

MRP 3.0 Steering Committee Meeting #5
Provisions C.2, C.4, C.5, C.6, C.7, C.9, C.13, C.14, C.15, C.16, C.17 and other new provisions
Room 2, 2nd floor, 1515 Clay Street, Oakland CA 94612
November 5, 2019

Meeting Summary

Name	Affiliation	Email Address
Adam Olivieri	SCVURPPP	awo@eoainc.com
Amanda Booth	City of San Pablo	amandab@sanpabloca.gov
Beth Baldwin	ACCWP	bethb@acpwa.org
Brad Underwood	San Mateo	bunderwood@cityofsanmateo.org
Chris Sommers	EOA Inc.	csommers@eoainc.com
Dale Bowyer	Water Board	Dale.bowyer@waterboards.ca.gov
Dan Cloak	CCCWP	dan@dancloak.com
Derek Crutchfield	City of Vallejo	Derek.crutchfield@cityofvallejo.net
Elyse Heilshorn	Water Board	Elyse.heilshorn@waterboards.ca.gov
Gary Grimm	ACCWP	ggrimm@garygrimmllaw.com
Imtiaz-Ali Kalyan	Water Board	Imtiaz-ali.kalyan@waterboards.ca.gov
Jennifer Harrington	Vallejo Flood and Wastewater District	jharrington@vallejowastewater.org
Jill Bicknell	EOA Inc.	Jbicknell@eoainc.com
Joseph Martinez	Water Board	Joseph.martinez@waterboards.ca.gov
Kirsten Struve	Santa Clara Valley Water District	kstruve@valleywater.org
Lisa Austin	Geosyntec Consultants	laustin@geosyntec.com
Luisa Valiela	U.S. EPA	Valiela.luisa@epa.gov
Matt Fabry	C/CAG	mfabry@smcgov.org
Melody Tovar	City of Sunnyvale	mtovar@sunnyvale.ca.gov
Michele Mancuso	CCC	Michele.mancuso@pw.cccounty.us
Pam Boyle Rodriguez	City of Palo Alto	Pamela.boylerodriguez@cityofpaloalto.org
Natalie Asai	Hillsborough	nasai@hillsborough.net
Robert Newman	City of Vallejo	Robert.newman@cityofvallejo.net
Shannan Young	City of Dublin	Shannan.young@dublin.ca.gov
Sharon Gosselin	County of Alameda	sharon@acpwa.org
Terri Fashing	City of Oakland	tfashing@oaklandca.gov
Sandy Mathews	Larry Walker Associates	Sandym@lwa.com
Frank Kennedy	Town of Moraga	fjk@kennedyandassociates.org
Mitch Avalon	CCCWP	Mitch.avalon@pw.cccounty.us
Rebecca Nordenholt	Water Board	Rebecca.nordenholt@waterboards.ca.gov
Jeff Sinclair	City of San Jose	Jeff.sinclair@sanjoseca.gov
Sarah Scheidt	City of San Mateo	Sscheidt@cityofsanmateo.org
Kristin Kerr	EOA	kakerr@eoainc.com
Mitra Abkenari	Concord	
Chris Davis	Concord	
Kristine Corneillie	CCCWP	Kristine.Corneillie@pw.cccounty.us
Watson	Sonoma County Water Agency	
Alvin Lei	City of Fairfield	alei@fairfield.ca.gov
Athena Watson	Zone 7	

Workgroup Coordinators

- C.3 – Matt Fabry and Jill Bicknell
- C.4/C.5 – Michelle Mancuso and Kristin Kerr
- C.8 – Lucile Paquette and Bonnie de Berry
- C.10 – Chris Sommers

- C.11/12 – Lisa Austin and Jim Scanlin
- Reporting/Other – TBD



DRAFT MRP 3.0
Steering Committee

I. Introductions, Announcements, and Changes to Agenda

Outcome: Attendees introduced themselves. Agenda approved without change.

II. Summary from Previous Meeting

Outcome: Summaries of the March and June steering committee meetings were approved.

III. Update on GI Plan Review

Water Board staff are in the process of reviewing the submitted GI Plans and the GI language proposed by the permittee representatives, and will present the preliminary results of the GI Plan review and draft GI language at the December 5 C.3/GI workgroup meeting.

IV. Update on Trash Review and December Board Item

Water Board staff indicated that there will be an item on the December 11th Water Board meeting regarding MRP Trash Load Reduction. Water Board staff will present their review of trash load reduction reported in the FY 18-19 Annual Reports, including red flags vs. yellow flags, adequate actions to support source control claims, how permittees are accounting for private land areas regarding trash compliance (e.g. is bypass occurring where credit is claimed), and consistency with the OVTA protocol. Water Board staff discussed wanting to have some presentations from the permittee representatives to discuss the lift to 100% “no adverse effect” and some of the major impediments to that goal. The trash item may begin in the afternoon. Water Board staff will communicate further with the permittees about this via Chris Sommers and Kirstin Struve, who will help coordinate with permittee representatives on this item.

V. Reissuance Schedule

Water Board staff indicated that ideally the effective date of the reissued permit (i.e., MRP 3.0) will line up with the beginning of fiscal year 2021-22 (July 1, 2021), but this is yet to be determined. An administrative draft will likely be ready for dissemination by mid-2020, followed by a formal draft Tentative Order in late 2020. The Small MS4 permit decision plays into this as well. If permittees remain in the Small MS4 permit, they must meet the following two conditions: 1) improved reporting, and 2) compelled commercial & industrial inspections. A challenge is that these changes must be statewide, since they cannot be specific to our region. TMDLs will be implemented regardless of which permit small permittees are covered under, though the nature of implementation will depend on the permit; Water Board staff believe that the MRP offers an easier path to compliance. Petaluma has already decided to join the MRP. San Francisco will also join the MRP.

VI. Summary of Recent SC Work Group Discussions

Summary of Recent Workgroup Discussions

Workgroup coordinators provided 5-minute updates. Chris Sommers updated the Steering Committee on recent C.8 and C.10 workgroup meetings, Lisa Austin for C.11/12, and Jill Bicknell for C.3. Highlights of the discussions following workgroup summary presentations are provided:

C.3 workgroup review:

- Permittee representatives have provided Water Board with a draft outline of thoughts on drivers and indicators of implementation of GI plans. Water board staff are working on their own language in parallel. Will discuss in December.
- Discussion of alternative compliance by a smaller group is ongoing. Draft language is under development.
- Permittee representatives are also working on the other aspects of C.3. Project thresholds, exemptions for roads, experience with O&M (inform WB staff about field observations), coverage of single-family homes, special projects, etc...
- The next meeting is on Nov. 14. The group will talk more about asset management then.

C.8 workgroup review:

- The main topic of the Steering Committee meeting on Dec. 3rd is Monitoring.
- Permittees are internally discussing their perspectives on creek status monitoring, POC monitoring and stressor/source identification (SSID), and other aspects of C.8.
- The next C.8 workgroup meeting is on Nov. 19 (w/ WB staff).

C.10 workgroup review:

- The last C.10 workgroup meeting was this summer. There are two internal permittee/program meetings in Nov./Dec., to talk about source control, and which provisions apply to flood control agencies.
- Permittees would like to schedule an additional workgroup meeting with Water Board staff by the end of the year (December).

C.11/12 workgroup review:

- Lisa Austin provided an update on the “programmatic” approach proposal that permittees are developing. An initial concept of this approach will be discussed with Richard Looker and other Water Board staff in November.

VII. Miscellaneous Comments/Requests

The following comments and requests were made by participants:

- All work group coordinators send to the Steering Committee members the most current version of their matrices that document the status of discussions between permittees and Water Board staff on specific topics.

- The Steering Committee consider whether additional meetings are needed after the one in December, and to create a draft schedule that includes work group developments and deadlines to find consensus by the time the administrative draft is scheduled to be issued, (tentatively mid-2020).
- Have a call between work group coordinators to decide whether certain topics/workgroups are finished meeting. Workgroups should resolve issues by June 2020 at the latest, to be included in the administrative draft scheduled for release shortly thereafter.
- Have a final Steering Committee meeting in the summer of 2020. During the drafting process, the Water Board may send out an email to the permittees with certain ideas/questions, then the permittees can discuss internally and respond.
- Need to decide whether to have work group meetings on the “Other” provisions, or alternatively discuss with the BASMAA Board of Directors.
- As appropriate, assign discussion of potential changes to reporting to relevant work groups and/or BASMAA committees.

VIII. Discussion of “Other” Provisions

During this part of the meeting, the participants went through the Water Board’s proposed changes which were listed in a spreadsheet (attached below). Some of the key dialogue from the meeting is summarized below:



Other MRP
Provision Topics 11_

- **C.2 – Municipal Operations**
 - Water Board staff indicated that there are some potential issues with the definitions of rural roads. Permittees will set up a call with Water Board staff to discuss the definitions in C.2.e – Rural Roads.
- **C.4 –Industrial & Commercial Site Controls**
 - Water Board staff is concerned that some types of businesses may fall through the cracks, depending on who does the inspections in a given municipality. Permittees replied that:
 - Thousands of inspections are being done. All are recorded in inventories, and sites are unlikely to fall through the cracks.
 - The Water Board should go through this and other concerns outlined in the matrix, and make sure that the issues haven’t already been expressed and resolved in the past.
 - Water Board staff agreed to review the matrix and prioritize items to discuss at a newly formed C.4/C.5 Work Group, which will be coordinated by Michelle Mancuso (CCC) and Kristin Kerr (EOA/SCVURPPP).

- Permittees also made a request to remove the requirement to provide the business inspection list, and instead make the info available upon request.
- **C.5 - Illicit Discharge Detection and Elimination**
 - A Permittee made a suggestion to put the mobile businesses provision in C.4.
 - The discussion of controls associated with Recreational Vehicles (RVs) will be discussed with the C.4/C.5 work group.
 - Water Board staff suggested placing standard placards on the sides of sanctioned mobile businesses.
 - Note: There are many other ideas in the attached spreadsheet. Water Board staff have been meeting with county inspectors over the past several months to discuss these and other ideas.
- **C.6 - Construction Site Control**
 - Permittee representatives expressed resistance at making any changes unless there are significant/new compliance issues that Water Board staff see those changes as addressing.
 - One permittee representative took issue with the detailed reporting that's required in provision C.6. Is there some way to more efficiently capture the info gathered by inspectors, *during inspection*, and report that directly?
 - Water Board staff agreed to review their list of potential issues in the matrix and request a call via the Steering Committee if necessary.
- **C.7 – Public Education and Outreach**
 - There was a request from a permittee representative to move storm drain inlet marking into C.2 (and into C.3 for private development).
 - Water Board staff also mentioned wanting to take a look at standards for inlet marking, and potentially revising the language in the MRP.
 - One permittee representative from the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) requested more flexibility in how their program spends its money on outreach and education. One idea proposed was a two-track approach, where the secondary (alternative) track could require approval by the Water Board EO. The SMCWPPP representative agreed to propose language to address this desired flexibility.
- **C.9 – Pesticides Toxicity Controls**
 - Water Board staff met with a small group of permittee representatives recently, to discuss reporting issues. The current status is that permittees will send a few examples of what municipalities send to the county agriculture representatives, and the discussion will proceed from there.
- **C.13 – Copper Controls**
 - Permittee representatives will follow up with Richard Looker on needed revisions.

- Permittees asked how useful is the reporting that the permittees are providing to the Water Board on this provision?
- **C.14 – Bacteria Controls**
 - Jan O’Hara is leading the revision to this provision. Jan was unable to attend the meeting and she’ll handle proposed revisions outside of the meeting.
- **C.15 - Exempted and Conditionally Exempted Discharges**
 - The Committee briefly agreed that further discussion on: 1) discharges associated with small urban firefighting and, 2) discharges associated with RVs and homeless encampments, will happen via small work groups that will convene in the coming month(s), as requested by Keith Lichten.
 - Water Board staff indicated that they do not anticipate adding new types of conditionally exempted discharges to the MRP.
- **C.17 – Annual Reports**
 - Water Board staff have developed a preliminary list of proposed reporting changes and will share this list (after additional internal review) with Chris Sommers, who will then disseminate to the permittees prior to the December 3rd meeting.
 - A larger reporting discussion will occur at the December 3 Steering Committee meeting.
- **Other**
 - Water Board staff expressed that incorporation of the Small MS4 permittees (all or some portion of) will likely take the same form as the East Contra Costa permittees amendment.

IX. Action Items and Next Steps

- Kirsten Struve and Chris Sommers to set up a call to coordinate permittee presentations and prepare for December 11 meeting at the Water Board meeting
- Chris Sommers to coordinate call between work group leads on timing of development of key issues for recommendation to steering group
- Michele Mancuso and Kristin Kerr to form a C4/C5 work group
- Dale Bowyer to review C.6 list of issues and get back to the Steering Committee. May need a call with a small group to discuss.
- Matt Fabry to propose language on C.7 that aligns with SMCWPPP perspectives
- Chris Sommers to talk to Richard Looker on C.13 provision and potential revisions
- Jan O’Hara to propose revisions to provision C.14 and bring back to the Steering Committee
- Water Board staff to develop a list of which TMDLs will be incorporated into MRP by December 3rd meeting
- Dale Bowyer to develop clarification on which provisions/subprovisions apply to non-population-based permittees by December 3rd meeting

- Each work group to provide latest version of issues matrix to Chris Sommers to send out to Steering Committee
- Zach Rokeach to share Water Board list of provision-specific reporting issues with Chris Sommers
- Permittees will discuss potential changes to reporting and present at the December steering committee meeting

Schedule of Steering Committee Meetings

- October 30, 2018 – kickoff meeting
- January 29, 2019 – process and structure
- March 26, 2019 – C.10
- June 25, 2019 – C.3/11/12
- November 5, 2019 – Other Provisions
- December 3, 2019 – C.8/Reporting