

**MRP 3.0 C3/GI Work Group Meeting**  
**Thursday, May 7, 2020**  
**Meeting Summary**

**1. Introductions/Changes to the Agenda**

- Introductions were made. List of attendees is attached.
- In order to accommodate Keith Lichten's availability, Agenda Items 4 and 5 were switched with Items 6 and 7 (and are presented in the order in which they were taken at the meeting in this summary).

**2. Accept Previous Meeting Summary**

- The March 5 meeting summary was approved (Motion: Rinta Perkins, Second: Frank Kennedy). The April meeting summary was not yet ready for review so will be brought to a subsequent meeting for approval.

**3. April 7, 2020 Steering Committee Meeting Outcomes**

- At the MRP 3.0 Steering Committee, Jill Bicknell (EOA/SCVURPPP) presented briefly on the areas of agreement and areas still lacking agreement for Provision C.3. Primary areas still lacking agreement include C.3 thresholds, including for roadway projects and single-family homes, special projects exemptions, and targets for Green Infrastructure (GI) implementation. There was not time at the Steering Committee to discuss these issues in detail, although Keith Lichten (Water Board staff's) confirmed his assessment of areas lacking agreement and indicated Water Board staff's willingness to continue discussions.

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

- Zach Rokeach (Water Board staff) reiterated Water Board staff's interest in including programmatic and numeric requirements for GI implementation in MRP 3.0. The numeric requirements are still tentatively planned to be based on targets included in permittee GI Plans. To help Water Board staff understand how these targets were developed, they are setting up meetings with representatives from the Countywide Programs and three permittees from each of the four larger counties and one permittee for Solano County. The selected permittees are:
  - San Mateo County: Cities of Half Moon Bay, Belmont, and San Mateo
  - Alameda County: Cities of Berkeley, Fremont, and Oakland
  - Contra Costa County: Cities of El Cerrito and Pittsburgh and Town of Clayton
  - Santa Clara County: Cities of Santa Clara, Sunnyvale, and San Jose
  - Solano County: City of Vallejo
- Zach indicated he would be providing a written summary of Water Board staff's knowledge gaps and needed information based on review of these agencies' GI Plans.
- Dan Cloak (DCE/CCCWP) asked how much information Water Board staff wanted on the development projections in each city/county?
- Zach said Water Board staff is generally OK with development projections. Water Board staff is interested in projections for public projects, both C.3 regulated and non-regulated. Staff's review of GI Plans found it unclear how the projections distinguish between C.3-regulated/non-regulated and public/private. How much non-regulated GI implementation will occur is a key question for Water Board staff to evaluate whether permittees are doing enough.

- Jill asked what would happen after the meetings with permittees – could there be a small workgroup to help Water Board staff figure out how to add up or adjust targets to create a regional goal? Also a question as to how these targets connect to the Provision C.11/C.12 Control Measure Plans due in September that may say more GI is required if source control measures are insufficient to meet wasteload allocations in the mercury and PCBs TMDLs. Zach said that was a good question.
- Jill urged Water Board staff to keep in mind that the goals/targets for GI implementation are closely related to the Control Measure Plans – and there should be an opportunity in late summer or early fall to discuss how targets in the RAAs and the Control Measure Plans connect to GI implementation targets for MRP 3.0. Matt Fabry (SMCWPPP) agreed that after the Control Measure Plans, we will have a better idea if GI efforts need to be increased, or the TMDL timeline extended, or both. Dan added that some permittees may rely heavily on GI to meet load reduction goals and others may not.
- It was recommended to keep this topic on the agenda for further discussion at the June workgroup meeting.

## **5. GI Plan Reviews**

- Zach reported that Water Board staff has finished reviewing all GI Plans, with multiple staff using a template to provide a consistent approach to reviewing each plan. Staff developed a summary of general impressions for each required part of the GI Plans with several examples of where plans did an excellent job. Staff are awaiting Keith's review and are tentatively planning to send a memo to all permittees. In cases where plans may have fallen far short of expectations, Water Board staff may follow-up separately with those permittees.
- Dan said that the MRP indicates GI Plans should be "acceptable to the Executive Officer," so it would be helpful to know if permittees should be expecting notice of acceptability or not.
- Zach said they did not have an expectation on timing for providing their review memo to permittees, and they do not intend to "approve" the GI Plans.

## **6. C.3 Key Issue – Applying Regulated Project Requirements to Road Maintenance**

- Zach wanted to clarify for the Workgroup that the existing categories of regulated projects only talks about newly constructed roads or widening and doesn't mention redevelopment of roads. Water Board staff's intent is to make the definition for roadway projects like other categories to be clear about requirements on new vs. redevelopment regarding roads. Water Board staff is still planning to include exemptions for surface rehabilitation of roadways, but requirements for treatment would apply when roadway redevelopment goes down to the baserock layer.
- Jill indicated permittees are still concerned about this proposal – road redevelopment is not the same as redevelopment of parcel-based projects. It's primarily done through Capital Improvement Program budgets.
- Dan said roadway redevelopment is analogous to a re-roofing project. Regardless of whether someone is removing one layer of shingles vs. going all the way to the plywood, it's still considered non-regulated under Provision C.3.
- Keith said Water Board staff needs to identify the levels of roadway redevelopment work that would trigger requirements. They are interested to take the conversation to municipalities to help establish what work should incorporate clean water controls.

- Dan reiterated that permittees discussed this issue at length with Water Board staff in 2006/07. The inability to define this issue is why the current requirements are written the way they are.
- Keith recognized the challenge is limited funding – the existing roadway system does not have clean water controls. How do we gradually retrofit that system?
- Amanda Booth (San Pablo) said that if San Pablo is taking on a major Complete Streets project, they work to include GI and also to get other entities to maintain the GI, but in some instances, GI is not feasible.
- John Steere (Contra Costa County) said Contra Costa County is reluctant to add GI without adequate funds to maintain it.
- Dan asked why the existing language in MRP 2.0 around “no missed opportunities” doesn’t address Keith’s long-term retrofit concerns?
- Keith said the lack of definition around this is contributing to a lack of resources. Permit requirements can help define the need and support developing resources over time. They want something beyond the status quo.
- Jeff Sinclair (San Jose) said San Jose’s GI Plan guides green street work in a way that makes most sense for San Jose and doesn’t want the permit to dictate a different approach.
- Matt said C/CAG’s work on a countywide Sustainable Streets Master Plan is focused on opportunities to integrate GI with planned Complete Streets and other bike/ped, Safe Routes to School, and active transportation investments rather than including GI with roadway rehabilitation. Challenge is how to provide Water Board assurance that long-term inclusion of water quality controls in the transportation system will happen vs. providing regulatory flexibility to do so when/where it makes the most sense.
- Chris McCann (Danville) said it’s better to do bigger projects than small bulbouts. It’s more feasible and cost-effective.
- Frank Kennedy (Concord/Moraga/Pleasant Hill) said we need to figure out the level of work that will trigger controls.
- Dan said he didn’t think there is a meaningful relationship between the amount of work on a street and opportunities for inclusion of GI.
- Keith: Water Board staff is looking to develop a standard that will establish what roadway projects are considered regulated projects and therefore must include GI.
- Amanda asked why Water Board is targeting roads and not creating a GI target and allowing cities to find the best way to reach that target that fits their opportunities and context?
- Jill reminded that it still needs to be discussed in the context of the Control Measures Plans and Reasonable Assurance Analyses targets, and we need more flexibility to be able to implement the GI Plans.
- Matt: can there be a policy/planning-based approach (e.g., development of Sustainable Streets Plans)?
- Keith: Doesn’t want just policy/planning during the next permit term; there has to be some implementation.
- Matt: the challenge is creating requirements that support municipal efforts to integrate GI within the long-established transportation project funding processes.

## **7. C.3 Key Issue – Single Family Home Exemption from Regulated Projects**

- Jill started the discussion by reminding the Work Group of a previous action item to see if revisions to Provision C.3.i would address Water Board concerns without needing to

make single family homes (SFH) regulated projects. Jill shared language that Dan had drafted to revise C.3.i.

- Dan explained the proposed revision – tightening up what has been inconsistently implemented was the focus, as well as referencing the BASMAA small project fact sheets developed in 2012.
- Chris said she likes how it tightens the requirement yet still maintains the threshold on polluting land uses at 5,000 sq ft.
- Keith asked how this would lead to SFH managing the required C.3 water quality volume? The revised language sets expectations for designing self-treating areas, but less attention to post-construction design. He did not think the language went far enough.
- Dan said the language referenced guidance that is specific but Best Management Practice (BMP)-based instead of requiring 80% capture on SFH. Specifying BMPs with enough detail to ensure the right amount of management, such as 2:1 ratio for self-treating areas. Thinks what we've done gets at Water Board's concerns.
- Keith: good, but need to get the language right on expectations to not make SFH regulated projects.
- Dan: We have guidance in countywide program manuals and in BASMAA fact sheets. Is it good and well implemented? If not, what more do we need to make sure it is?
- Keith: I am not fully familiar with the BASMAA fact sheets. Jill will send them to Keith and the Work Group as a refresher.
- Jill: with a Maximum Extent Practicable (MEP) standard, municipalities push to put as much as practicable on a site. Opportunities vary depending on the size of a lot or structure on the lot. We're trying to find a fine line of water quality protection without making SFH fully regulated.
- Keith: Water Board staff are willing to back off on O&M inspection requirements, but need a minimum standard to address the water quality storm.
- Jill will share the fact sheets and we can revisit at June meeting.

## **8. Next Steps/Action Items**

- Zach to set up meetings with permittees on GI Plan targets and share memo on information needs.
- Jill to share BASMAA 2012 small project fact sheets.
- Water Board staff to finalize GI Plan review memo to permittees (TBD).

## **9. Next Meeting**

- The next MRP 3.0 C3/GI Work Group meeting will be held on June 4<sup>th</sup>.

**List of Attendees – May 7, 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	5/7/20
Keith Lichten	Water Board	X	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	X
Adele Ho	CCCWP										
Alvin Lei	Fairfield		X	X							
Amanda Booth	San Pablo	X	X	X	X	X	X	X	X	X	X
Chris McCann	Danville				X	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	X
Derek Crutchfield	Vallejo										
Frank Kennedy	Concord/Moraga Pleasant Hill	X	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	X
Jennifer Harrington	Vallejo F&WD										
Jill Bicknell	EOA/SCVURPPP	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			
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	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	X
Reid Bogert	SMCWPPP	X	X							X	
Rinta Perkins	Santa Clara	X	X		X	X		X	X	X	X
Robert Newman	Vallejo			X	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	X
Derek Beauduy	Water Board						X			X	
Imtiaz-Ali Kalyan	Water Board							X		X	
Sharon Gosselin	Alameda County								X	X	X
Bob Russell	Danville								X	X	
Heather Graves	Oakland									X	