

MRP 3.0 C3/GI Work Group Meeting
Thursday, April 2, 2020
Meeting Summary

1. Introductions/Changes to the Agenda

- Introductions were made. List of attendees is attached.
- There were no changes to the agenda.

2. Accept Previous Meeting Summary

- Approval of the draft March 5, 2020 meeting summary was postponed until the next meeting.

3. C.3 Key Issue – Special Projects

- Terri Fashing and Heather Klein (City of Oakland) gave a presentation on “Justification for Keeping the Special Projects Provision in MRP 3.0”, which covered the benefits of Special Projects (SPs) and five case studies of recent projects. Heather stressed that they try to balance design standards and development priorities in different areas, and the SP provisions provide an important tool for doing this. Kristen Hathaway (Oakland) added that the original intent of the SP provisions was to allow municipalities to achieve multiple benefits with dense development.
- Jeff Sinclair (San Jose) stated that the presentation covers the main points and concerns for the City of San Jose as well. SPs in areas of dense development help achieve LID at the watershed scale. Allowing some non-LID treatment provides more flexibility and speeds up design approval for housing projects.
- Zach Rokeach (Water Board staff) questioned the amount of non-LID treatment at one of the case study sites. Heather responded that it was a unique case on a historic site. Terri added that the active landscaping and mechanical treatment provide more benefits than just bioretention in 4% of the area.
- Keith Lichten (Water Board staff) stated that urban development is not necessarily providing open space elsewhere. He agrees with the benefits of densification but wondered how alternative compliance could be used to achieve more LID/GI.
- Terri responded that alternative compliance is one tool they are exploring but it will take time to set up a program. She thinks that landscaping plus mechanical treatment can be considered to achieve similar outcomes to biotreatment.
- Keith agreed they have similar processes but not to the same extent, and do not appear equivalent to him. He asked, what densities of projects have the most challenges with LID?
- Heather responded that the City of Oakland is looking at allowing higher densities as well as changing zoning from single family to multi-family residential in some areas. The SP provisions allow flexibility to work with developers to balance C3/LID and other amenities. Kristen added that the City is interested in alternative compliance but don't currently have a lot of options on their CIP list.
- Keith said that the direction they want to go in is use of alternative compliance to provide resources for GI. The question is how to phase this in over time, and how much time is needed?
- Amanda Booth (San Pablo) said that the Regional Compliance Program (RCP) project that she is leading will not be done until June 2022, and that it will take time to roll it out to other counties and get staff and developers on board.

- Keith said (later in the meeting) that he was open to modified SP provisions and/or phasing them out within the next permit term as long as there was a cutoff at a certain time. He said he was also open to maintaining SP provisions for affordable housing projects.

4. C.3 Key Issue – Alternative Compliance

- Jill Bicknell (EOA/SCVURPPP) shared the proposed changes to MRP 2.0 Provision C.3.e.i developed by a Subgroup of the C3/GI Work Group. For the two options currently listed in the provision, the requested changes allow all treatment to be done offset instead of requiring some onsite and some offsite. A new third option would allow a new program such as that being developed in the Regional Compliance Program project. Comments included the following:
 - Need to make clear that the alternative compliance project is treating 100% of equivalent impervious area.
 - Option 3 – what is the definition of net environmental benefit? Jill – this will be based on the type of program developed. Keith – he has heard a range of potential benefits. This will need some framing language, such as examples or language in the permit fact sheet. Amanda – this could be a great topic for upcoming workshops on the RCP project.
 - Dan Cloak (DCE/CCCWP) – can stream restoration be a form of alternative compliance? Keith – no, not yet; he is more comfortable linking it to equivalent pollutant/volume treated. Jill – maybe this approach would be the minimum, supplemented with auxiliary benefits.
 - Dan – if SPs represent <10% of acres treated, would this change Water Board staff's thinking about alternative compliance? Keith – doesn't think SP impacts will be de minimis over time.
 - Terri and Jeff – removal of SP provisions should not be tied to alternative compliance provisions. Jill – we should think more broadly about GI implementation and allow flexibility to municipalities for different approaches.
- Keith – summarized his position by saying that he was OK with the proposed wording for C.3.e.i with just a little wordsmithing and added language around environmental benefits. He was also open to increased timelines.

5. C.3 Key Issue – Asset Management

- Matt Fabry (SMCWPPP) reviewed the draft framework for an asset management (AM) provision that Water Board staff had distributed at the March 5th Work Group meeting, and provided feedback from the AM Subgroup:
 - The Subgroup was mostly in agreement with the proposed framework.
 - Concerns about the framework:
 - Tracking “maintenance history” – should be described as “inspection history”
 - “Self-treating areas” should not be included in the list of structural water quality assets.
 - References to “Green Plan-IT” should be removed.
 - There was a need to check in with those involved with trash management about adding FTCDs to existing tracking systems for GI.
 - Concerns about extent of AM provisions – there have been discussions in the C4/C5 Work Group implying that storm drain systems may also need to be included in AM systems. Derek Beauduy (Water Board staff) explained that they

want to see the maps used by permittees to control IDDEs and understand the data gaps and time needed to develop complete maps. He understands the challenges of include private property drains on the maps. He might like to see a tie-in to LID/GI facilities as well. Keith added that different levels of mapping have been done by permittees, but he clarified that his intent with AM is to only include water quality assets.

- Keith mentioned that he wanted to track information about both public and private GI, but he understood that different levels of information apply to each type.
- Regarding self-treating areas, Keith wanted to know to what extent are these changing over time and do they warrant more attention? Do O&M agreement include information about these areas? Work Group members stated that they don't typically inspect or track these. Chris McCann (Danville) stated that the city's policy is to require these areas to be out front near the street, not behind residences where they are not easily seen. After additional discussion, Keith agreed to remove self-treating areas from the list of assets.
- Regarding Green Plan-IT, Keith said this was just listed as an example. Matt assured him that the tracking systems being developed will have the capabilities that he is looking for. However, we still need to research what is being tracked for trash facilities and how to integrate them into the systems.
- Dan stated that he doesn't think it is a realistic expectation to have regional data tracking systems. Keith mentioned the MTC Streetsaver program as an example and the value of rolling up regional data to make a case for funding.
- Terri said that Oakland will track public projects in more detail, and in a separate database. Jeff added that San Jose will use the same approach – one database for public projects and another for data related to inspection of private projects.

6. Proposed C.3.j (GI) Provisions

- The key topic discussed was GI goals/targets in MRP 3.0. Keith said he had nothing new to present and he still maintained that a target for implementation within the next permit term was needed. He suggested discussing this topic at the MRP 3.0 Steering Committee on April 7th.
- Jill asked if Water Board staff were still planning to use the impervious area retrofit targets provided in the GI Plans. Keith said they were still planning to reach out to the countywide programs and selected cities to further discuss the methodologies and assumptions used. He understands that the uncertainty of the COVID-19 pandemic may affect future development projections. He wants to understand to what extent targets include non-regulated project commitments. Zach added that some GI Plans did a good job of explaining what went into the targets and others did not.
- It was agreed that Water Board staff would provide lists of permittees that they wanted to interview and work to set up meetings with those permittees and their countywide programs to discuss development of targets. (Amanda asked if the questions could be sent before the meeting.)
- Dan questioned how the collection of information about targets relates to requirements in MRP 3.0? Keith responded that the information will help inform required levels of GI implementation. He understands that implementation of GI may not be in locations that maximize PCB load reduction, so there will not be a direct link to C.11/12.

7. C.3 Key Issue – Roads Exemption from C.3.b

- This item was not discussed due to lack of time.

8. Green Infrastructure (GI) Plan Review

- Zach stated that Water Board staff had completed review of approximately 50 of the 70 GI Plans and may be reaching out to certain permittees with questions.

9. Next Steps/Action Items

- Co-chairs Jill and Matt will provide an update from the Work Group and a presentation on key outstanding issues at the April 7th MRP 3.0 Steering Committee meeting.
- [From the March 5, 2020 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.
- [From the March 5, 2020 meeting] Work Group members will provide draft language for changes to Provision C.3.i to provide stronger site design requirements for single family 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.

10. Next Meeting

- The next MRP 3.0 C3/GI Work Group meeting will be held on May 7th.

List of Attendees – April 2, 2020 Meeting

Name	Affiliation	9/5/19	10/3/19	11/14/19	12/5/19	1/29/20 (int)	2/6/20	3/5/20	3/31/20 (int)	4/2/20
Keith Lichten	Water Board	X	X	X			X	X		X
Dale Bowyer	Water Board	X	X	X	X					
Zach Rokeach	Water Board	X	X	X	X		X	X		X
Adele Ho	CCCWP									
Alvin Lei	Fairfield		X	X						
Amanda Booth	San Pablo	X	X	X	X	X	X	X	X	X
Chris McCann	Danville				X	X	X	X	X	X
Chris Sommers	EOA/SCVURPPP									
Courtney Riddle	CCCWP									
Dan Cloak	DCE/CCCWP	X	X	X	X	X	X	X	X	X
Derek Crutchfield	Vallejo									
Frank Kennedy	Concord/Moraga Pleasant Hill	X	X	X	X	X	X	X	X	X
Geoff Brosseau	BASMAA						X			
James Paluck	Fairfield									
Jeff Sinclair	San Jose	X	X	X		X	X	X		X
Jennifer Harrington	Vallejo F&WD									
Jill Bicknell	EOA/SCVURPPP	X	X	X	X	X	X	X	X	X
Jim Scanlin	ACCWP	X	X	X		X	X	X	X	X
John Steere	CCCWP					X	X	X		X
Karin Graves	CCCWP	X	X				X	X		X
Kevin Cullen	Fairfield	X	X		X		X	X		
Kristen Hathaway	Oakland		X						X	
Liesbeth Magna	EOA/SCVURPPP		X	X						
Lisa Austin	Geosyntec									
Lisa Sabin	EOA/SCVURPPP									
Matt Fabry	SMCWPPP	X		X	X	X	X	X	X	X
Melissa Tigbao	Vallejo									
Pam Boyle Rodriguez	Palo Alto	X	X	X	X	X	X	X	X	X
Peter Schultze-Allen	EOA/SMCWPPP	X	X		X	X	X	X	X	X
Reid Bogert	SMCWPPP	X	X							X
Rinta Perkins	Santa Clara	X	X		X	X		X	X	X
Robert Newman	Vallejo			X	X	X	X	X	X	X
Sam Kumar	Vallejo									
Shannan Young	Dublin	X	X	X		X	X	X	X	X
Steve Carter	Paradigm									
Terri Fashing	Oakland	X	X	X	X	X	X	X	X	X
Joseph Martinez	Water Board				X		X	X		
Tiffany Ngo	San Jose					X	X	X		X
Derek Beauduy	Water Board						X			X
Imtiaz-Ali Kalyan	Water Board							X		X
Sharon Gosselin	Alameda County								X	X
Bob Russell	Danville								X	X
Heather Graves	Oakland									X