

**MRP Steering Committee Meeting # 6**  
Provision C.8 and Reporting  
Room 2, 2<sup>nd</sup> floor, 1515 Clay Street, Oakland CA 94612  
December 3, 2019

Meeting Summary

<b>Name</b>	<b>Affiliation</b>	<b>Email Address</b>
Kathy Cote	City of Fremont	<a href="mailto:kcote@fremont.gov">kcote@fremont.gov</a>
Gary Grimm	ACCWP	<a href="mailto:ggrimm@garygrimmllaw.com">ggrimm@garygrimmllaw.com</a>
Amanda Booth	City of San Pablo	<a href="mailto:amandab@sanpabloca.gov">amandab@sanpabloca.gov</a>
Beth Baldwin	ACCWP	<a href="mailto:bethb@acpwa.org">bethb@acpwa.org</a>
Brad Underwood	City of San Mateo	<a href="mailto:bunderwood@cityofsanmateo.org">bunderwood@cityofsanmateo.org</a>
Chris Sommers	EOA Inc.	<a href="mailto:csommers@eoainc.com">csommers@eoainc.com</a>
Dale Bowyer	Water Board	<a href="mailto:Dale.bowyer@waterboards.ca.gov">Dale.bowyer@waterboards.ca.gov</a>
Elyse Heilshorn	Water Board	<a href="mailto:Elyse.heilshorn@waterboards.ca.gov">Elyse.heilshorn@waterboards.ca.gov</a>
Jill Bicknell	EOA Inc.	<a href="mailto:jbicknell@eoainc.com">jbicknell@eoainc.com</a>
Jim Scanlin	ACCWP	<a href="mailto:jims@acpwa.org">jims@acpwa.org</a>
Joseph Martinez	Water Board	<a href="mailto:Joseph.martinez@waterboards.ca.gov">Joseph.martinez@waterboards.ca.gov</a>
Kim Springer	County of San Mateo	<a href="mailto:kspringer@smcgov.org">kspringer@smcgov.org</a>
Keith Lichten	Water Board	<a href="mailto:Keith.lichten@waterboards.ca.gov">Keith.lichten@waterboards.ca.gov</a>
Kirsten Struve	SCVWD	<a href="mailto:kstruve@valleywater.org">kstruve@valleywater.org</a>
Kristin Hathaway	City of Oakland	<a href="mailto:khathaway@oaklandca.gov">khathaway@oaklandca.gov</a>
Lisa Austin	Geosyntec Consultants	<a href="mailto:laustin@geosyntec.com">laustin@geosyntec.com</a>
Lucile Paquette	City of Walnut Creek	<a href="mailto:Lucile.paquette@pw.cccounty.us">Lucile.paquette@pw.cccounty.us</a>
Matt Fabry	C/CAG	<a href="mailto:mfabry@smcgov.org">mfabry@smcgov.org</a>
Melody Tovar	City of Sunnyvale	<a href="mailto:mtovar@sunnyvale.ca.gov">mtovar@sunnyvale.ca.gov</a>
Michele Mancuso	Contra Costa County	<a href="mailto:Michele.mancuso@pw.cccounty.us">Michele.mancuso@pw.cccounty.us</a>
Mitch Avalon	CCCWP	<a href="mailto:Mitch.avalon@pw.cccounty.us">Mitch.avalon@pw.cccounty.us</a>
Mitra Abkenari	City of Concord	<a href="mailto:Mitra.abkenari@cityofconcord.org">Mitra.abkenari@cityofconcord.org</a>
Reid Bogert	C/CAG	<a href="mailto:rbogert@smcgov.org">rbogert@smcgov.org</a>
Shannan Young	City of Dublin	<a href="mailto:Shannan.young@dublin.ca.gov">Shannan.young@dublin.ca.gov</a>
Sharon Gosselin	County of Alameda	<a href="mailto:sharon@acpwa.org">sharon@acpwa.org</a>
Sharon Newton	City of San Jose	<a href="mailto:Sharon.newton@sanjoseca.gov">Sharon.newton@sanjoseca.gov</a>
Zach Rokeach	Water Board	<a href="mailto:Zachary.rokeach@waterboards.ca.gov">Zachary.rokeach@waterboards.ca.gov</a>
Derek Beauduy	Water Board	<a href="mailto:Derek.beauduy@waterboards.ca.gov">Derek.beauduy@waterboards.ca.gov</a>
Kevin Lunde	Water Board	<a href="mailto:Kevin.lunde@waterboards.ca.gov">Kevin.lunde@waterboards.ca.gov</a>
Bonnie de Berry	EOA Inc.	<a href="mailto:bdeberry@eoainc.com">bdeberry@eoainc.com</a>



DRAFT MRP 3.0  
Steering Committee

Workgroup Coordinators:

- C.3 – Matt Fabry and Jill Bicknell
- C.4/5 – Michele Mancuso and Kristin Kerr
- C.8 – Lucile Paquette and Bonnie de Berry
- C.10 – Chris Sommers
- C.11/12 – Lisa Austin and Jim Scanlin

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

Outcome: Attendees introduced themselves. Agenda approved without change.

## **II. Update from Water Board Staff about Upcoming Dec. 11 2019 Board Meeting Item on Trash Compliance Status**

Outcome: Water Board staff clarified the approximate start time of the item (~10:00am-10:30am), encouraged Permittees to arrive on the early side just in case, and asked the Permittees to let the Water Board know if any are planning on speaking that haven't yet said so. The Permittees are preparing a list of 9 speakers to give to the Water Board.

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

Outcome: Approval of the Nov. 5 steering committee meeting summary was pushed back. Participants reviewed which action items from that meeting have and have not yet been completed. Action items that were not completed were carried over into the action items for this meeting; see below.

## **IV. Summary of Steering Committee Work Group Discussions**

Outcome: Workgroup leads summarized the current status and goings-on for the 4 workgroups, summarized below.

- C.3:

Recent workgroup discussions have focused on asset management. What is being tracked currently, and what additionally would need to be tracked? The intent of asset management is multifaceted but includes achieving WQ goals and establishing feedback loops. There is also interest in better understanding lifecycle costs, developing info that can be used to generate more funding, tracking maintenance costs, and tracking public water quality actions such as trash capture devices – not only green stormwater infrastructure. Asset management will not cover existing grey stormwater infrastructure, rather, the infrastructure that's installed towards achieving permit compliance.

There was discussion of the Metropolitan Transportation Commission's (MTC's) "street saver system" program, which all jurisdictions can use for asset management, and which is in further development currently. MTC staff will present at this Thursday's BASMAA development committee meeting. MTC staff are open to working with stormwater folks to make the system as useful as possible.

There has also been discussion about changes to thresholds and exemptions with respect to single family homes, and special projects. The Cities of Oakland and

San Jose plan to bring to the workgroup a list of the most important types of special projects that they'd like to retain in MRP 3. Jill Bicknell will provide Keith Lichten with a CASQA position paper on asset management. Further conversation on drivers and indicators will happen at the January 2020 workgroup meeting. A suggestion that Water Board staff have heard is to be more specific about the expectations for large single-family homes. That's something that they will be taking a look at.

- C.4/5:

The workgroup leads have received feedback on which Permittees will want to be representatives. An internal meeting is set up for next week. The workgroup will set up an external meeting with Water Board staff soon after that. If any Permittees still want to join the workgroup, please let Michele Mancuso or Kristin Kerr know and they will include them.

- C.10:

The next workgroup meeting is Friday December 13, 2019. Workgroup representatives had a call with some of the non-population-based Permittees (the flood control districts) about which parts of C.10 (and the other MRP provisions) they believe do or do not apply to them. This feedback will be brought back to the workgroup. There has also been discussion about source controls and how they might look in MRP 3.0. There's been talk of a white paper that would go into more detail on source controls, to provide justification. Auto-retractable screens will be discussed at the upcoming Dec. 13 workgroup meeting, similar to how they were discussed in one of the info sessions at the annual CASQA conference earlier this year. Some of this work on auto-retractable screens was referenced in SCVURPPP's 2018-2019 annual report.

- C.11/12:

There are three sub-workgroups: source property referrals, PCBs in infrastructure, and PCBs in utilities. These sub-workgroups are meeting and developing programmatic approaches. The next internal meeting is January 14, 2020. An external meeting with Water Board staff at the Geosyntec offices is scheduled for January 30, 2020.

## **V. Provision C.8 – Water Quality Monitoring**

Outcome: A presentation (attached) was given on the history and structure of the provision, as well as permittee recommendations for changes in MRP 3.0. There was also a brief review of a few parts of the latest version of the matrix summarizing changes to the C.8 provision (attached). Some of the ensuing discussion is summarized below.

The Permittees noted that reporting falls into water years, not fiscal years, and that having to make data SWAMP-comparable is a significant burden. It was reminded that this is a statewide requirement. Permittees outlined their goals for monitoring, which are to keep the changes cost neutral, make the monitoring meaningful to the Permittees, tie into management actions, and base it on lessons learned from MRP 1 and MRP 2. A few minutes were spent discussing pesticides and toxicity monitoring. A state program is coming soon, and once it arrives, it may replace the MRP requirements depending on how it's structured. However, the rollout of the state program will likely not line up with the reissuance of the MRP, so there will need to be discussion about appropriate language to allow for that transition.

One of the big topics of discussion was changes to the requirements within the creek status monitoring sub-provision, C.8.d, especially regarding bioassessment. The Permittees acknowledged that the bioassessment effort thus far has been valuable in telling the story of the ambient condition, has evaluated the whole gamut of stressors, and has contributed to the statewide data-collection effort which is leading to a new bio-integrity/bio-stimulatory policy. This new policy will lead to amendments to the basin plans and their respective regional Water Boards. The Permittees now desire to switch from a probabilistic draw approach to a targeted watershed assessment approach, which would allow programs to focus in on specific watersheds of concern. They explained that this switch would also alleviate the disconnection that some Permittees feel with this provision of the permit – some feel that the monitoring does not inform program management, when it could and should if it were better designed, e.g. if they were able to focus monitoring resources to watersheds and surface waters that are important to permittees. There was some discussion about water creek status indicators/stressors and the relative importance of one vs. another, and their interconnectivity. The presentation then proposed a framework (a table) that would establish the minimum level of effort for the watershed assessment approach, including reductions in frequency of the other creek status monitoring types and elimination of annual minimum sample requirements (this is also included in the attached matrix). There was also some discussion about the cost of this sub-provision (and the provision as a whole) relative to the rest of the permit, and about specifying minimum effort while remaining cost neutral. Water Board staff proposed a new monitoring question that could guide the spirit of the watershed assessment approach as well as the permit language. The Permittees made the case for the year 1 report that would replace the watershed assessment monitoring that year.

There was some discussion about other proposed changes to the monitoring provision, such as trash receiving water monitoring and POC monitoring. The structure of the trash receiving water monitoring program is not close to being finalized. Likewise with POC monitoring, which will involve ongoing coordination with SFEI staff and the RMP regarding “known” CECs and “emerging” CECs, among other things. One issue with CECs is that there are no standard sampling/analytical methods. Discussion between Permittees and Water Board staff will continue on these topics and on how much of this new POC monitoring will be provided by the RMP vs. the Permittees themselves.



C.8 WQ Monitoring  
- MRP 3.0 Steering C



C.8 Provisions  
Matrix 11-22-19 JO Z

## **VI. Provision C.17 – Annual Reporting and Provision-Specific Reporting**

Outcome: The goal of this discussion was not to talk about the draft reporting changes that Water Board staff proposed for the different provisions, but to talk about the bigger picture for reporting, and also to discuss several reporting components that will be added, such as electronic reporting and cost reporting. Discussion of reporting changes for specific provisions can be had at their respective workgroups. For reporting changes that don't have a respective workgroup, where that discussion will take place is currently TBD.

Water Board staff gave an overview of electronic reporting. What is submitted vs. retained by individual Permittees/programs? The Water Board's long-term goal is to move to a GIS-based reporting system, as appropriate, with pdf submittal continued in the meantime. The GIS-based reporting system will still require submittal of summaries, which the current annual report form provides, but the extent to which information is retained in publicly available GIS systems (or other systems) vs. reported directly to the Water Board may shift. MTC's Street Saver may provide some of this service, as well as ArcGIS Online, which some permittees are already using. This can be teased out on a provision-by-provision level, at the workgroup level. The Permittees have a range of software & staff capabilities, and this must be accounted for.

Regarding cost reporting, there is a legal mandate, but Water Board staff do not want to collect cost information that is not useful to the Permittees' management of their programs. Further discussion should also take place at the workgroup level. After receiving feedback from the Permittees, it was decided that it may be best to have a separate workgroup that focuses strictly on the cost reporting provision, rather than having workgroups discuss cost reporting separately. There was some discussion about the usefulness of the cost data, since an "apples to apples" comparison may be impossible between municipalities that allocate funding for their stormwater programs differently, and also some discussion about the difficulty of extracting stormwater program costs from other costs.

## **VII. Planning for Future Steering Committee Meetings**

Outcome: Lots of work is still being done by the workgroups, and many issues are still unresolved. The C.4/5 workgroup hasn't not even met yet. The Water Board requested time to consider all of the input provided by the Permittees thus far. It was requested to have an additional Steering Committee Meeting in early March (March 3, 1pm, at the Water Board offices, pending room confirmation), to discuss the current status of the major issues, and any other new key issues that have risen. Suggested major topics were GI, special projects, C.11/12, source control, and trash reduction target dates. The Permittees reminded Water Board staff that the white paper (mentioned above) will help

a lot with source control, and the goal is for the Permittees to finish it by late December 2019 or early January 2020.

#### **VIII. Action Items**

- Continual coordination between Permittees and Water Board staff in preparation for the Dec. 11 2019 Board meeting trash info item.
- Permittees representatives that want to participate in the C.4/5 workgroup should reach out to Michele Mancuso and Kristin Kerr if they have not already done so.
- Permittees and Water Board staff will discuss revisions to provisions C.13/14
- Permittees and Water Board staff will discuss new TMDLs that will be incorporated into MRP 3.0.
- Permittees and Water Board staff will discuss which provisions/sub-provisions do or do not apply to non-population-based permittees.
- Workgroup leads to provide latest versions of matrices to Chris Sommers so he can send out to the steering committee list.
- Permittees will form a cost reporting workgroup.
- Water Board staff to add an additional column to the reporting changes table, with justifications for proposed changes. |
- [RZ1]

#### **IX. 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
- March 3, 2020 – Current Status and Key Issues (?)

## Attachments

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## 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, 2<sup>nd</sup> floor, 1515 Clay Street, Oakland CA 94612

November 5, 2019

### Meeting Summary

Name	Affiliation	Email Address
Adam Olivieri	EOA/SCVURPPP	<a href="mailto:awo@eoainc.com">awo@eoainc.com</a>
Amanda Booth	City of San Pablo	<a href="mailto:amandab@sanpabloca.gov">amandab@sanpabloca.gov</a>
Beth Baldwin	ACCWP	<a href="mailto:bethb@acpwa.org">bethb@acpwa.org</a>
Brad Underwood	San Mateo	<a href="mailto:bunderwood@cityofsanmateo.org">bunderwood@cityofsanmateo.org</a>
Chris Sommers	EOA/SCVURPPP	<a href="mailto:csommers@eoainc.com">csommers@eoainc.com</a>
Dale Bowyer	Water Board	<a href="mailto:Dale.bowyer@waterboards.ca.gov">Dale.bowyer@waterboards.ca.gov</a>
Dan Cloak	CCCWP	<a href="mailto:dan@dancloak.com">dan@dancloak.com</a>
Derek Crutchfield	City of Vallejo	<a href="mailto:Derek.crutchfield@cityofvallejo.net">Derek.crutchfield@cityofvallejo.net</a>
Elyse Heilshorn	Water Board	<a href="mailto:Elyse.heilshorn@waterboards.ca.gov">Elyse.heilshorn@waterboards.ca.gov</a>
Gary Grimm	ACCWP	<a href="mailto:ggrimm@garygrimmllaw.com">ggrimm@garygrimmllaw.com</a>
Imtiaz-Ali Kalyan	Water Board	<a href="mailto:Imtiaz-ali.kalyan@waterboards.ca.gov">Imtiaz-ali.kalyan@waterboards.ca.gov</a>
Jennifer Harrington	Vallejo Flood and Wastewater District	<a href="mailto:jharrington@vallejowastewater.org">jharrington@vallejowastewater.org</a>
Jill Bicknell	EOA/SCVURPPP	<a href="mailto:Jcbicknell@eoainc.com">Jcbicknell@eoainc.com</a>
Joseph Martinez	Water Board	<a href="mailto:Joseph.martinez@waterboards.ca.gov">Joseph.martinez@waterboards.ca.gov</a>
Kirsten Struve	Santa Clara Valley Water District	<a href="mailto:kstruve@valleywater.org">kstruve@valleywater.org</a>
Lisa Austin	Geosyntec Consultants	<a href="mailto:laustin@geosyntec.com">laustin@geosyntec.com</a>
Luisa Valiela	U.S. EPA	<a href="mailto:Valiela.luisa@epa.gov">Valiela.luisa@epa.gov</a>
Matt Fabry	C/CAG	<a href="mailto:mfabry@smcgov.org">mfabry@smcgov.org</a>
Melody Tovar	City of Sunnyvale	<a href="mailto:mtovar@sunnyvale.ca.gov">mtovar@sunnyvale.ca.gov</a>
Michele Mancuso	Contra Costa County	<a href="mailto:Michele.mancuso@pw.cccounty.us">Michele.mancuso@pw.cccounty.us</a>
Pam Boyle Rodriguez	City of Palo Alto	<a href="mailto:Pamela.boylerodriguez@cityofpaloalto.org">Pamela.boylerodriguez@cityofpaloalto.org</a>
Natalie Asai	Hillsborough	<a href="mailto:nasai@hillsborough.net">nasai@hillsborough.net</a>
Robert Newman	City of Vallejo	<a href="mailto:Robert.newman@cityofvallejo.net">Robert.newman@cityofvallejo.net</a>
Shannan Young	City of Dublin	<a href="mailto:Shannan.young@dublin.ca.gov">Shannan.young@dublin.ca.gov</a>
Sharon Gosselin	County of Alameda	<a href="mailto:sharon@acpwa.org">sharon@acpwa.org</a>
Terri Fashing	City of Oakland	<a href="mailto:tfashing@oaklandca.gov">tfashing@oaklandca.gov</a>
Sandy Mathews	Larry Walker Associates	<a href="mailto:Sandym@lwa.com">Sandym@lwa.com</a>
Frank Kennedy	Town of Moraga	<a href="mailto:fjk@kennedyandassociates.org">fjk@kennedyandassociates.org</a>
Mitch Avalon	CCCWP	<a href="mailto:Mitch.avalon@pw.cccounty.us">Mitch.avalon@pw.cccounty.us</a>
Rebecca Nordenholt	Water Board	<a href="mailto:Rebecca.nordenholt@waterboards.ca.gov">Rebecca.nordenholt@waterboards.ca.gov</a>
Jeff Sinclair	City of San Jose	<a href="mailto:Jeff.sinclair@sanjoseca.gov">Jeff.sinclair@sanjoseca.gov</a>
Sarah Scheidt	City of San Mateo	<a href="mailto:Sscheidt@cityofsanmateo.org">Sscheidt@cityofsanmateo.org</a>
Kristin Kerr	EOA/SCVURPPP	<a href="mailto:kakerr@eoainc.com">kakerr@eoainc.com</a>
Mitra Abkenari	Concord	
Chris Davis	Concord	
Kristine Corneillie	LWA/CCCWP	<a href="mailto:Kristine.Corneillie@pw.cccounty.us">Kristine.Corneillie@pw.cccounty.us</a>
Watson	Sonoma County Water Agency	
Alvin Lei	City of Fairfield	<a href="mailto:alei@fairfield.ca.gov">alei@fairfield.ca.gov</a>
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 11<sup>th</sup> 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 decision on whether to include Phase II permittees into the MRP and the reissuance of the Small MS4 Statewide Permit play into the MRP schedule as well. If Phase II permittees remain in the Small MS4 permit, they must meet the following two conditions: 1) improved reporting, and 2) inclusion of commercial & industrial inspections. Water Board mentioned that the challenge is that to include these conditions into the Phase II statewide permit, they must be statewide, since they cannot be specific to our region in the Phase II permit. 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. 3<sup>rd</sup> 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 3<sup>rd</sup> 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 Kristen Struve 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 3<sup>rd</sup> meeting

- Dale Bowyer to develop clarification on which provisions/subprovisions apply to non-population-based permittees by December 3<sup>rd</sup> 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

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# Water Quality Monitoring Provision C.8

Existing Requirements, Proposed  
Changes, and High Priority Topics for  
Discussion

MRP 3.0 Steering Committee  
December 3, 2019



# Provision C.8 Structure & Requirements

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C.8.a	Compliance Options	Participate in BASMAA RMC
C.8.b	Monitoring Protocols and Data Quality	SWAMP comparable
C.8.c	Regional Monitoring Program in SF Bay	Contribute \$\$ to RMP & participate in workgroups
C.8.d	Creek Status Monitoring	Dry weather monitoring to evaluate aquatic life (e.g., fish) Beneficial Uses – Watershed scale stressors
C.8.e	Stressor/Source Identification (SSID) Projects	Investigations that follow-up on MRP monitoring results and other WQO exceedances
C.8.f	Pollutants of Concern Monitoring	TMDL driven monitoring (e.g., PCBs, Hg, CECs) – Wet and dry weather monitoring – Identify sources and evaluate specific management actions
C.8.g	Pesticides & Toxicity Monitoring	Wet and dry weather – State Program coming soon
C.8.h	Reporting	Annual reporting in March + October reporting of POC accomplishments and plans



# Overarching Goals for MRP 3.0 Provision C.8

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- Cost neutral
  - Monitoring should be meaningful to Permittees
  - Monitoring should tie into management actions
  - Monitoring approaches should be based on lessons learned from MRP 1.0 and MRP 2.0
-

# Provision C.8

## Recommended Changes by SW Programs/Permittees

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C.8.a	Compliance Options	No change
C.8.b	Monitoring Protocols and Data Quality	No change
C.8.c	Regional Monitoring Program in SF Bay	No change
C.8.d	Creek Status Monitoring	Switch from probabilistic design to watershed assessment
C.8.e	Stressor/Source Identification (SSID) Projects	No substantive changes
C.8.f	POC Monitoring	TBD
C.8.g	Pesticides & Toxicity Monitoring	No change – State Program coming soon
C.8.h	Reporting	Eliminate October POC Accomplishments and Allocations report or combine with UCMR TBD – other changes

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# Provision C.8

## Recommended Changes by SW Programs/Permittees

C.8.a	Compliance Options	No change
C.8.b	Monitoring Protocols and Data Quality	No change
C.8.c	Regional Monitoring Program in SF Bay	No change
<b>C.8.d</b>	<b>Creek Status Monitoring</b>	<b>Switch from probabilistic design to watershed assessment</b>
C.8.e	Stressor/Source Identification (SSID) Projects	No substantive changes
C.8.f	POC Monitoring	TBD
C.8.g	Pesticides & Toxicity Monitoring	No change – State Program coming soon
C.8.h	Reporting	Eliminate October POC Accomplishments and Allocations report or combine with UCMR TBD – other changes

# Existing (MRP 2.0) Provision C.8.d Creek Status Monitoring Requirements

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- C.8.d.i – Biological Assessment
  - Regional probabilistic design
  - # site = Program specific (population based)
- C.8.d.ii - Chlorine
  - Primary source = drinking water discharge
- C.8.d.iii & iv – Continuous Temperature & WQ
  - Cold water fisheries
- C.8.d.v – Pathogen Indicators (bacteria)
  - Assess water contact Beneficial Uses

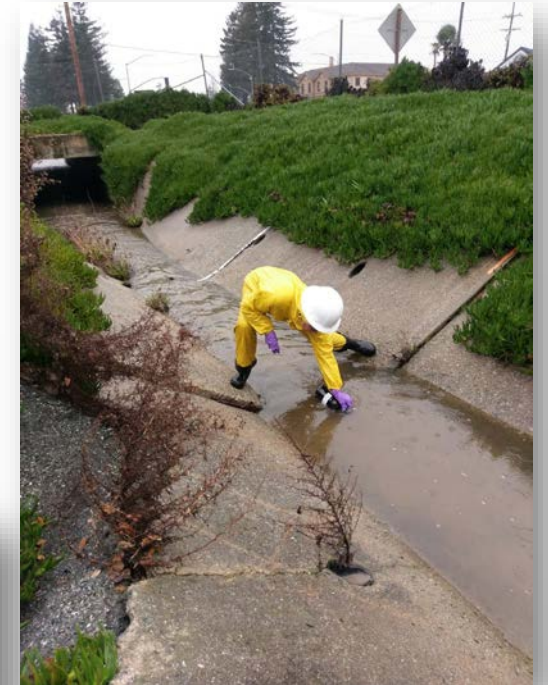
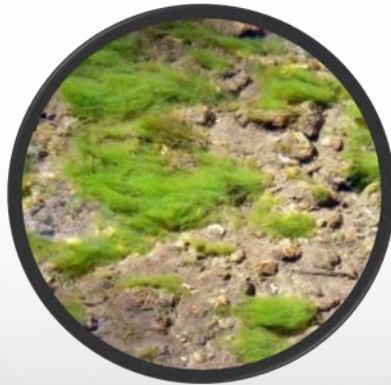




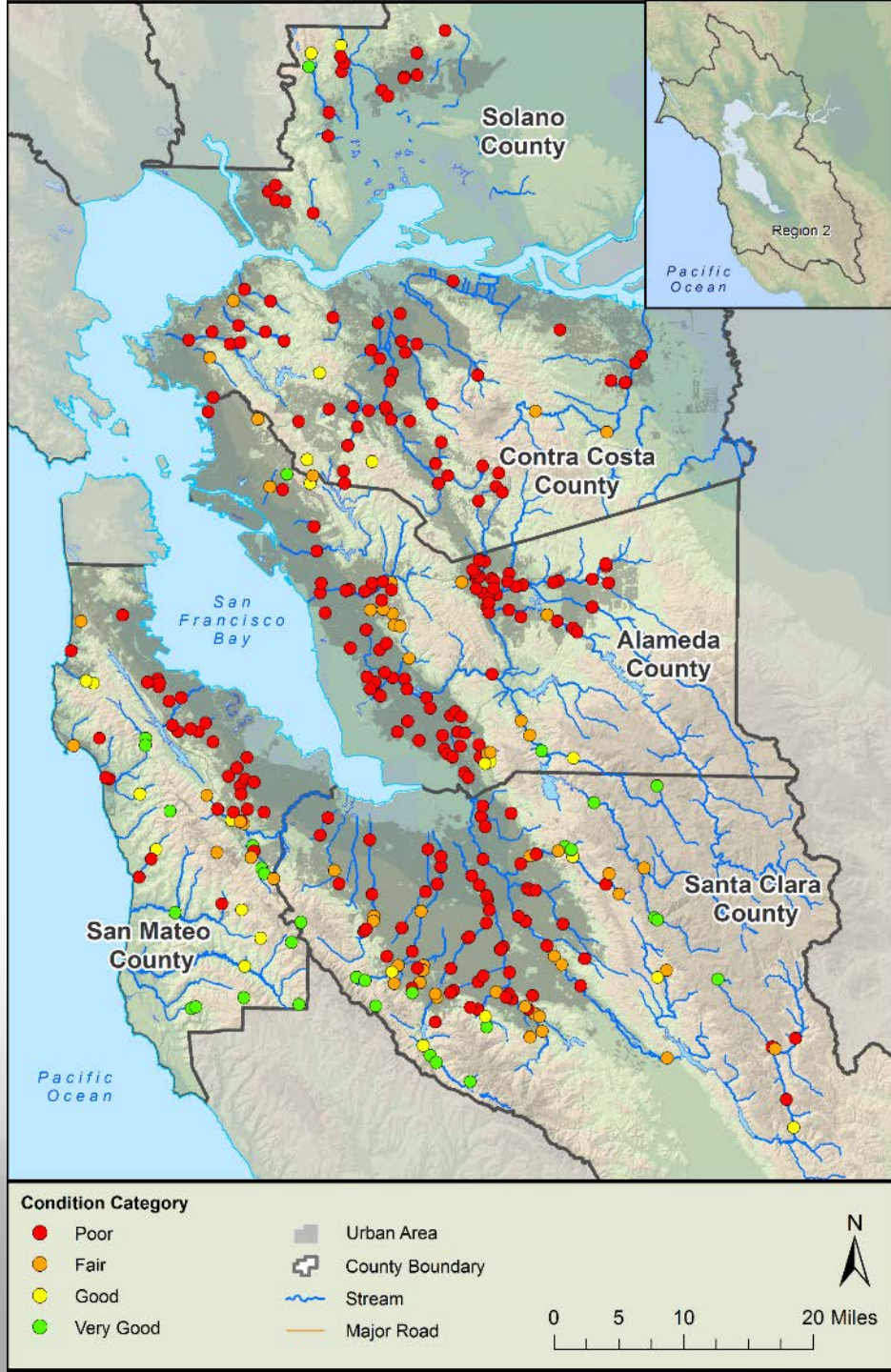
# C.8.d.i – Biological Assessment

- Lessons Learned

- Over 400 regional sites by 2019 (80% urban/20% non-urban)
- Understanding of baseline ambient conditions using scoring tools (CSCI: bugs & ASCI: algae)
- Relationship of stressors (physical habitat, nutrients, landscape) with stream condition
- Regional data summarized in BASMAA 5-Year Report (2012 – 2016) and Fact Sheet



# C.8.d.i – Biological Assessment



- Ambient Conditions (based on benthic-macroinvertebrates)
  - 15% of all stream miles are in **very good** condition
  - 80% of *urban* stream miles are in **poor** condition
- Important Stressors
  - Impervious surfaces
  - Alterations to natural riparian habitat (erosion, channelization, loss of native trees)
  - Silt and sand in stream bed
- Unintended consequence of probabilistic design
  - Lack of Permittee connection to monitoring



# C.8.d – Creek Status Monitoring

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- **Proposed Changes for MPR 3.0**
    - Shift from probabilistic design to targeted “Watershed Assessment”
    - Minimum level of effort defined in permit (see next slide)
    - Watershed selection criteria
      - Management actions (e.g., GSI)
      - Areas of unique importance (e.g., stakeholder interest)
      - Known water quality concerns (e.g., WQO exceedances, illicit discharges, 303(d) listings)
      - Data/information gaps
    - Year 1 Report = Workplan
      - Management sub-questions
      - Sampling locations
      - Schedule
      - Connection to historical (MRP 1.0 and 2.0) data
-

# C.8.d – Creek Status Monitoring

- Proposed Changes for MPR 3.0 – Minimum Level of Effort
  - The watershed assessments must include these elements

Parameter/Type	Method	Frequency (over 5-year Permit term)
Stream Survey	Creek walk, CRAM, Unified Stream Assessment	TBD – Stream miles per Program
Bioassessment Surveys	SWAMP protocol	TBD – Surveys per Program
Temperature	Continuous monitoring (April – September)	TBD – Sample sites per Program
General Water Quality	Sondes measuring continuous dissolved oxygen (DO), pH, specific conductance, temperature	TBD – Sample sites per Program

- Reporting options
  - Desktop Studies/Mapping
  - Opportunities for public outreach and education



# Other Proposed Changes for MRP 3.0

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- Move pathogen indicator monitoring out of Creek Status Monitoring and into separate TMDL-related provision(s)
  - Eliminate chlorine monitoring
  - Eliminate nutrients from POC Monitoring
  - Add Trash Receiving Water Monitoring to C.8 (if required)
-

# High Priority Topics for MRP 3.0 Discussion

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## 1. Creek Status Monitoring

- Defining Watershed Assessment approach
- Minimum level-of-effort

## 2. Pollutants of Concern Monitoring

- PCBs & Mercury - Level of Effort
- Contaminants of Emerging Concern (CECs)

## 3. Changes to Reporting

- Creek Status Monitoring Interpretation/Reporting
  - Others
-

MRP (2.0) Provision & Summary	MRP Permittee/Program Suggestions for MRP 3.0	RWQCB Response
<b>C.8.a. Compliance Options</b>  <b>Summary:</b> Permittees may choose to meet monitoring requirements through a Regional Collaboration, Area-wide Stormwater Program, and may use Third-party Monitoring.	<ul style="list-style-type: none"> <li>No change.</li> </ul>	RWQCB (4/25/2019) - No changes anticipated. Need to bring north bay communities into MRP gradually. How will that affect RMC? Not an immediate issue.
<b>C.8.b. Monitoring Protocols and Data Quality</b>  <b>Summary:</b> Data must be SWAMP comparable	<ul style="list-style-type: none"> <li>No change.               <ul style="list-style-type: none"> <li>Monitoring will be conducted according to SWAMP protocols where protocols are available (e.g., bioassessments) because CEDEN does not provide any protocols. Data will be submitted in CEDEN format (see C.8.h Reporting).</li> </ul> </li> </ul>	RWQCB (4/25/2019) – Agreed
<b>C.8.c. San Francisco Estuary Receiving Water Monitoring</b>  <b>Summary:</b> Permittees shall contribute financially to the RMP.	<ul style="list-style-type: none"> <li>No change.</li> </ul>	RWQCB (4/25/2019) - Agreed

MRP (2.0) Provision & Summary	MRP Permittee/Program Suggestions for MRP 3.0	RWQCB Response
<p><b>C.8.d. Creek Status Monitoring</b></p> <p><i>Current Management Questions:</i></p> <ul style="list-style-type: none"> <li>• Are water quality objectives, both numeric and narrative, being met in local receiving waters, including creeks, rivers and tributaries?</li> <li>• Are conditions in local receiving waters supportive of or likely to be supportive of beneficial uses?</li> </ul>	<p><b>Keep Management Questions (MQs) from MRP 1.0 and 2.0:</b></p> <ul style="list-style-type: none"> <li>➤ Are conditions in local receiving waters supportive of or likely to be supportive of beneficial uses?</li> <li>➤ Are water quality objectives, both numeric and narrative, being met in local receiving waters, including creeks, rivers and tributaries?</li> </ul> <p>The goal is to have Management Questions that are general enough to provide flexibility. It is also recognized that the beneficial uses being addressed are usually those that are presumptively applied to all creeks in the region (i.e., WARM and REC-1). Creek Status Monitoring is directed towards stressors which are large scale (e.g., watershed imperviousness) rather than sources which are smaller in scale (e.g., contaminated parcels).</p> <p>Programs can imbed sub-questions that help direct monitoring approaches in their Year 1 Reports/Workplans. Examples of sub-questions might include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Where are the highest values resources?</li> <li>• Are there trends in receiving water conditions in specific locations (e.g., valuable parks, below management actions?)</li> </ul> <p><b>BASMAA Recommended Overall Approach to Creek Status Monitoring = Watershed Assessment</b></p> <p>There is a desire to shift to a <i>Watershed Assessment</i> approach to Creek Status Monitoring. Although the current probabilistic design provided valuable data regarding “baseline” conditions, some Programs/Permittees feel disconnected from the probabilistic sites and now wish to conduct watershed assessments at a more meaningful set of creeks.</p> <p><b>Watershed/Creek Selection Criteria</b></p> <p>The population of watersheds/creeks from which MRP 3.0 Creek Status Monitoring targets would be selected will include all creeks in the region. Watersheds/creeks monitored would be selected by Programs based on (but not limited to):</p> <ul style="list-style-type: none"> <li>• Current and planned management actions (including GSI)</li> <li>• Areas of quality habitat – opportunity to document resources that should be protected</li> <li>• Community defining features</li> <li>• Trigger table</li> <li>• “Areas of unique importance” (i.e., where there is stakeholder interest)</li> <li>• Known water quality concerns (illicit discharges, complaints, 13267 letters, 303d listings)</li> <li>• Data/information gaps</li> <li>• 303(d) information needs</li> <li>• Opportunities for public education</li> </ul>	<p>RWQCB (8/19/2019) – Agreed. Do not eliminate water quality objectives MQ. Consider additional MQs such as those used by SCCWRP for the SMC and/or MQs directed at prioritizing identified urban runoff sources.</p> <p>RWQCB (8/19/2019 and 11/19/2019) – Overall positive response to Watershed Assessment proposal. Still need to consider how it can be described in the permit and what the minimum level of effort must be.</p>

MRP (2.0) Provision & Summary	MRP Permittee/Program Suggestions for MRP 3.0	RWQCB Response
C.8.d. Creek Status Monitoring	<p><b>Reporting</b></p> <p>In lieu of an Urban Creeks Monitoring Report, the Year 1 Report for Provision C.8 will be a workplan that will include the elements listed below. MRP 3.0 should be prescriptive enough in terms of monitoring type, duration, and frequency (see Table below for suggestions) that the Year 1 Reports will not require approval.</p> <ul style="list-style-type: none"><li>• List of creeks/watersheds to be assessed during MRP 3.0</li><li>• Expanded list of management questions specific to the creek/watershed being assessed (if relevant)</li><li>• Monitoring types to be implemented (monitoring types should be connected to management questions)</li><li>• Minimum level of field effort</li><li>• % urban/non-urban</li><li>• List of available historic data</li><li>• Schedule for field monitoring and reporting</li></ul> <p><b>Monitoring Types, Duration, and Frequency</b></p> <p>The level-of-effort in the table below assumes a five-year permit term. Field effort will not necessarily be applied on an annual basis (i.e., no annual minimums). This will provide flexibility in how watershed assessments are conducted. Watershed assessments are generally a multi-year effort with intense data collection typically conducted during one year followed by data evaluation and reporting. Some of the minimum number of sample sites suggested in the table below are lower than what was required in MRP 2.0. These reductions will be balanced by the addition of <u>stream surveys</u>, more complicated reporting needs (compared to the regional probabilistic design), and additional desktop studies/mapping inherent to watershed assessments. The goal is to remain cost neutral.</p> <p>Results from watershed assessment field monitoring would still be compared to triggers; results exceeding triggers would be considered for follow-up SSID projects (see C.8.e).</p> <p>If historic data exists, it should be used in the watershed assessments.</p>	

<b>C.8.d. Creek Status Monitoring</b>  <b>Monitoring Types, Methods, and Frequency</b>	Parameter/Type	Method	Frequency (SC&AC/CC&SM/FSV)
	Stream Survey (stream walk & mapping)	<p>Modified Unified Stream Assessment (USA), CRAM, or equivalent.</p> <p>A modified USA method was previously developed by BASMAA to address creek access permission issues (e.g., there are often gaps in permission along the creeks) and data needs (e.g., detailed data on each pipe/culvert is not needed).</p> <p>The concept of creek walks (vs. focus on TMDLs) allows us to think beyond WQ to other indicators in watershed. Creek walks provide a “riparian assessment.” They are also used for tracking of restoration projects and as controls for restoration goals.</p>	<p>Minimum # of stream miles to be surveyed over 5-year permit term to be based on overall stream miles in Program area or population (SC/AC/CC/SM/FSV). <b>(TBD)</b></p> <p><b>60% of stream miles assessed should be “urban” (using current definition from probabilistic Master List)</b></p>
	Bioassessment Surveys	Full SWAMP protocol (benthic macroinvertebrates, algae, physical habitat, nutrients) (Ode et al. 2016)	<p>Minimum # of bioassessment surveys to be conducted over 5-year permit term (SC&amp;AC/CC&amp;SM/FSV).</p> <p><b>50/25/5 sites over permit term (half of current)</b></p>
	Temperature	Digital temperature logger or equivalent 60-minute intervals (April through September)	<p>Minimum # of sample sites to monitor over 5-year permit term</p> <p><b>20/10/2 over permit term</b></p>
	General Water Quality (DO, pH, specific cond.)	<p>Multi-parameter probe</p> <p>2/year (spring and late summer/fall)</p> <p>15-minute intervals for 1 or 2 weeks</p> <p>Longer deployments may be considered or short, rotating deployments</p> <p>Permit should allow for flexibility</p>	<p>Minimum # of sample sites to monitor over 5-year permit term</p> <p><b>40/20/8 weeks of monitoring over permit term</b></p>
	Trash Visual Assessment	<p>BASMAA Rec. Water Monitoring protocol</p> <p><b>Assumes no trash receiving water monitoring will be included in C.10</b></p>	<p><b>50/25/5 sites over permit term</b></p> <p>Not necessarily with bioassessment or at currently assessed sites (desire to have flexibility in selecting sites)</p>
	Fish Counts	Fish counts might be an important tool in some creeks. Could be conducted in lieu of some other monitoring type. This option might be included as a footnote in the table.	
	Chlorine	Chlorine monitoring might be an important tool in creeks with fish kills. Could be conducted in lieu of some other monitoring type. This option might be included as a footnote in the table.	

MRP (2.0) Provision & Summary	MRP Permittee/Program Suggestions for MRP 3.0		RWQCB Response
	Desktop Studies/Mapping /Online data portal	This may not be a monitoring type but could instead be added as a new sub-provision. These approaches can help connect monitoring in creeks to what is happening upland in the landscape (e.g.,GSI). Online tools, in particular, help engage the public.	
<b>C.8.d.i Bioassessment</b>  <b>(1) – (8) Methods and Follow-up</b>	Consider the following suggestions related to bioassessment methods:  (1) Field and Laboratory Method - Replace references in footnotes 22, 23, and 24 with Ode et al. 2016. Otherwise, no change. (2) SWAMP training, Scientific Collection Permit, and SWAMP inter-calibration – Include language to allow relaxation of training requirement, in the event that classes are no longer offered by the College of Bioassessment. Otherwise, no change. (3) BMI and algae taxonomy – No change. (4) Water quality and nutrient method – Remove silica from list of parameters because it is optional in the SWAMP SOP and has not been useful in data analysis. Otherwise, no change. (5) Prevent spread of invasive species – No change. (6) Sample Design/Location – Eliminate. It is now defined in overall approach. (7) Frequency – Eliminate. It is now defined in new overall approach. (8) Follow-up – No change.		
<b>C.8.d.ii Chlorine</b>	<b>Eliminate this parameter.</b> Field measurements of chlorine are not reliable and have resulted in wasted efforts trying to track down sources. Also, potential chlorine discharges are already addressed by MRP Provisions C.5 (IDDE) & C.15 (Exempted and Conditionally Exempted Discharges) and NPDES General Permit for Drinking Water Systems (Order WQ 2014-0194-DWQ).		
<b>C.8.d.iii Temperature</b>	(1) Field method - No change. (2) Sample Design – Eliminate. It is now defined in new overall approach. (3) Frequency – Eliminate. It is now defined in new overall approach. (4) Follow-up – No change.		
<b>C.8.d.iv Continuous DO, Temp, pH</b>	(1) Field method – No change. (2) Sample Design – Eliminate. It is now defined in new overall approach. (3) Frequency – Eliminate. It is now defined in new overall approach. (4) Follow-up – No change.		
<b>C.8.d.v Pathogen Indicators</b>	<b>Move pathogen indicator monitoring from Creek Status and into its own sub-provision. Otherwise, no changes. However, consider the utility of the information.</b>  Pathogen indicators are present throughout Bay Area streams. Bacteria densities are highly variable in streams. They are generally related to uncontrollable wildlife sources or homelessness which is a complex societal issue.		RWQCB (8/19/2019) – Bacteria TMDLs are driving bacteria monitoring. This could be changed to focused monitoring.

MRP (2.0) Provision & Summary	MRP Permittee/Program Suggestions for MRP 3.0	RWQCB Response												
<p><b>C.8.e. Stressor/Source Identification (SSID) Projects</b></p> <p><b>Summary:</b> SSID projects followup on C.8.d and C.8.g trigger exceedances. SSID projects are intended to be oriented toward taking action(s) to alleviate stressors and reduce sources of pollutants. EO approval for completion of SSID projects that determine non-MS4 cause.</p>	<p>i. Maintain Trigger List – No change or eliminate. More data than triggers go into selecting SSID projects.</p> <p>ii. Select SSID projects from list – Add option to select SSID projects from other data sources and best professional judgement (such as addressing 303d listings or TMDLs). This has already been done in practice. Eliminate requirement to have one toxicity SSID project, per RWQCB staff. Toxicity is being addressed at the State level.</p> <p>ii. Number of SSID projects – Replace with this table which adds up to 7 collective projects and is easier to divide evenly.</p> <table><tr><th>Sampling Agency</th><th>Minimum Number of SSID Projects Initiated During Permit Term</th></tr><tr><td>ACCWP</td><td>2 SSID projects</td></tr><tr><td>SCVURPPP</td><td>2 SSID projects</td></tr><tr><td>CCCWP</td><td>1 SSID project</td></tr><tr><td>SMCWPPP</td><td>1 SSID project</td></tr><tr><td>Solano County Permittees</td><td>1 SSID project</td></tr></table> <p>iii. Stepwise process –</p> <p>(1) Step 1 - No change</p> <p>(2) Step 2 – No change</p> <p>(3) Step 3 – No change</p> <p>iv. No change.</p>	Sampling Agency	Minimum Number of SSID Projects Initiated During Permit Term	ACCWP	2 SSID projects	SCVURPPP	2 SSID projects	CCCWP	1 SSID project	SMCWPPP	1 SSID project	Solano County Permittees	1 SSID project	
Sampling Agency	Minimum Number of SSID Projects Initiated During Permit Term													
ACCWP	2 SSID projects													
SCVURPPP	2 SSID projects													
CCCWP	1 SSID project													
SMCWPPP	1 SSID project													
Solano County Permittees	1 SSID project													



MRP (2.0) Provision & Summary	MRP Permittee/Program Suggestions for MRP 3.0	RWQCB Response
<p><b>C.8.f. Pollutants of Concern Monitoring</b></p> <p><b>Summary:</b> Monitoring of POCs (PCBs, mercury, copper, nutrients, emerging contaminants) to address specific MQs. Minimum number of samples per year required.</p> <p><i>Management Questions/Priority Information Needs:</i></p> <ul style="list-style-type: none"> <li>• <i>Source identification</i></li> <li>• <i>Contributions to Bay Impairment</i></li> <li>• <i>Management Action Effectiveness</i></li> <li>• <i>Loads and Status</i></li> <li>• <i>Trends</i></li> </ul>	<p>Suggestions for MRP 3.0:</p> <ul style="list-style-type: none"> <li>• Priority Management Information Needs – No change (tied to RMP Qs)</li> <li>• Table 8.1 POC Monitoring Methods – No change</li> <li>• Table 8.2 Parameters: <ul style="list-style-type: none"> <li>○ Disconnect mercury from PCBs.</li> <li>○ Copper – Eliminate this parameter</li> <li>○ Emerging Contaminants - Keep language that allows Permittees to “conduct or cause to be conducted” which allows for coordinating with RMP. Update list of constituents to be consistent with RMP CECs in stormwater list</li> <li>○ Nutrients – Consider eliminating this set of parameters. If it must stay in Permit, consider adding “conduct or cause to be conducted” language similar to emerging contaminants to allow for coordination with RMP nutrient program.</li> </ul> </li> <li>• Table 8.2 Total Samples: <ul style="list-style-type: none"> <li>○ Replace yearly minimum with “end of third year of permit.” There are mobilization costs. Some years could be focused on planning, followed by more monitoring in subsequent year.</li> <li>○ Need to decide on total number of samples for each POC and total by end of third year.</li> <li>○ Consider option to cease annual minimums if total number of required samples is obtained.</li> </ul> </li> <li>• Table 8.2 Monitoring Type – No change</li> </ul>	<p>RWQCB (8/19/2019) – OK with disconnecting mercury requirements from PCBs.</p> <p>RWQCB (8/19/2019) – Open to considering ceasing copper monitoring if Programs provide stats and time series on existing data.</p> <p>RWQCB (11/19/2019) – Agree to ceasing nutrient monitoring. Original motivation no longer exists.</p> <p>RWQCB (11/19/2019) – Annual minimums must remain, but there could be flexibility on a case-by-case basis.</p>
<p><b>C.8.g. Pesticides and Toxicity Monitoring</b></p> <p><b>Summary:</b> Wet weather and dry weather monitoring of pesticides (pyrethroids, carbaryl [sed only], fipronil, imidacloprid [water only]) and toxicity (5 test organisms) in water and sediments of urban creeks. Also includes PAHs, metals, TOC, and grain size in sediment samples.</p>	<p>No changes</p> <p>It is anticipated that the Statewide Monitoring Framework may be adopted during the permit term of MRP 3.0. This potential is already addressed in MRP 2.0 C.8.g language.</p>	

MRP (2.0) Provision & Summary	MRP Permittee/Program Suggestions for MRP 3.0	RWQCB Response
<p><b>C.8.h Reporting</b></p> <p><b>Summary:</b></p> <ul style="list-style-type: none"> <li>• EDDs in SWAMP format submitted to SFEI for CEDEN upload.</li> <li>• Annual UCMR on March 31.</li> <li>• Annual POC Monitoring Report on October 15</li> <li>• Integrated Monitoring Report on March 31 of fifth year (i.e, 2020)</li> </ul>	<p><b>i. Water Quality Standard Exceedance – No change.</b></p> <p><b>ii. Electronic Reporting – Remove C.8.e (SSID) data from CEDEN submittal (see explanation above about protection from potential 303d listings). Change data format to CEDEN. Note: change to CEDEN format will require modification to RMC database.</b></p> <p><b>New Year 1 Report (described in C.8.d)</b></p> <ul style="list-style-type: none"> <li>• List of creeks/watersheds to be assessed during MRP 3.0</li> <li>• Monitoring types to be implemented (monitoring types should be connected to management questions)</li> <li>• Minimum level of effort</li> <li>• % urban/non-urban</li> <li>• Schedule</li> </ul> <p><b>iii. UCMR</b></p> <ol style="list-style-type: none"> <li>(1) Water Year Summary Table – no change</li> <li>(2) SSID status report – no change</li> <li>(3) Statement of data quality – no change</li> <li>(4) Data analysis – <b>Change frequency to reflect schedule established in Year 1 Report</b></li> </ol> <p><b>iv. POC Monitoring Report (by Oct. 15) – Eliminate this report.</b> It has not been helpful in directing monitoring approaches and the deadline 2 weeks after Annual Report is difficult to manage both in terms of report development and review by Permittees. POC data are already included and submitted with UCMR and IMR.</p> <p><b>v. Integrated Monitoring Report – This report would be submitted in Year 5 (reporting on Years 1-4 of data).</b></p> <ol style="list-style-type: none"> <li>(1) Water Year Summary Table –</li> <li>(2) Comprehensive data analysis since prior IMR – change to include only data collected during MRP 3.0. The proposed new “watershed assessment” approach to Creek Status Monitoring is not conducive to comprehensive analysis with current probabilistic design.</li> <li>(3) POCs – eliminate requirement to include load estimates.</li> <li>(4) Budget summary – no change.</li> </ol> <p><b>vi. Standard report content - No change.</b></p>	<p>RWQCB (8/19/2019) – Okay to submit POC Monitoring Report in March (with UCMRs) rather than October.</p> <p>RWQCB (8/19/2019) – Planning to make improvements to standard report content. Namely the executive summary.</p> <p>RWQCB (8/19/2019) – Need to formalize Vallejo and FSURMP UCMR schedule, which is not every year.</p>