provide an additional year to accomplish tasks.

### C.15 Exempted and Conditionally Exempted Nonstormwater Discharges

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Reporting greatly reduced. Keep records at Permittee site for audit availability.

Remove individual car washing requirements from this Provision and add it to C.7, Public Outreach Section.

For planned and unplanned discharge, monitoring requirement at point of discharge, but at receiving waters where feasible.

In all sub-provisions, we revised connection to sanitary sewers will be after consultation with local POTW authorities and only if feasible.

New and rebuild swimming pools, spa, hot-tubs, and fountains need to connect to sanitary sewer to landscape. The requirement for remodeling is deleted.

### **C.16 Annual Reporting**

Annual Reports due September 15. September 2010 is the first Annual Report under the MRP. Annual **Report Template** will be worked out with Permittees after adoption, to Executive Officer approval, by April 2010.