

**MRP 3.0 C3/GI Work Group Meeting**  
**Thursday, May 2, 2019**  
**Meeting Summary**

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

- Introductions were made. List of attendees is attached. Peter announced the upcoming SFPUC GI Maintenance Model webinar on May 7 at 11 AM.

**2. Accept Previous Meeting Summary**

- The April 4, 2019 meeting summary was accepted, as written.

**3. Report from the MRP 3.0 C.11/C.12 Work Group**

- Matt Fabry provided a report from the April 25 C.11/C.12 workgroup. Key takeaways related to GI included:
  - Relatively speaking, GI projects do not achieve large load reductions of PCBs/mercury. Using Interim Accounting, we achieved about 30 g/yr across the whole MRP area through GI (most private, only 4% was public retrofit).
  - Regulated project implementation is outside of Permittee control.
  - Perhaps focus on how to get more out of Regulated Projects (i.e., leveraging to get frontage retrofit) as opposed to setting a load reduction requirement tied to Regulated Projects (combined with public projects, as the current permit does). Think about what the Permittees do have control over.
  - Consider the unintended consequences of focusing retrofit projects in high PCBs/mercury loading areas, instead of multi-benefit projects in other areas.
  - Put the “currency” (metrics) in C.3.j, not in C.11/C.12, but then account for the loads reduced in C.11/C.12.
  - We need to have “accountability” for furthering the efforts of reducing loads in C.11/C.12, but let’s focus on source control measures (e.g., PCBs in building materials) instead.

**4. Work Group Topics and Schedule**

- The Work Group agreed on the topics for today’s meeting, and Matt indicated the tentative plan is to have an internal (BASMAA only) meeting on June 6 to further vet issues related to developing a proposal around indicators/metrics. Dan suggested there needs to be a smaller, representative closed (without Water Board staff) group to think through the process for GI discussions at the planned June 25 MRP 3.0 Steering Committee, scheduled to cover GI and C.11/C.12. Recognizing challenges in getting buy-in for a proposal, Keith suggested there doesn’t necessarily need to be a single “silver bullet” approach that Water Board staff and all permittees agree upon. Peter suggested perhaps a “silver buckshot” approach might be more appropriate.

**5. Discussion of Key Topics for MRP 3.0**

- The key topics for this Work Group meeting were:
  - Alternative Compliance
  - Thresholds/Exemptions for regulated projects, roads, and Hydromodification Management
  - Special Projects requirements

- Design of GI/LID for trash capture

### 5.a. Alternative Compliance

- Dan suggested alternative compliance and special projects go together – some permittees have few, if any, special projects, others have many and are moving toward alternative compliance approaches. The current MRP allows crediting/banking – there isn't necessarily a regulatory hurdle to having in-lieu programs. Maybe best to leave requirement unchanged for another five years and it may run its course due to O&M costs. The main question is really whether there needs to be more direction/form to the requirements or leave as is?
- Keith: Water Board staff has expressed intention to remove the special project exemptions in MRP 3.0, with the alternative for those projects being alternative compliance. What's practical? WB recognizes the reduced pollutant loads from special projects vs. traditional development. GI seems to be generally feasible on these sites. Look at the San Mateo county model of more regional/neighborhood scale projects. Or pollutant trading. How do we make these approaches more robust and useable? SF did a process to figure out costs – not a simple effort and think we could do the same in MRP areas, but what do permittees need to help create such programs? Local vs. sub-regional vs. regional? EPA WQIF grant to Walnut Creek/Richmond exploring credit trading framework – will be ongoing in MRP 3.0 – can WB write something into permit to recognize that effort and incorporate lessons learned?
- Dan: In a development process, applications are submitted, moving forward, money borrowed, political momentum, need for housing projects. Due to the specific nature of individual development projects, our vision of alternative compliance may not work as a one-size-fits-all approach.
- Shannan: We need special projects because we don't have mechanisms in place yet to overcome the hurdles Dan raises.
- Keith: For MRP 2.0, we thought a bit about the alternative compliance language and loosened requirements around timing/location of projects. GI Plans are another moving part – we'll get lists of project opportunities. Is there more info that can feed into alt. compliance/in-lieu programs?
- Matt: We need cost info, need maps of areas where we may de-prioritize GI over others. Need mechanism for compliance on a sub-county basis if there is collaboration on achieving long-term goals but fall short at county level.
- Chris: That's what the EPA grant will do.
- Dan: There isn't a requirement to evaluate onsite feasibility to lead to alternative compliance. Lack of guidance – how do we not have projects just pay to avoid onsite?
- Jeff: San Jose has a lot of special projects. There are other alt. compliance/in-lieu programs nationwide that took a long time to develop. Costs were a big part – we don't have that info in the Bay Area. Need time to figure out priorities within jurisdictions. Special projects can't just go away suddenly – still need council approval to create these programs. They may not be considered legal. Special projects have been able to get LID on most projects, but not always. Programs are promising, but San Jose not there yet – need to tread lightly to make sure developed well and cities can recoup costs.

- Keith: There have been grant-funded retrofits in San Jose – costs are coming in high. There is some cost info – what’s available or could be available?
- Jeff: Varies. Three grant projects, all done differently. One was multi-modal, costs are muddy. Chenoweth – cleanest but is one data point. Not many years of experience with O&M or different types of green street projects. Projects fall through due to high construction costs. For Park Avenue, able to coordinate with a multimodal project. Keith: Not only region trying to get these data – O&M not well organized. Can they be compiled and made comparable? Time-based O&M data?
- Chris: Think EPA grant will help. Not just non-polluting communities like Danville – we can collect fees, but cities that need GI may not have the resources (staffing, etc) to be able to implement.
- Dan: How will resource-challenged communities implement?
- Chris: We know where pollutants are at county scale – old industrial areas. Not places like Danville. Need to start there.
- Keith: Again, San Mateo regional project approach as an example. San Pablo’s Rumrill Ave project used alternative compliance funds – we can all envision long-term big program. Know it can work on an ad-hoc basis – but what do we need to get past start-up challenges?
- Shannan: GI Plans include funding/financing evaluations. If Terri (Oakland) were here, she’d say, “Let us implement our plans.” Maybe tweak the permit to support making it work – looking at all the options in plan. Extending alt compliance timeframe from 3-5 years was helpful. But still may not be enough to make projects happen.
- Matt: Permit requirements help in getting studies or programs funded – but need to prioritize with all the other permit components due to limited resources. If moving GI implementation forward is highest priority, may be appropriate to direct more resources toward developing such programs, if equivalent cost reductions can be made elsewhere in absence of new funding. We need to better understand what is coming out of the EPA WQIF grant – it is discussed as an answer to many of these questions, but most BASMAA reps unaware of the actual scope of work.
- Dan: Given current requirements work – perhaps add a preamble or vision – how to report progress. Add directive, goal-oriented language. Then in next cycle (MRP 4.0?) can report what’s working/not and then include more specific mandates as needed.
- Keith: Yes, and...C.11/C.12 – how do we use GI Plans as a framework? How do we support permittees putting resources where they want to?
- Chris: Jurisdictional or regional? You’ll get more from Danville if we go regional.
- Keith: Multi-benefits drivers – Water Board so far has said onsite or in same watershed. But room to move if can define these priorities.
- Dan: Next step in a regulatory push would be a clearer statement in relationship between GI plans, alternative compliance, regulated projects, etc. See how it fits in that over five years then revise for MRP 4.0.
- Chris: Take into consideration built-out vs. developing cities. Green acres not realistic for built-out areas. Metric not one-size-fits-all. If we just show earnest progress, shouldn’t matter how much in the end. Bigger cities may be different.
- Peter: Can special projects be gradually phased out? Not all at once?

- Matt: Need to keep all the housing legislation in mind in terms of how it might impact rate and types of special projects around transit areas – be careful not to eliminate before understanding how development patterns may change to promote housing production.
- Dan: Sizing criteria work for GI plans came up with reduced sizing needs that still meet C.3.d compliance – could be a game changer for LID in high density projects. Not consensus yet on how to apply the updated sizing criteria – currently only talking about applicability to street projects – but technical approach/outcome really applicable to C.3.d overall. Do we apply safety factors to get closer to 4% or allow 1.5-2% sizing?
- Peter: Is LID at 2% sizing better than high-rate media filters? No one has really done anything with alternative compliance programs using in-lieu fees because they haven't wanted to do the nexus study that is complicated and possibly costly. But as soon as a few do it, it might break the dam.
- Next Steps on Alternative Compliance/Special Projects:
  - Consensus to not take away existing alternative compliance language
  - What could be added to help push/nudge for a more formalized alternative compliance process?
  - Look at a grant for a nexus study to get more cost data?
  - EPA Grant – need to find out what it will actually do.
  - Need to consider sub-countywide compliance issue in 3.0
  - Special projects – BASMAA to propose an alternative to exemptions going away. Phasing? Simplification?

#### **5.b. Thresholds/Exemptions for regulated projects, roads, and Hydromodification Management**

- Keith: Water Board staff has expressed intent in reducing C.3 regulated project threshold down to 5,000 sq. ft. of added/replaced impervious surface for all project types. The 50/50 redevelopment triggers would stay.
- Chris: Why a reduction to 5,000 sq. ft. for all regulated projects? We already have a 5,000 sq. ft. threshold for the most polluting land uses like automotive facilities, gas stations, restaurants and parking lots, there would not be much added value, but the impact on staff resources are significant.
- Dan: BASMAA did study – four years of regionwide data. Every development project. Created a curve for the thresholds vs. percent of total impervious surface managed. Distinct curve and data set. Yes, was a different time, looked at only four years of data, didn't cover whole region, might not be exactly right, but definitely not totally wrong. Until you get above an acre – not getting significant benefit for impervious surface managed. Sub-10,000 sq ft increased proportion of total impervious area managed by 0.5%. 8% increase in total project review – not a huge issue in workload, but questionable benefit. Should focus instead on quality LID on big projects.
- Keith: Yes, but what is the evolving standard? Increased costs are borne by someone with additional projects – aren't fee recovery programs in place?
- Chris: Costs are not fully recovered due to long-term O&M inspection costs. And fee recovery from individual owners carries a high staff burden.
- Matt: some SM permittees are looking voluntarily at changing regulated project thresholds – based on modeling results showing they will have to do way more

green streets than they could ever afford to build or maintain – looking for ways to shift GI implementation burden more on private development. Require more projects to implement GI, and expand to require GI on adjacent public roadways. May be more thoughtful ways to revise thresholds to get better outcomes that may work better for permittees.

- Keith: Yes, can be alternative compliance driver. On Dan's study – analysis at regional level may not be equivalent for each jurisdiction.
- Dan: Did do a cross comparison with San Jose and was consistent. "Simple" changes to permit requirements create huge cascading impacts for programs. Have to update guidance docs, do training, provide outreach to development community, change tracking forms, etc. But let's do it for a good reason. If you want permittees to support change – make it something they can support.
- Shannan: Yes, cities can recover with fees, but limited staff resources. Takes more staff time on smaller projects – less sophisticated than big developers, don't deal with these requirements regularly. Focus on programmatic changes with big impact.
- Chris: Harder to fit GI on smaller sites.
- Keith: Yes, challenges- but North Bay already under the 5,000 sq ft threshold in Phase II permit.
- Matt: Might be more ok with threshold changes with up-and-running alternative compliance programs. Then a fee approach looks ok. Suggest that BASMAA propose an alternative with justification to the Waterboard.
- Chris: I'm not OK with reducing to 5,000 sq ft threshold.
- NEXT STEPS ON THRESHOLDS:
  - Discuss at the MRP 3.0 Steering Committee
  - Bring back BASMAA study results as a refresher
  - Phasing – tie alternative compliance/in-lieu fee and GI Plan implementation
  - North Bay Phase II issue – planning to bring into MRP 3.0.
- Keith indicated two issues need to be evaluated moving forward on these issues of how well existing regulated projects are complying with the permit and if smaller projects (5,000-10,000 sq ft) would need more hand-holding and have more difficulty complying – 1) are there opportunities to improve inspection and testing procedures during construction – Are we getting effectively built projects now? Are improvements needed? And 2) context of an asset management framework
- Peter: regarding testing procedures during construction: developers, permittee staff and Biotreatment Soil Media (BSM) suppliers are experiencing frustration in meeting permit and local standards related to BSM. Walnut Creek has an intern researching BSM testing methods - more research is needed to improve the process and BSM specification

### **5.c. Special Projects**

- There wasn't time to discuss this beyond what was already discussed regarding alternative compliance issues.

### **5.d Design of LID for trash capture**

- Again, due to time, there was no discussion on this other than the issue is being explored in a small workgroup that will come back with more info at a future meeting.

## **6. Action Items**

- Keith – suggested a couple Water Board and BASMAA leads develop a draft agenda for the June 25 MRP 3.0 Steering Committee focused on C.11/12 and GI. Will need to bring in Richard Looker. What are the big picture issues to discuss at that initial meeting?
- Chris: Can we see a table similar to the other workgroups with info on each MRP provision in C.3?
- Dan: Probably makes sense for all but C.3.j
- Keith suggested Zach take initial steps to create a C.3 table as a communication tool.

## **Next Meeting**

- Next meeting will be internal only on June 6, 10:30 am - 12:30 pm.

## List of Attendees – May 2, 2019 Meeting

Name	Affiliation	2/7/19	3/7/19	4/4/19	5/2/19	6/6/19	
Keith Lichten	Water Board	X	X	X	X		
Dale Bowyer	Water Board	X	X	X			
Zach Rokeach	Water Board	X	X	X	X		
Matt Fabry	SMCWPPP	X	X		X		
Jill Bicknell	EOA/SCVURPPP	X	X	X			
Peter Schultze-Allen	EOA/SMCWPPP	X	X	X	X		
Liesbeth Magna	EOA/SCVURPPP				X		
Courtney Riddle	CCCWP	X			X		
Adele Ho	CCCWP	X	X				
Jennifer Harrington	Vallejo F&WD	X					
Pam Boyle Rodriguez	Palo Alto	X	X	X	X		
Jeff Sinclair	San Jose	X		X	X		
Terri Fashing	Oakland	X	X	X			
Shannan Young	Dublin	X	X	X	X		
James Paluck	Fairfield	X	X	X			
Dan Cloak	DCE/CCCWP	X	X	X	X		
Derek Crutchfield	Vallejo	X	X	X			
Melissa Tigbao	Vallejo	X					
Sam Kumar	Vallejo				X		
Geoff Brosseau	BASMAA	X	X				
Kristen Hathaway	Oakland		X				
Kevin Cullen	Fairfield		X	X			
Frank Kennedy	Concord/Moraga/ Pleasant Hill		X	X	X		
Jim Scanlin	ACCWP		X	X			
Chris McCann	Danville				X		
Reid Bogert	SMCWPPP				X		
John Steere	CCCWP				X		