

MRP 3.0 Steering Committee Meeting #2  
Provision C.10  
Room 10, 2<sup>nd</sup> floor, 1515 Clay Street, Oakland CA 94612  
March 26, 2019

Meeting Summary

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Workgroup and Steering Committee Coordinators

- C.3 – Matt Fabry and Jill Bicknell
- C.8 – Lucile Paquette and Bonnie de Berry
- C.10 – Chris Sommers
- C.11/12 – Lisa Austin and Jim Scanlin
- Reporting/Other – BASMAA Board of Directors



DRAFT MRP 3.0  
Steering Committee

## **I. Introductions, Announcements and Changes to Agenda**

Attendees introduced themselves. Agenda approved without change.

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

Edits to the draft summary from the October 2019 Steering Committee meeting were provided and approved.

## **III. Summary of Recent SC Work Group Discussions**

Work groups are just beginning. The following summaries were provided by each Work Group lead:

- C.3/GI Work Group - The next GI workgroup meeting is on April 14, which will have continued discussion of, for example, Alternative Compliance. The goal is to make substantial progress towards identifying issues and perspectives via these GI workgroup meetings by the end of June, before the C.3 steering committee on June 25.
- C.11/C.12 Work Group - It was clarified that Lisa Austin and Jim Scanlin are the leads for C.11/C.12, rather than Lisa Austin and Chris Sommers. April 25 is the next C.11/C.12 workgroup meeting. At least Richard, Jan, and Keith for the Water Board will be there.
- C.8 Work Group - Lucille Paquette discussed what took place at the two C.8 MRP Permittee internal workgroup meetings. So far, MRP Permittee representatives have looked at the management questions, and are going through the provisions and prioritizing topics. The next C.8 workgroup meeting, which will include Water Board staff, will be held on April 25.
- Updates will be provided at the next Steering Committee meeting.

## **IV. Introduction to Primary Meeting Topic – Trash Reduction**

Chris Sommers, C.10 Work Group lead gave a presentation on major C.10 topics to be hashed out and gave the Permittees' preliminary perspectives on some of those topics (presentation attached). This spurred discussion of many things, such as the ~20,000 OVTAs that have been done in R2 to-date, the ~\$25 million that San Jose has spent on Full Trash Capture Devices (FTCDs) and the ~\$50 million that the Phase I municipalities in R2 have spent collectively on FTCD, and that Permittees are currently on average at ~81% reduction, which includes all offsets and credits allowed under the current framework.

The Permittees generally support the current framework, and stressed the importance of maintaining the offsets or credits. In this most recent FY, 80% of Permittees took credit for source controls, 34% of Permittees claimed an offset for additional creek and shoreline cleanups, and 4 Permittees (5%) claimed a direct discharge offset. The Permittees do not think they can attain no adverse impact by 2022, even with the current framework. The main things they attribute this to are diminishing returns, feasibility issues for FTCD installation, and the

challenge of addressing private drainages. The Permittees would rather the 2022 date be pushed back, closer to the 2030 date that other MS4 Permittees around the state will have to comply with when permits are reissued around the same time as the MRP. If the outcome is that offsets/credits are reduced/eliminated, then the Permittees will need additional time to develop an adequate plan for no adverse impact, which is another argument to push back the 2022 date.

The Permittees discussed several opportunities to account for additional actions, such as existing devices that don't currently count as FTCD, GI (partial credit, if not full credit), auto-retractable curb-inlet screens, additional source control (Berkeley has done some work on this), and trash booms. Following this was a discussion of the frequency of On-land Visual Trash Assessments (OVTAs), and how the observable score on any given day translates to the score that can be claimed. Chris said that under the current methodology, a Permittee needs to observe Low trash generation via OVTAs, 100% of the time in order to demonstrate that a TMA is "green" or achieved the no adverse impact level. Other priority topics included how/if to integrate private drainage areas into the existing framework, the issue of FTCDs in open channels and/or downstream of receiving waters, info on costs-to-date (capital and O&M), clarification of requirements for non-population-based permittees, and receiving water monitoring.



Trash Intro - MRP  
3.0 Steering Commit

## **V. Discussion - Perspectives on High Priority C.10 Items**

Water Board staff indicated that they are in favor of keeping the structure of the current framework, but want to address double-counting by scaling back or eliminating credits and offsets. Their current proposal is to zero-out source control, with the idea that the benefits of the adopted source control ordinances should be recognized via OVTAs. Water Board staff also asked if there were any new source control actions that the Permittees could suggest, for example plastic straws. The Permittees stated they've expended extraordinary efforts and resources on these source control ordinances, so it would be unfair to no longer give them credit for these actions, and it would also make it difficult to justify to their city councils the benefits of spending additional resources on enforcement/outreach/etc. for these ordinances. Water Board staff countered that the Permittees will get credit for these ordinances by virtue of improving the trash conditions observed, thereby directly improving their compliance (i.e., better OVTA scores), and this is the double-counting issue they are concerned with. Otherwise, Water Board staff need the Permittees' help to explain why the work they're doing on the source controls is unique from the other "Other" work they're doing which is verified by OVTAs, i.e. why it needs a unique and separate credit. The Permittees also talked about how there are currently some trash issues that don't have engineering solutions, so we will have to account for non-engineering solutions (e.g., such as spurring social change) as we approach the no-adverse-impacts deadline.

One Permittee said that enforcement of its source control ordinances is not a huge cost; several others expressed the opposite view. One Permittee said that they can't get above 80% outside of FTCD, and "Other" actions have not and will not work, and therefore they need the currently-allowed offsets and credits to reach 100%. Another Permittee talked about private land drainage

areas being the biggest challenge within their jurisdiction. Water Board staff explained that they consider Permittees responsible for trash discharging to and through MS4s from private lands, the same way that they find Permittees responsible for discharges from commercial and industrial properties associated with MS4s.

Following this was a discussion about how credits & offsets address trash that enters receiving waters that doesn't come from the MS4, FTCDs not actually capturing 100% of trash (whereas offsets/credits have the potential to address all trash regardless of whether it enters FTCDs or not), and creek/shoreline cleanups being a key education opportunity. Water Board staff noted that the Water Board members have stated that they are pretty firm on 2022 as the final date for no adverse impact, and that the staff's goal is to make the case to the Board as to what a reasonable timeframe is, and we need the Permittees' help to make that case with the statewide trash amendments in mind. Water Board staff perspective is that the current MRP language is consistent with the trash amendments, though the amendments could give the Board discretion to modify the language. There is a planned trash workshop before the Water Board in late 2019 or early 2020, which may provide the Permittees an opportunity to present/discuss some of these issues and concerns with them.

Next was some discussion about cooperation with Caltrans, the ~\$400 million they've dedicated to FTCDs in R2, reimbursement of capital vs. O&M, the timing of funding relative to municipal project timing, and other issues dealing with Caltrans. One Permittee said that we need to start a regional collaborative process with Caltrans of getting planning and projects organized, and that this coordination is a good argument to extend the 2022 deadline.

Following this was some discussion about revised baseline maps vs. maps showing the current condition. Water Board staff questioned whether further revisions were useful, in that they should be observable via controls and accounted for via OVTAs. Permittees expressed concerns that continued OVTAs in areas known to have baseline low trash generation is not a good use of resources and that if maps are not revised, it would force Permittees to conduct OVTAs in these areas. Permittees expressed an interest in reviewing issues around discharges of trash from State highways that are also city streets (e.g., El Camino Real, San Pablo Ave.), noting that since Caltrans plans to have these roadways on their maps, removing these areas from Permittees maps could be another impetus for map revisions. Water Board staff noted trash in those instances typically is still discharging via Permittee MS4s, and thus that may be an opportunity for cooperative work with Caltrans instead of a mapping change. The group identified for future discussion using collected data and lessons learned to help inform the frequency of OVTAs (e.g., we don't want Permittees to spend resources looking at a clean private multi-family residential parking lot 4 times per year to confirm it's clean, if we have reason to believe it will remain like that—such as it is fenced and regularly maintained by a diligent property management crew). At the next MRP 3.0 Trash Work Group meeting, there'll be presentation of a preliminary analysis on some of these topics.

## **VI. Action Items and Next Steps**

- Distribute a list of Water Board staff leads on each provision, and to participate in each workgroup meeting. (sent on April 17 from Dale Bowyer)

- Change date of C.8 + Other Steering Committee meeting to September 2019 from December 2019. For now, Reporting will be in December 2019, with other topics to be added, as appropriate.
- Permittees will develop a proposed framework consistent with the map turning green/getting to no adverse effect, and will therein describe a potential structure for how credits/offsets could be applied into MRP 3.0.
- Ask Caltrans to give us an idea of the best way to communicate funding/project opportunities to them.
- Send Chris Sommers an email with the list of WB staff in the room today, in addition to Ali's contact info.
- On the list of things to discuss at the monthly C.10 workgroup meetings, add the following:
  - Design specs on the State Board's list of approved FTCDs
  - R2's ability to specify design specs
- Ask Pinole and Hercules to present at the next C.10 workgroup or steering committee or BASMAA Trash Committee meeting, on their progress towards meeting the CDOs by implementing their ordinances to control discharges of trash from private property to MS4s.
- Tentative – at the June/July BASMAA trash meeting, the Permittees will give a presentation on lessons learned to date on receiving water monitoring
  - Luisa wants a bigger room for that meeting than the one we used for this meeting (note: Room 2 on 2<sup>nd</sup> floor of State Building reserved)
- Next steering committee meeting is on the 4<sup>th</sup> Tuesday of June (June 25), which will be on C.3/11/12
  - BASMAA trash committee meeting in the morning that same day
  - Water Board will reserve a room on the 2<sup>nd</sup> floor for the whole day, so that we can also have a presentation in the morning for the BASMAA trash committee meeting (note: Room 2 on 2<sup>nd</sup> floor of State Building reserved)
- Send the draft of these meeting minutes to Geoff and all the program managers
- Look into master calendar and document sharing (note: Water Board can provide posting on Board's public-facing web page).

## **VII. Adjourn**

### Schedule of Steering Committee Meetings

- March 26, 2019 – C.10
- June 25, 2019 – C.3/11/12
- September 2019 – C.8 + Other
- December 2019 – Reporting

## Attachments

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# Trash Load Reduction - Provision C.10

Existing Requirements, Statewide Trash Amendments,  
and High Priority Topics for Discussion

MRP 3.0 Steering Committee  
March 26, 2019



# Existing Permit (MRP 2.0) Requirements

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- C.10a - Trash Reduction Requirements
  - 70% by July 2017; 80% by July 2019
  - Baseline Generation Maps (depict 2009 levels)
  - Mandatory minimum full capture
- C.10.b - Demonstration of Trash Reduction Outcomes
  - Full Capture – mapping & O&M
  - Other Trash Controls – OVTAs & Performance Standards
  - Source Controls
  - Receiving Water Monitoring





# Existing Permit (MRP 2.0) Requirements

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- C.10c – Hot Spot Cleanups
  - Annual cleanups
  - # site = Permittee specific
- C.10.d - Trash Load Reduction Plans
  - Maintain Long-Term Plans (via ARs)
- C.10.e – Optional Offset Opportunities
  - Additional creek/shoreline cleanups
  - Direct discharge program (non-stormwater sources)
- C.10.f - Reporting



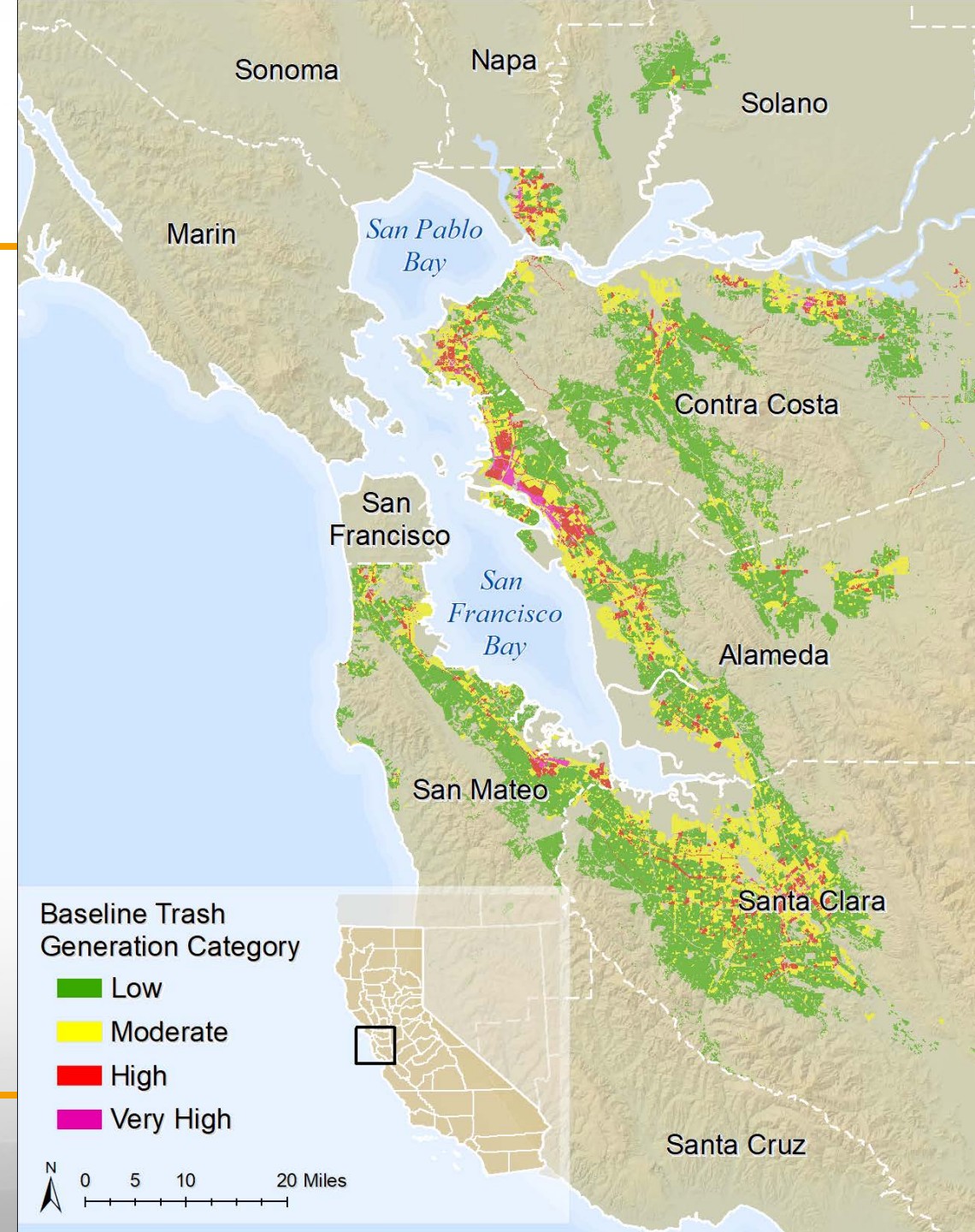
# Statewide Trash Amendments

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- **Discharge Prohibition**
    - Apply to all surface waters of the State, with the exception of those waters within the jurisdiction of the LA Water Board that have trash TMDLs
    - Dischargers with NPDES permits that contain specific requirements for the control of trash that are consistent with the Trash Amendments are in compliance with the prohibition if in full compliance with such requirements
  - **Trash Reduction Requirements**
    - Priority Land Uses – Areas of interest
    - Track 1: Install, operate, and maintain full capture systems
    - Track 2: Install, operate, and maintain any combination of trash controls at a full capture equivalency level
  - **Schedule** – Full Cap or Equivalent no later than 10 years after the first implementing NPDES permit, but in no case beyond 2030.
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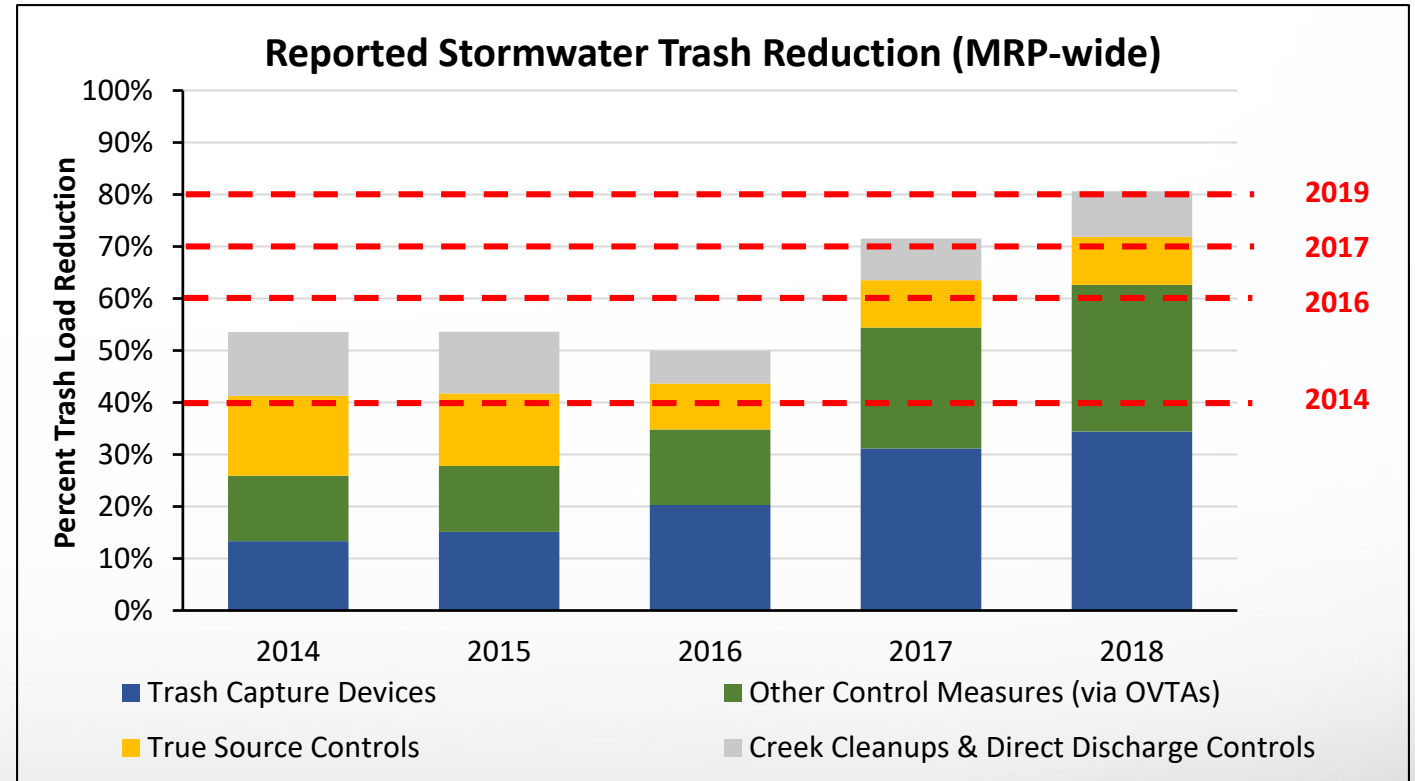
# MRP Trash Reduction Actions

- Baseline Trash Levels (maps)
- Trash Reduction Accounting Method
  - Model for statewide Trash Amendments
- Full Capture Installation, Tracking and Maintenance
  - >12,000 acres treated through FY 17-18
- Other Enhanced Trash Control Measures
  - > 20,000 OVTAs through FY 17-18
- Initial Estimate - >\$50M spent to-date



# MRP Trash Reduction Outcomes

- Collectively – 81% reduction
- July 2017 – 70% Reduction
  - 64 of 71 population-based MRP Permittees (90%) achieved the July 2017 goal
  - 7 CDOs issued
    - “achieve 80% by July 2019”
    - 1 of 7 has demonstrated 80% to-date
- Overall, success in trash control measure implementation and reductions to-date





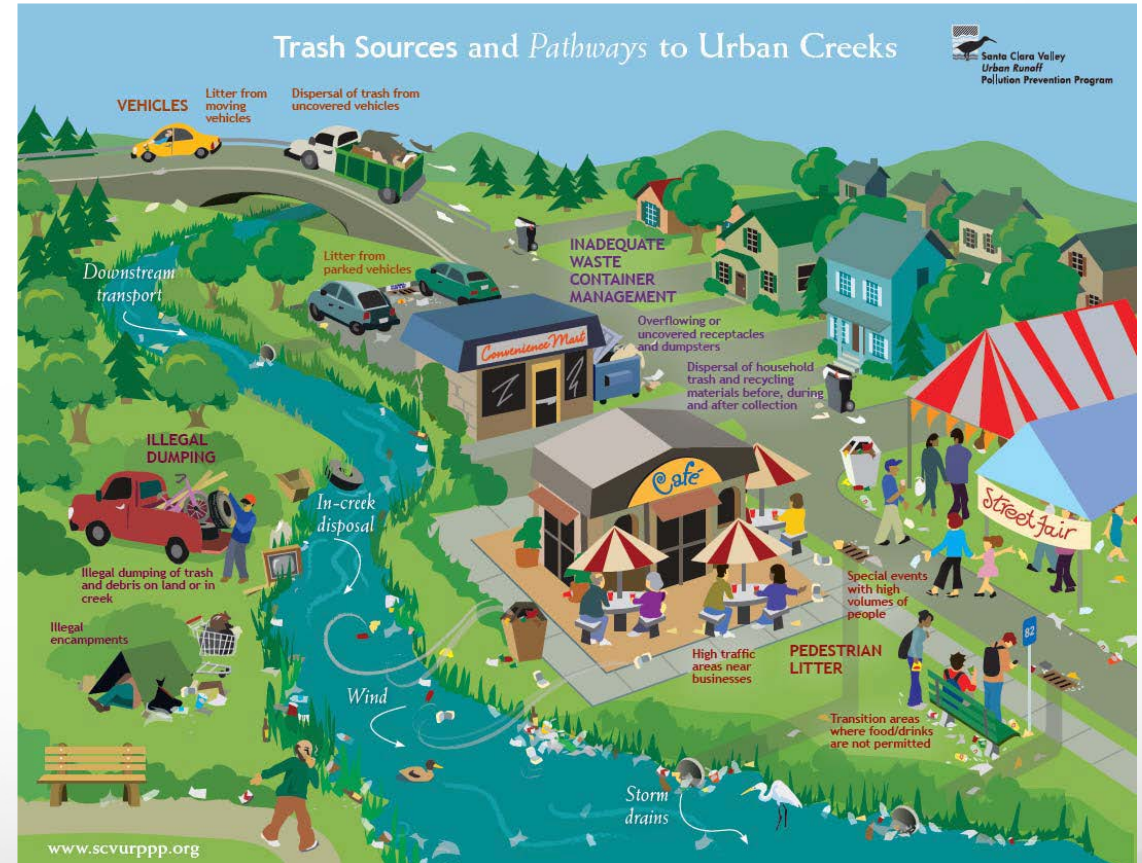
# High Priority Topics for MRP 3.0 Discussion

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1. Continuation of existing framework
  2. MRP 3.0 reduction goal and timeline
  3. Opportunities to account for additional actions
  4. Extent/degree of on-land visual trash assessments (OVTAs)
  5. Others
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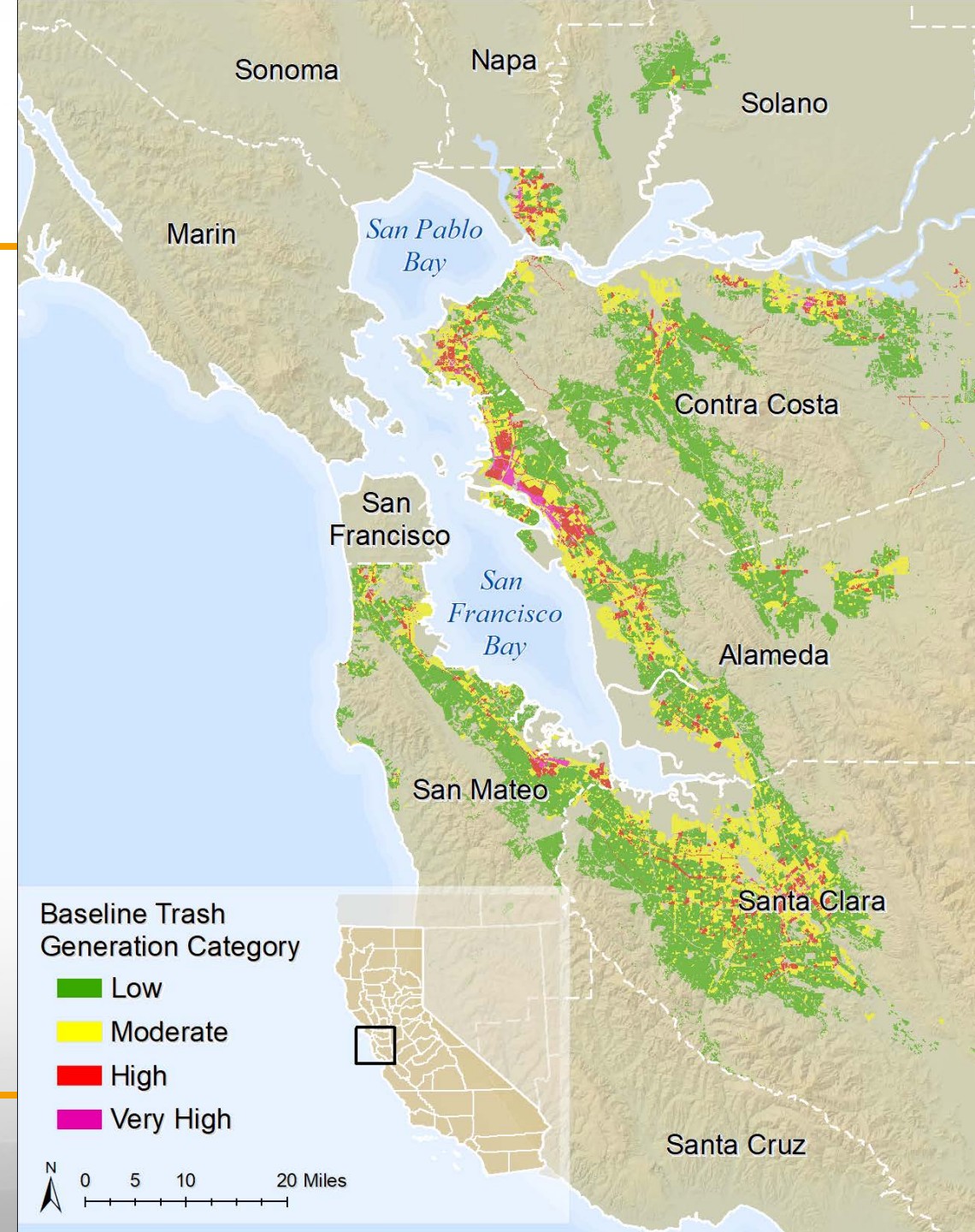
# 1. Continuation of existing framework

- Framework created by WB and Permittee/Program staff
  - Series of 10+ meetings in 2012/13
  - Framework instituted in MRP 2.0
  - Focuses on trash discharges from MS4s
  - Allows for addressing trash from other (non-stormwater) pathways and trash that bypasses full capture systems



# MRP 2.0 Trash Load Reduction Accounting

- Baseline generation maps = 2009 starting point
- Trash Load Reductions
  - Full Capture Systems - mapping drainage areas
  - Other Actions – via OVTAs
    - Full Cap Equivalency = OVTA “A” scores
  - Source Controls - up to 10% credit (with justification)
  - Offsets:
    - Additional Creek/Shoreline Cleanups (up to 10%)
    - Direct Discharge (EO Approval; up to 15%)
    - Both 10:1 offset





# Trash Source Controls and Offsets in FY 17-18

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- Source Controls - 80% of Permittees took credit
- Additional Creek/Shoreline Cleanups – 34% of Permittees claimed offset
- Direct Discharge – 4 Permittees claimed offset

## Impacts of Removing Source Control Credit and/or Offsets

Scenario	% of Permittees in Compliance		
	70% Goal	80% Goal	90% Goal
<b><i>Current (FY 17-18)</i></b>	<b><i>87%</i></b>	<b><i>68%</i></b>	<b><i>30%</i></b>
Remove Source Control Credit	72%	34%	14%
Remove Creek/Shoreline Cleanup Offset	82%	58%	24%
Remove Direct Discharge Offset	83%	62%	25%
Remove Source Control Credit and Offsets	58%	27%	13%



## 2. MRP 3.0 reduction goal and timeline

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- 2022 compliance deadline (full capture or equivalent)
    - Likely unattainable for most Permittees
    - Diminishing returns, feasibility issues and private drainages
    - If source control credits and offsets disallowed, even more Permittees will not achieve
    - Context: State Water Board to allow up to 2030 for other Permittees
  - Options
    - Keep as-is in Permit, handle via enforcement actions outside of MRP (current practice)
    - Extend timeline in Permit for some Permittees (with justification)
    - Extend timeline in Permit for all Permittees
    - Others
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### 3. Opportunities to account for additional actions

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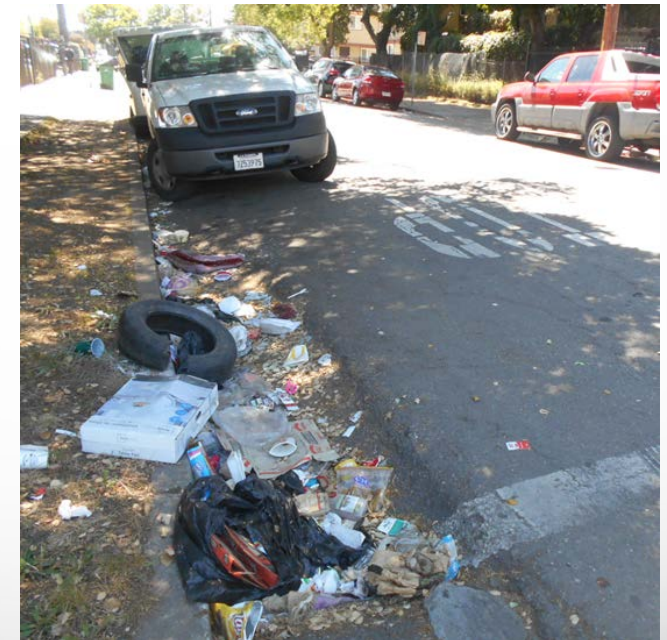
- Not all controls fit within existing framework
  - Low Impact Development/Green (Stormwater) Infrastructure
  - Non-full capture stormwater treatment systems
  - Autoretractable curb inlet screens
  - Trash booms/curtains
  - Additional source controls & offsets
- Adjustment of framework to allow accounting for new/existing controls
- Options
  - Incorporate Performance Standards (% reduction credits) into framework
  - Adjust framework so combinations of controls = full capture equivalency
    - Example: Non-full cap treatment system + OVTAs demonstrating reductions in drainage area



# 4. Extent/degree of OVTA's

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- Current permit requirements
  - Assumes standard frequency of assessments for all sites, regardless of:
    - variability in OVTA scores (standard deviation)
    - degree of improvement asserted (% reduction)
  - Full Capture Equivalent (100% reduction)
    - All “A” scores, at all sites, during all observations
- Options
  - Frequencies
    - As-is, keep flexible
    - More specificity/guidance
  - Full Capture Equivalency
    - Keep as-is
    - Allow for inherent variance to be considered  
(example – X% of observations > “A” = Full Cap Equivalency)



# Other Priority Topics

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- How/if to integrate private drainage areas into framework
  - Full capture systems in open channels and/or downstream of RWs
  - Information on costs to-date (capital & O&M)
  - Clarification of requirements for non-population based Permittees
  - Receiving water trash monitoring
-