



# Provision C.3 in MRP 2 – The Future is Here!

## An Update on New Stormwater Permit Requirements

Jill Bicknell, P.E.  
EOA, Inc.

# Outline of Presentation

- Background on MRP and Reissuance
- Overview of New C.3 Requirements:
  - Good News (no or positive changes)
  - Grandfathered Projects
  - Special Projects
  - Installation and O&M Inspections
  - Green Infrastructure

# Bay Area Municipal Regional Permit (MRP)

- One Phase 1 municipal stormwater permit that covers 76 permittees:
  - San Mateo, Santa Clara, Alameda, and Contra Costa Counties, Fairfield-Suisun area, and City of Vallejo
- Five-year permit term
- MRP 1: 12/09 – 12/15
- MRP 2: 1/16 – 12/20



# The Good News

- Many C.3 requirements did not change:
  - Regulated project thresholds
  - Road requirements and thresholds
  - C.3.a Performance Standards
  - Site design and source control measures
    - Pervious paving design standards required
  - Numeric sizing criteria
  - Hydromodification management & maps
    - (for SMCWPPP)
  - Small project site design requirements

# The Good News

- Many C.3 requirements had positive changes:
  - **LID Treatment** -- eliminates requirement to demonstrate feasibility of infiltration and rainwater harvesting prior to using biotreatment
  - **Biotreatment Soil Specifications** – allows Permittees to collectively develop and adopt revisions to specifications (with Executive Officer approval)

# The Good News

- Positive changes, continued:
  - **Alternative Compliance** – provides more flexibility in timing of alternative compliance projects (must complete within 3 years of Regulated Project)
  - **Hydromodification Management** – allows Permittees to develop new approach for sizing HM facilities based on direct simulation of erosion potential (which may result in smaller facilities)

# “Grandfathered” Projects

- Elimination of grandfathering:
  - Projects approved prior to any C.3 requirements (i.e., before Oct. 2003) that have not begun construction by January 1, 2016 must include stormwater treatment
  - Exceptions:
    - Projects approved with vesting tentative map
    - Projects for which municipality has no legal authority to require changes to previous approvals
  - Non-LID treatment (media filters) allowed if LID treatment is not feasible

# Special Projects – A Refresher

- Special Projects are high density and transit oriented development projects that may receive **LID treatment reduction credit**, i.e., allowed limited use of “non-LID” treatment measures
- Amount of credit based on size of project, lot coverage, location, density, and amount of surface parking
- Non-LID measures are limited to tree box filters and media filters





# Special Projects (MRP 1)

## Category C – Transit Oriented Project

- Must be located within 1/2 mile radius of transit station
- Commercial or mixed use project: minimum floor area ratio (FAR) of 2:1 required
- Residential project: minimum density of 25 dwelling units/acre (DU/ac) required
- Graduated system of LID treatment reduction credit:
  - Location credit
  - Density credit
  - Minimum surface parking credit



# Special Projects

- Changes to credit system:
  - Definitions of FAR and gross density include larger project area (makes it harder to earn credit)
    - **Floor Area Ratio** = Ratio of total floor area of all buildings (except structures or floor area dedicated to parking) to total project site area
    - **Gross Density** = Total number of residential units divided by entire site area, including land occupied by public ROWs, recreational, civic, commercial and other non-residential uses

# Special Projects

- Changes to credit system, continued:
  - Allows mixed use projects to use either FAR or DU/ac density criterion
    - Helps mixed use projects that are primarily residential with some ground floor retail
- Changes to reporting:
  - Eliminates mid-year reporting of potential Special Projects
    - Still must report annually in Annual Report

# Installed Treatment Measure Inspection Programs

- Installation Inspections (beginning 7/1/16):
  - Initial inspection of stormwater controls required “at the completion of installation”
    - Replaces requirement to inspect within 45 days of installation
  - Installation inspection of pervious paving systems  $\geq 3,000$  sq.ft. required
    - Excludes private patios
    - Allows inspection of “representative no.” of pervious driveways in subdivisions

# Installed Treatment Measure Inspection Programs

- O&M Inspections (beginning 7/1/16):
  - Inspection frequency to be tracked by number of Regulated Project sites instead of number of treatment/HM controls
  - Must inspect an average of 20% of project sites per year (minimum 15%)
  - Must track and inspect pervious paving systems  $\geq 3,000$  sq.ft.

# Installed Treatment Measure Inspection Programs

- O&M Inspections, continued:
  - Allows Permittees to accept third party inspections of vault-based treatment systems if inspected annually
  - Allows reporting of summary data instead of details for each inspection (must still track inspection data in database)

# Installed Treatment Measure Inspection Programs

- O&M Inspection Enforcement
  - Must have O&M Enforcement Response Plan by 7/1/17
  - Corrective actions must be implemented within 30 days of inspection
    - Actions can be temporary and more time allowed for permanent corrections (with explanation)

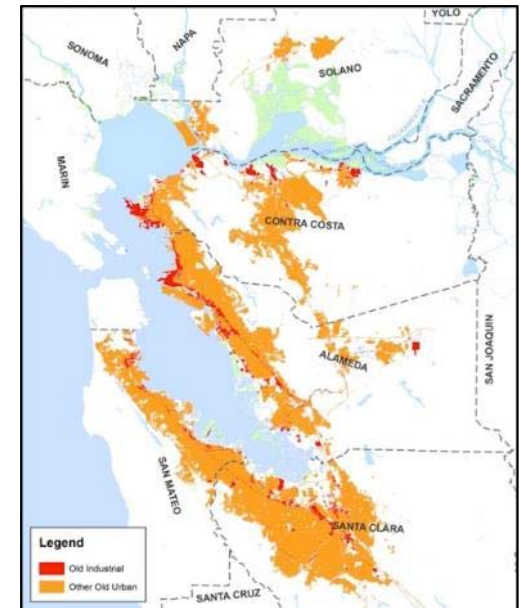
# Green Infrastructure (GI) Requirements

- Permittees are required to complete and implement Green Infrastructure Plans that:
  - Include LID drainage design in public and private streets, parking lots, roofs, etc.
  - Disconnect/treat impervious surface
  - Reduce adverse water quality impacts of urbanization and urban runoff over long term
  - Help achieve reduction in PCB and mercury loads and meet TMDL requirements



# GI & POC Requirements

- Link between Green Infrastructure planning and implementation and required pollutant controls
  - Control measures for certain pollutants (PCBs and mercury) include green infrastructure
  - Quantities of PCBs and mercury discharged to the Bay must be reduced to specified levels by 2040
  - GI Plans must provide reasonable assurance that specified PCB and mercury load reductions will be met (via public and private projects)



High PCB  
Concentrations in  
Sediments

# Overview of GI Requirements

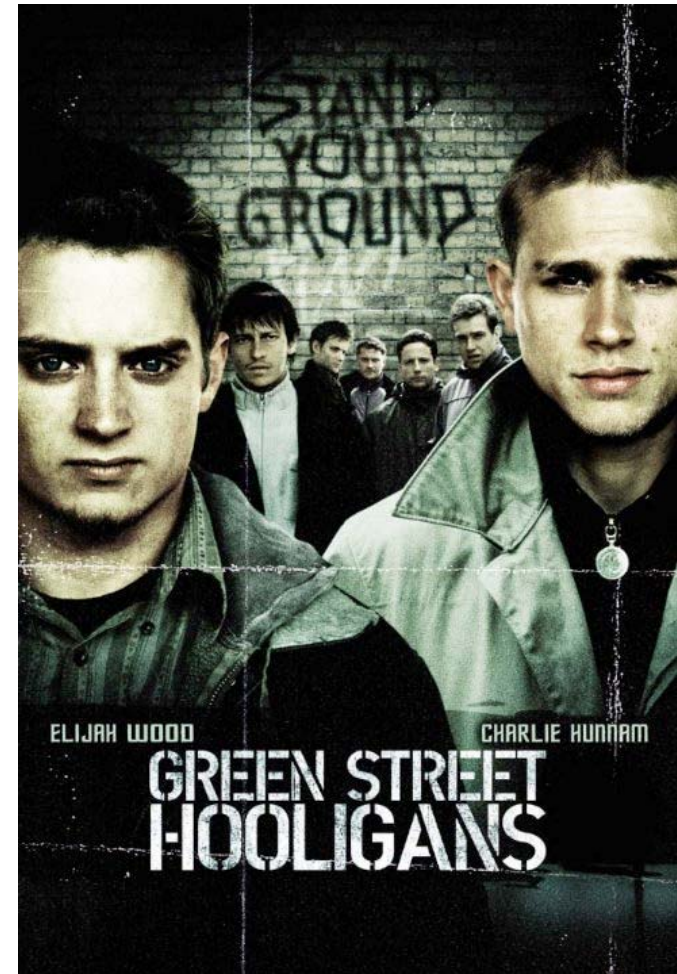
- Develop a Green Infrastructure (GI) Plan
  - Prioritize and map planned and potential projects
  - Update related municipal plans
  - Evaluate funding options
  - Track progress
- Conduct education and outreach
- Conduct “early implementation”
  - Construct planned and funded projects
  - Review public project lists and assess opportunity for incorporating GI elements

# Key C.3 Deadlines

Deliverable	Due Date
List of Current/Potential GI Projects	9/30/16 and annually
Summary of GI Education and Outreach Efforts	9/30/16 and annually
Approved GI “Framework” (Work Plan)	6/30/17
O&M Enforcement Response Plan	7/1/17
Completed GI Plan	9/30/19
Documentation of Legal Mechanisms	9/30/19

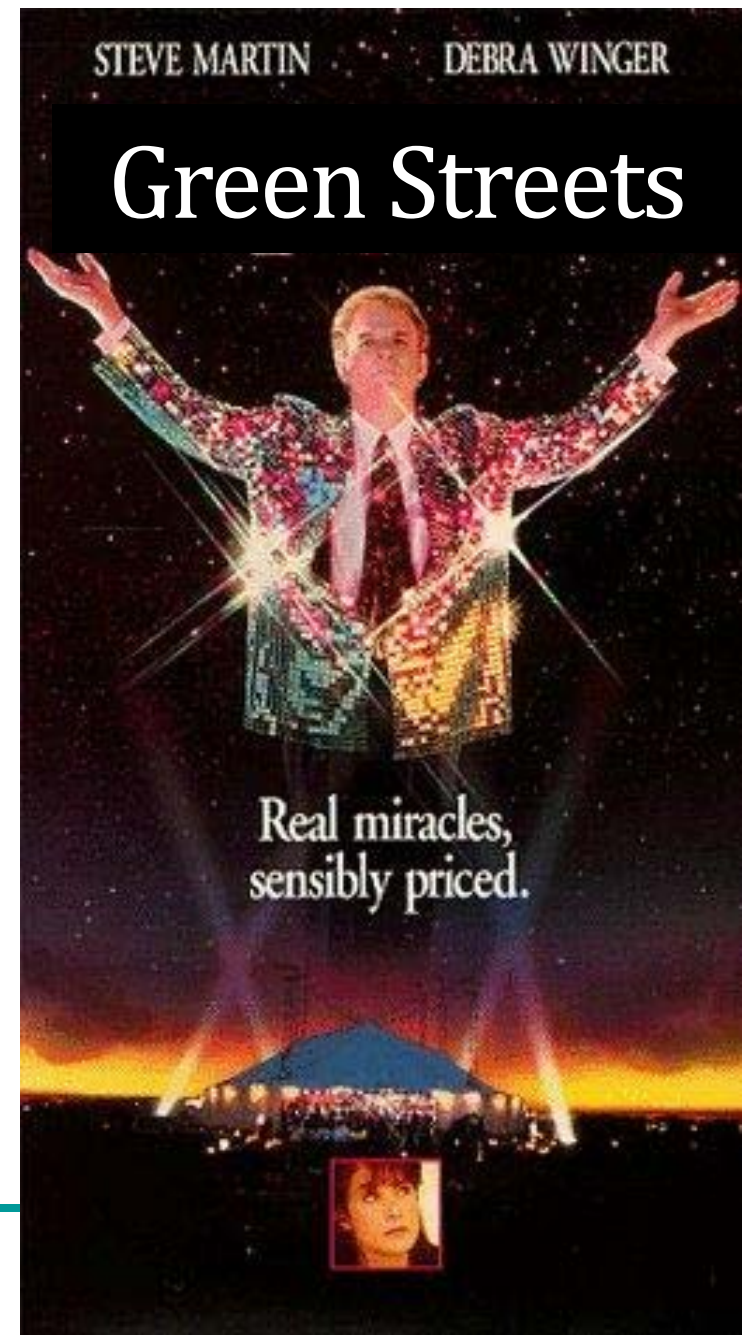
# Last Year

“Standing our ground” against unreasonable new Green Infrastructure requirements



# This Year

Evangelists for  
Green Infrastructure!



# Questions?



Jill Bicknell, P.E.

408-720-8811 x1

[jcbicknell@eoainc.com](mailto:jcbicknell@eoainc.com)