Municipal Regional Urban Runoff Permit Hearing on Feb 2009 Revised Tentative Order

May 13, 2009

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SF Bay Regional Water Quality Control Board
<table>
<thead>
<tr>
<th>County</th>
<th>Permit History</th>
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<tbody>
<tr>
<td>Contra Costa</td>
<td>1993, 1999</td>
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<td>San Mateo</td>
<td>1993, 1999</td>
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<td>Fairfield-Suisun</td>
<td>1995, 2003</td>
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<tr>
<td>Vallejo</td>
<td>1998</td>
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Timeline

Regional permit discussions began – 2004
Draft permit public noticed – Dec 2007
Water Board workshop – March 2008
Revised draft permit – Feb 2009
Regional Permit Goals

- Specifics in one permit rather than individual management plans
- Consistency, accountability, flexibility
- Opportunity for collaboration
Permit’s Regulatory Drivers

- Implement controls to reduce pollutants to the maximum extent practicable
- Effectively prohibit non-stormwater discharges
- Manage contribution to violations of water quality standards
Urban Runoff Pollutants

- Trash
- Metals
- PCBs
- Pesticides (past and present)
- Petroleum hydrocarbons
- Pathogens
- Nutrients
- Flame retardants
Financial Challenges

- Currently $50 million to $100 million/yr spent on “stormwater management”
- New urban runoff management costs

<table>
<thead>
<tr>
<th>Component</th>
<th>Permit Term</th>
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<tbody>
<tr>
<td>Trash</td>
<td>&gt;$30 million</td>
</tr>
<tr>
<td>PCBs, Mercury et al</td>
<td>~$10 million</td>
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<tr>
<td>Monitoring</td>
<td>~$8 million</td>
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- Currently $500 million to $one billion/yr spent on wastewater management
Permit Requirements Lead To Funding Opportunities

- San Francisco Estuary Project stimulus funds (State Revolving Fund) grant proposal
  - ~ $8 million for trash capture
- San Francisco Bay Area Water Quality Improvement Fund - $5 million now available
- State Bond funds
- More State Revolving Fund grants?
- Coordinate with needs to address all local agencies’ infrastructure
Required Permit Elements

- Municipal Operations
- New and Re-Development
- Industrial/Commercial Site Controls
- Illicit Discharge Detection and Elimination
- Construction Site Control
- Public Information & Participation
- Monitoring
- Specific Pollutant Controls
Municipal Operations (C.2)

- Removed detailed street sweeping and storm drain inlet cleanup requirements
  - Generally high cost vs benefit
  - Pollutant specific implementation

- Revised pump station requirements
  - Results-based = No low dissolved oxygen
New and Redevelopment (C.3)

- Replaced road reconstruction treatment requirement with green-streets pilot projects
- Revised grandfathering language for new 5000 ft² requirements
  - Problems with “application deemed complete” in existing permits
New and Redevelopment

New revisions in response to new comments

- Alternative Compliance opportunity for all projects (off-site/in-lieu fee)
- Low Impact Development treatment required for new runoff
  - Emerging performance standards
  - Build upon existing efforts
  - Allow time for full implementation
Potential Changes to Low Impact Development Requirements

1. Define LID design elements
2. Set LID hydraulic sizing standard
3. Set site-based LID infeasibility criteria
4. Allow off-site mitigation and/or in-lieu fee system for net LID benefit
5. Establish a LID credit system
   - Projects with infeasibility and other development environmental benefits
     - transit-oriented development, Brownfield development, or high density urban infill
Industrial/Commercial Site Controls (C.4)

Requirements revised
- Now based on outcomes of inspections and resolution of problems

Modified Enforcement Response Plan requirements

Simplified and reduced reporting
- Results-based summary of outcomes
Illicit Discharge Detection and Elimination (C.5)

Requirements revised
- Now based on outcomes of inspections and resolution of problems

Modified Enforcement Response Plan requirements

Simplified and reduced reporting
- Results-based summary of outcomes
Construction Site Controls (C.6)

Requirements revised
- Now based on outcomes of inspections and resolution of problems

Modified Enforcement Response Plan requirements

Simplified and reduced reporting
- Results-based summary of outcomes
Monitoring (C.8)

- Bay - Regional Monitoring Program
- Creek status monitoring - rotating
- Long-term trends - fixed stations
- Monitoring projects
- Pollutant loads - fixed stations

Regional collaboration encouraged/rewarded
Monitoring

- Reduced from initial draft permit to minimum level that can be justified
- Consistent with our Surface Water Ambient Monitoring Program
- Costs are reasonable and warranted
Monitoring

New revisions in response to new comments

Integration of program elements

- Long-term stations ↔ pollutant-load stations
- Wet-weather status monitoring → long-term

Clarify flexibility afforded by a regional monitoring collaborative

- Number and phasing of stations
- Future permit amendment if necessary
Trash Reduction (C.10)

- Major revisions to allow flexibility and accountability
- Abate hot spots
  - One per 30K population or 100 acres retail/wholesale commercial land use area
- Install trash capture devices in area equivalent to 30% of retail/wholesale commercial land use area
- Long-Term Plan to abate trash impacts by 2023
Trash Reduction

New revisions in response to new comments

- Clarify Trash Action Level is not an effluent limit or water quality standard
- Allow redirection of hot spot abatement resources if diminishing returns
- Adapt trash assessment effort based on site knowledge
Mercury and PCBs (C.11 & 12)

- Implement TMDLs = attain wasteload allocations within 20 years
- Permit-term requirements based on phased implementation of controls

  - pilot studies phase $\rightarrow$
  - focused implementation phase $\rightarrow$
  - full implementation
Mercury and PCBs

Pilot Studies
- Identify and cleanup sources (5)
- Improve system O&M (5)
- Strategic treatment retrofit (10)
- Route runoff to wastewater system (5)
Conditionally Exempted (Non-Stormwater) Discharges (C.15)

New revisions in response to new comments

- Simplify potable water discharge exemption conditions
- Exempt residential foundation drainage
- Outreach-based approach to residential car washing
Annual Reports (C.16)

- Deleted Annual Report Form from permit
- Report form to be developed in collaboration with Permittees
  - Should be win-win-win
Summary

Further reduction in requirements will undermine permit integrity

- Eliminated or minimized requirements with limited water quality benefit

Recognize challenge of increased costs

- Time schedules for new requirements
- Requirements lead to funding opportunities

Amend permit in future to resolve details and unintended consequences and to adapt requirements if necessary
Next Steps

- Document responses to comments
- Some further revisions in response to comments
- Follow-up with stakeholders
- Adoption hearing in July