

## **MRP 3.0 C.11/C.12 Workgroup Meeting Notes**

**Monday, June 10, 2019**

**1:30 PM – 3:30 PM**

Geosyntec Oakland Office  
1111 Broadway, 6th Floor

### **Attendees:**

Jim Scanlin (ACCWP) (BASMAA facilitator)  
Lisa Austin (Geosyntec, BASMAA facilitator)  
Kelly Havens (Geosyntec, BASMAA facilitator)  
Lucile Paquette (CCCWP)  
Michele Mancuso (CCCWP, Contra Costa County)  
Amanda Booth (CCCWP, City of San Pablo)  
Khalil Abusaba (CCCWP, Wood)  
Jon Konnan (SMCWPPP, EOA)  
Reid Bogert (SMCWPPP, phone)  
Matt Fabry (SMCWPPP, phone)  
Steve Carter (SMCWPPP, Paradigm, phone)  
Chris Sommers (SCVURPPP, EOA)  
Carol Boland (SCUVRPPP, City of San Jose)  
Rafles Warner (SCVURPPP, City of Santa Clara)  
Lisa Sabin (SCVURPPP, EOA, phone)  
James Downing (SCVURPPP, Valley Water (SCVWD), phone)  
Terri Fashing (ACCWP, City of Oakland, phone)  
Shannan Young (ACCWP, City of Oakland, phone)  
Keith Lichten (SFRWQCB)  
Richard Looker (SFRWQCB)  
Jan O'Hara (SFRWQCB)  
Selina Louie (SFRWQCB)

### **Meeting Notes:**

#### **I. Workgroup Member Introductions and Agenda Review**

Outcome: Agenda approved without change.

#### **II. Notes from Previous Meeting and Review of Action Items**

Outcome: The notes from the April 25, 2019 Workgroup meeting (Meeting #4) were approved without change.

#### **III. Provision C.11/C.12 Issue Matrix Discussion**

Outcome: The workgroup discussed MRP 3 C.11/C.12 sub-provisions using a draft C.11/C.12 issue matrix and identified points of agreement, items to continue discussing, and action items. *[See attached draft C.11/C.12 Sub-Provision Discussion Matrix]*. Key discussion points are summarized below.

- RWB staff stated that MRP 2 load reduction requirements seemed to serve as a motivation for implementation by the Permittees. RWB is willing to use a different means of accountability, but this means must have “weight”.

- The C.12.d report was meant to feed into this discussion; would it be possible to have a sneak peek? The workgroup discussed the timing issue related to when this report will be developed by each program (i.e., approximately October 2019 – June 2020). Thus the workgroup will need to find a different way to discuss options.
- Comment from SCVURPPP: will the C.12.d report really inform MRP 3 or vice-versa? We need to start thinking about programmatic load reductions for MRP 3. How much more science would we need to determine potential programmatic load reductions at a larger scale? For example, how much more is out there for source properties as a big picture estimate? It is up for discussion as to what is the set of things we want to do and then we can discuss what these actions are worth for load reductions.
- RWB staff suggested that there are two options for permitting:
  1. Requiring specific detailed implementation actions.
  2. Encouraging load reductions through established load reduction credits.
    - The workgroup discussed whether one approach may be more effective than the other for resulting in implementation actions.
    - Permittees stated that if there is a requirement to do something stated in the permit, then that is enticement enough (i.e., no additional motivation is provided by load reduction credits).
    - RWB staff summarized tradeoff between much more specific details on program approach vs. a load reduction requirement that could be achieved anyway possible.
    - RWB staff stated that there would need to be a detailed schedule of implementation in the C.12.d reports to provide certainty.
    - CCCWP comment: SSID Workplan is an example of concrete action items.
    - RWB stated that what is scary is saying “we are going to continue to implement a program.” How is that tangible or measurable? How could the RWB tell if a Permittee is “mailing it in” vs. being proactive?
    - SMCWPPP question: Does this relate to the Annual Report form and how reports are generated?
    - RWB: we need an adequate metric that is auditable. To a certain extent, all of this is self-reportable. We need to have some oversight at the end.
    - CCCWP: we need to think about countywide accountability, as PCBs are not found everywhere and we want to make this a collaborative effort.
    - RWB: let’s consider tiers of Permittees, think about what would constitute different tiers of effort. Perhaps a “low risk” vs. “higher risk” tiering system would work (e.g., percent of old industrial land uses).
    - RWB: our drivers for C.11/C.12 are the TMDLs and wasteload allocations. We have used different kinds of currency: MRP 1 - # of pilot projects, MRP 2 – load reductions. For MRP 3, the currency for implementation doesn’t have to be “grams”, but it needs to be tied back to load reductions.
    - RWB: Let’s describe the options as Plan A (prescriptive programmatic approach with assigned load reductions) and Plan B (general load reduction requirement).

- The workgroup discussed timing. General agreement was reached that these discussions need to be wrapped up by the end of 2019. BASMAA agreed to develop a source control program and crediting system proposal for discussion after the annual report (October), which will dovetail with BASMAA's Source Control Load Reduction Accounting for RAA project schedule and the programs' timing for developing the C.11/C.12.d reports, as well as the RWB's drafting of this permit provision.
- BASMAA can think about how much total load reductions might be achievable through the various source control programs but will also focus on what is achievable for MRP 3. Also include tiered approach for different types of Permittees.
- The workgroup discussed the process that would be undertaken for revising the TMDLs to extend the compliance dates. Noted that the intent of the C.11/C.12.d report was to demonstrate a need for extending the deadlines. A TMDL basin plan amendment process would be undertaken by RWB staff. Timing is: C.11/C.12.d Plan → MRP 3 → Basin Plan Amendment. An informal review of the TMDL is already underway by RWB staff.

#### Summary of Next Steps:

- For C.12.a, BASMAA will create a proposal to outline the suggested programmatic control measure approach and describe how this approach provides quantifiable metric-based accountability with respect to meeting the TMDL wasteload allocation and/or load reductions. This will be discussed with the RWB starting in October 2019, but components could be run by Richard Looker before then.
- For C.12.e (PCBs in Infrastructure), Khalil is reaching out to Caltrans to get their input. It is also recommended that follow-on monitoring be discussed in the C.8 MRP 3 Workgroup.
- For C.12.f (PCBs in Building Materials), it is suggested that a working group be formed to check in on the status of program implementation. Further discussion is needed regarding the potential for construction sites to be a source of PCBs, and whether this should be included in the Construction General Permit.

#### IV. MRP 3 Steering Committee Meeting Agenda

Outcome: The agenda items suggested by the Workgroup for the June 25<sup>th</sup> MRP 3 Steering Committee include:

- Provide an update regarding agreements reached thus far.
- Provide "hints" at where we are heading for the items still in discussion.

#### V. Action Items, Next Steps, and Meeting Schedule

##### Meeting Schedule

- The MRP 3 Steering Committee meeting addressing C.3/C.11/C.12 is scheduled for Tuesday, June 25<sup>th</sup>, from 1:00 – 4:00 pm at the RWB office (Room 2 on the 2nd floor at 1515 Clay Street in Oakland).
- The external C.11/C.12 Workgroup will plan to meet again in October 2019. The BASMAA internal workgroup will meet July – September to develop the programmatic proposal.

**Action Items**

1. BASMAA will create a proposal to outline the suggested programmatic control measure approach with accountability metrics.
2. Identify attendees and topics for Caltrans meeting regarding bridge caulk abatement. Khalil Abusaba (Wood) will follow-up with Hardeep in July.
3. Create a C.12.f working group and schedule recurring meetings to discuss progress.
4. Schedule internal workgroup meetings in July, August, and September to discuss the proposal development.
5. Schedule October, November, and December 2019 external workgroup meetings.