

MRP 3.0 C3/GI Work Group Meeting
Thursday, March 5, 2020
Meeting Summary

1. Introductions/Changes to the Agenda

- Introductions were made. List of attendees is attached.
- There was one requested change to the agenda – Dan Cloak (DCE/CCCWP) requested Item 5.e, LID Installation and O&M Inspections, be moved up as the first topic of discussion under Item 5. Other C.3 Key Issues.

2. Accept Previous Meeting Summary

- The draft February 6, 2020 meeting summary was accepted as written.

3. Green Infrastructure (GI) Plan Review

- Zach Rokeach (Water Board staff) provided the following update on the GI Plan reviews:
 - Reviews are still in progress. An estimated date for completion will be provided at the next Work Group meeting.
 - At the completion of the reviews, some communication will go out to all permittees with an overview of adequacy and areas for future work.
 - A couple of NOVs regarding failure to submit GI Plans will be sent out next week.

4. Proposed C.3.j (GI) Provisions for MRP 3.0

- Keith Lichten (Water Board staff) provided a handout just prior to the meeting with Water Board staff's proposal for Provision C.3.j GI Planning components, as well as alternative compliance and asset management language, consistent with past discussions. The GI Planning section was divided into Programmatic, Programmatic/Municipality-specific, and Municipality-specific components. Keith reviewed each section with the Work Group and responded to comments. Key points of discussion are described below:
 - Coordination with other planning efforts/GI Plan updates
 - Keith stated that the goal of the first programmatic component was to coordinate with and build on other planning efforts that could promote more robust implementation of the GI Plan. He envisioned a requirement to provide an updated GI Plan describing the coordinated efforts.
 - Work Group members were concerned about the scope and level of effort of the GI Plan update and did not see the value in that effort. It was suggested that updates or progress reports in annual reports and/or addendums to GI Plans would be better alternatives. Keith said he was open to this approach.
 - Develop funding and funding mechanisms
 - Keith described a proposed requirement for establishing a stormwater fee or conducting work to set the foundation for future fee efforts.
 - Work Group members were concerned about specifying one funding mechanism and the level of effort to pass a stormwater fee, which may or may not be successful. Keith stated that he was open to the type of funding, timeframe, etc. and would recognize good faith efforts.
 - Potential special study
 - Keith is interested in permittees jointly conducting a study to characterize and quantify the multiple benefits of GI and providing guidelines for

achieving these broader benefits. Work could build on studies currently being done by SFEI.

- Some Work Group members were concerned that this type of requirement would take resources away from implementing GI; others thought guidance or tools for quantification of benefits would help with grant applications.
- Goals/targets for greened acres
 - Keith stated that municipalities would have flexibility to choose their own goals but in the context of meeting PCB/Hg TMDL requirements. He would like to have a target for the next permit term as well as a longer term goal. He thinks the permit should push municipalities into a “zone of discomfort”.
 - Keith and Zach described an analysis they did using the targets reported in GI Plans, which produced a very rough estimate of 3,500 acres greened in the MRP region over the 5-year permit term.
 - Work Group members had the following concerns:
 - The targets in the GI Plans were developed using different methodologies and should not be added up without adjustments;
 - The GI Plan targets were developed using last year’s expectations for housing and jobs - since then, new construction has slowed and some housing projects are not going forward.
 - There was confusion as to whether the targets will be goals or used for compliance; whether they will be regional, countywide or municipality-specific; whether they include regulated and non-regulated projects; and what happens if the number of regulated projects goes below projections.
 - Water Board staff had said they would not have a mandatory PCB/Hg load reduction requirement for GI in the next permit, but this approach sounds like they are still linked. The GI Plan approach is to implement GI where multiple benefits can be achieved.
 - Keith agreed that the intent was not to have a specific PCB/Hg load reduction requirement for GI, but he is looking for a way to show progress with implementation of GI. He asked if he could get a preview of the countywide programs’ RAA results so they could draft language. He understands that meeting required reductions with GI is cost prohibitive and he is looking for “shades of gray” in that approach.
 - All agreed that this is the main sticking point for Provision C.3.j and should be discussed at the next Steering Committee meeting.

5. Other C.3 Key Issues

- LID Installation and O&M Inspections
 - Dan Cloak started the discussion with a presentation on CCCWP’s guidance on planning, design, and construction of LID facilities. Other countywide programs also provide detailed guidance on these topics as well as O&M. The key point is that the MRP does not need to provide more prescriptive requirements for these topics (i.e., no changes are needed to current language).

- Keith said that one reason Water Board staff raised the issue is that C.3 inspectors don't seem to have the same authority as building inspectors for making sure facilities are constructed properly. Work Group members responded that this is not the case in all jurisdictions – some use construction cards or checklists with requirements that must be met before the project can proceed. Keith suggested putting some examples in the MRP 3.0 fact sheet of best practices.
- Regulated Project Thresholds/Exemptions
 - Single family (SF) home exemption
 - Keith stated that Water Board staff want to include SF homes that create/replace greater than 5,000 sq. ft. but allow them to comply by using self-retaining areas up to a 2:1 ratio (impervious:pervious area).
 - Work Group members pointed out the challenges with applying this requirement: extra review time; infeasibility for certain site conditions (hillsides, high groundwater, etc.); and need to track and inspect. If self-retaining areas are not feasible, then the project becomes a regulated project requiring treatment measures and triggers another level of review. Work Group members questioned why this extra regulation is needed.
 - Keith responded that they believe that very large SF homes have a water quality impact.
 - The group discussed the possibility of addressing this issue by strengthening Provision C.3.i to require SF homes to use self-retaining areas where feasible. Keith agreed to look at this option and asked the Work Group to provide some proposed language.
 - Existing roads exemption
 - Keith stated that their intent was to require roads that are reconstructed down to the base rock to provide GI.
 - The Work Group response was that this is punishing cities that are trying to do the right thing via implementation of GI Plans in priority areas. The presence of utilities may preclude the use of GI on certain roads.
 - Keith said he recognizes the constraints but that alternative compliance could be used to install GI elsewhere. He thinks this could be a resource opportunity.
 - Work Group members requested that Water Board staff tie implementation of GI along roads to GI Plan implementation, allow more flexibility, and not put a burden on roads maintenance budgets. The “no missed opportunities” CIP review process will help identify road projects for which GI is feasible. More time is needed to get GI and transportation funding integrated. It was also suggested that municipalities could develop sustainable streets policies that are tied to their GI Plans.

6. Next Steps/Action Items

- The Work Group will continue discussion of Special Projects, alternative compliance, asset management, and reporting at the next meeting.
- Keith will confer with other Water Board staff regarding the issue of greened acres targets for C.3.j and report back at the next meeting.

- Work Group members will provide draft language for changes to Provision C.3.i to provide stronger site design requirements for SF homes.
- [From the February 6, 2020 meeting] Water Board staff will develop questions related to the impervious area retrofit targets developed for the GI Plans and have separate meetings with individual stormwater programs to better understand the numbers.

7. Next Meeting

- The next MRP 3.0 C3/GI Work Group meeting will be held on April 2nd, 10:00 a.m. to 2:00 p.m.

List of Attendees – March 5, 2020 Meeting

Name	Affiliation	2/7/19	3/7/19	4/4/19	5/2/19	6/6/19 (int)	7/15/19 (int)	9/5/19	10/3/19	11/14/19	12/5/19	1/29/20 (int)	2/6/20	3/5/20
Keith Lichten	Water Board	X	X	X	X			X	X	X			X	X
Dale Bowyer	Water Board	X	X	X				X	X	X	X			
Zach Rokeach	Water Board	X	X	X	X			X	X	X	X		X	X
Adele Ho	CCCWP	X	X											
Alvin Lei	Fairfield								X	X				
Amanda Booth	San Pablo						X	X	X	X	X	X	X	X
Chris McCann	Danville				X		X				X	X	X	X
Chris Sommers	EOA/SCVURPPP					X								
Courtney Riddle	CCCWP	X			X									
Dan Cloak	DCE/CCCWP	X	X	X	X	X	X	X	X	X	X	X	X	X
Derek Crutchfield	Vallejo	X	X	X		X								
Frank Kennedy	Concord/Moraga Pleasant Hill		X	X	X	X	X	X	X	X	X	X	X	X
Geoff Brosseau	BASMAA	X	X										X	
James Paluck	Fairfield	X	X	X										
Jeff Sinclair	San Jose	X		X	X	X	X	X	X	X		X	X	X
Jennifer Harrington	Vallejo F&WD	X												
Jill Bicknell	EOA/SCVURPPP	X	X	X		X	X	X	X	X	X	X	X	X
Jim Scanlin	ACCWP		X	X			X	X	X	X		X	X	X
John Steere	CCCWP				X		X					X	X	X
Karin Graves	CCCWP					X		X	X				X	X
Kevin Cullen	Fairfield		X	X			X	X	X		X		X	X
Kristen Hathaway	Oakland		X						X					
Liesbeth Magna	EOA/SCVURPPP				X		X		X	X				
Lisa Austin	Geosyntec					X								
Lisa Sabin	EOA/SCVURPPP					X								
Matt Fabry	SMCWPPP	X	X		X		X	X		X	X	X	X	X
Melissa Tigbao	Vallejo	X												
Pam Boyle Rodriguez	Palo Alto	X	X	X	X	X	X	X	X	X	X	X	X	X
Peter Schultze-Allen	EOA/SMCWPPP	X	X	X	X	X	X	X	X		X	X	X	X
Reid Bogert	SMCWPPP				X	X	X	X	X					
Rinta Perkins	Santa Clara					X	X	X	X		X	X		X
Robert Newman	Vallejo					X				X	X	X	X	X
Sam Kumar	Vallejo				X									
Shannan Young	Dublin	X	X	X	X	X	X	X	X	X		X	X	X
Steve Carter	Paradigm						X							
Terri Fashing	Oakland	X	X	X		X		X	X	X	X	X	X	X
Joseph Martinez	Water Board										X		X	X
Tiffany Ngo	San Jose											X	X	X
Derek Beauduy	Water Board												X	
Imtiaz-Ali Kalyan	Water Board													X