

MRP 3.0 C3/GI Work Group Meeting
Thursday, September 5, 2019
Meeting Summary

1. Introductions/Changes to the Agenda

- Introductions were made. List of attendees is attached.
- There were no changes to the agenda.

2. Accept Previous Meeting Summary

- The July 15, 2019 meeting summary was accepted. Karin Graves asked to be added to the attendance list.

3. Permittee Perspectives on C.3 Provisions

- The group discussed the Permittee Perspectives in the “Summary of Perspectives, Agreements, and Next Steps on MRP Provision C.3” table. The following is a summary of key comments.
- O&M requirements:
 - Dale would like to hear more about permittee experience with O&M of treatment measures. The group agreed to discuss this at a future Work Group meeting.
- Reducing regulated project thresholds and including single family homes (C.3.b.ii):
 - Keith is looking at 5,000 SF threshold as MEP and legal requirement based on other permits; he wants to better understand the benefit vs. the burden of reducing to 5,000 SF, also wants to include urban infill projects that are 2-5 unit, multi-family residential buildings.
 - Matt thinks permittees should be able to choose whether to reduce threshold on private projects or meet GI goals in a different way.
 - Dan suggested there may be more important issues to address, such as ensuring high-quality LID on larger projects.
 - Rinta and Terri made the point that we are covering the smaller projects via implementation of C.3.i, and asked if we can look at using C.3.i to cover WB staff’s concerns.
 - Terri said the North Bay permittees’ E.12 guidance that addresses improved site design measures on unregulated projects may be a useful example.
 - Pam stated that requiring C3 on single family homes will be a large burden on cities and doesn’t make sense in the big (water quality) picture.
 - Keith agreed to further discuss this topic at a future meeting.
- Treatment measure installation/biotreatment soil media (BSM)
 - Keith clarified that their comment about requiring “insitu” testing of BSM was just to verify a pass/fail condition, not to determine specific infiltration rate.
 - Several permittees discussed concerns about the BSM draining too fast initially, but some noted that the rate drops off quickly in subsequent rain or test events.
 - The group discussed that some issues are related to treatment measure design and some related to construction. Some members of the group stated that these are already addressed in guidance, training, and inspection procedures, and don’t need changes in permit language.

- The Work Group agreed that further discussion of Special Projects and roads requirements (as well as thresholds and single family home exemption) is needed at a future meeting.

4. Green Infrastructure (GI) Provisions – Preliminary Draft Language

- A preliminary draft outline of proposed permit language related to GI drivers and indicators, developed by the GI Indicators Subgroup, was distributed to the Work Group just prior to the meeting. Jill reviewed the document, explaining that it had not been vetted by permittees outside the Work Group, but was intended to get concepts on paper and start the discussion. The outline included: an introduction/background; regional implementation goals; program development indicators (six categories); project implementation and indicators; tracking and reporting; and participation in processes to promote GI.
- Summary of key comments:
 - Keith thought the draft provides a good structure. He also wants to think about a level of minimum implementation. He agrees with the statement that the goal of GI implementation is to achieve multiple benefits, not just PCB removal.
 - Dale asked if there could be a 2025 goal. Jill explained that the milestones corresponded to the impervious surface retrofit target dates in MRP 2.0.
 - Jill stated that we need to agree on the definition of “greened acres”.
 - Dan asked if the definition could account for reduced impervious area on a site.
 - Matt pointed out that it is hard to determine “greened acres” for regional projects, but that we may be able to translate “volumes captured” to “greened acres”.
 - Pam suggested that “acres treated” may make more sense to people.
 - Rinta stated that definition of this driver will impact how credit trading programs are set up.
 - Dale – what are the opportunities to build GI in road projects “for just a little bit more”? What would be the percent cost increase?
 - Jill/Amanda – costs are highly variable and depend on site conditions, utilities present, etc.
 - Matt – would like more flexibility in terms of types and locations of projects, with countywide or regional goals and a reasonable driver.
 - Dale – what is MEP for “opportunistic GI”?
 - Keith – maybe a bifurcated approach could work, with one track allowing flexibility and the other requiring a certain minimum implementation.
 - Pam – need to allow municipalities to focus on high priority projects and locations, which may change over time.
 - Rinta – need to allow flexibility for small communities.
 - Jill – the GI Plans described prioritized areas; municipalities will be looking for opportunities in those areas.
 - Terri – Regulated projects and GI requirements are mixed; need to show what the “plus” is for GI.
 - Keith – wants to define a reasonable “plus”. Also feels that road projects don’t address the impacts of urbanization.

- Pam – need to think about life cycle costs. O&M costs are more than capital costs in the long term. Thus, it’s only a “little bit more” for construction, but not from long-term perspective.
 - Keith – agrees we need more data on life cycle costs (International BMP Database will be adding life cycle cost data soon).
- Keith stated that Water Board staff will review and come back with additional suggestions at the next meeting.

5. Alternative Compliance Provision – Option 3

- Rinta explained the general concepts for an “Option 3 – Stormwater Credit Trading” that the Alternative Compliance Subgroup (Rinta, Pam, and Peter) has been drafting. Current options under Provision C.3.e are only available within a jurisdiction. Under this new option, a project could elect to treat runoff at an offsite location that is outside the permitting agency’s jurisdiction. The host agency and permitting agency would share oversight of the alternative compliance project. The credit currency could be defined by the regional or countywide permittees using a regionally consistent approach.
- Summary of key comments:
 - Dale – the further away from the actual location, the more mitigation is needed (like wetland mitigation). Also need to look at the kind of acres treated (equivalent pollutant loads). NGOs may not like that impacted waterbodies would not be addressed.
 - Keith – expressed interest in providing this flexibility, and in seeing the results of the grant-funded project to develop an alternative compliance program.
 - Dale – if projects are located in impacted areas and money is coming from cleaner areas, this could work.
 - Pam – In response to Dale, this could be incorporated into the credit system. Thus, more credits could be provided to projects that in more impacted areas.
 - Dan – there are two other issues with the current language: 1) it does not address alternative compliance on the same project site; and 2) it does not anticipate that a Permittee might want to allocate some square footage of LID-retrofit impervious area as alternative compliance for a Regulated Project without there being an in-lieu fee.

6. Next Steps/Action Items

- Continue to discuss the following topics on future meeting agendas: O&M experience, regulated project thresholds, exemptions for single family homes and roads, and Special Projects.
- Water Board staff to provide feedback on the preliminary draft GI drivers/indicators language by the Oct. 3 meeting.
- Alternative Compliance Subgroup to finalize preliminary draft language for Provision C.3.e and share with Work Group.

7. Next Meeting

- The next MRP 3.0 C3/GI Work Group meeting will be October 3rd from 9:30 a.m. to 12:30 p.m.

List of Attendees – September 5, 2019 Meeting

Name	Affiliation	2/7/19	3/7/19	4/4/19	5/2/19	6/6/19 (int)	7/15/19 (int)	9/5/19
Keith Lichten	Water Board	X	X	X	X			X
Dale Bowyer	Water Board	X	X	X				X
Zach Rokeach	Water Board	X	X	X	X			X
Matt Fabry	SMCWPPP	X	X		X		X	X
Jill Bicknell	EOA/SCVURPPP	X	X	X		X	X	X
Peter Schultze-Allen	EOA/SMCWPPP	X	X	X	X	X	X	X
Liesbeth Magna	EOA/SCVURPPP				X		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	X	X	X
Jeff Sinclair	San Jose	X		X	X	X	X	X
Terri Fashing	Oakland	X	X	X		X		X
Shannan Young	Dublin	X	X	X	X	X	X	X
James Paluck	Fairfield	X	X	X				
Dan Cloak	DCE/CCCWP	X	X	X	X	X	X	X
Derek Crutchfield	Vallejo	X	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			X?	X
Frank Kennedy	Concord/Moraga/ Pleasant Hill		X	X	X	X	X	X
Jim Scanlin	ACCWP		X	X			X	X
Chris McCann	Danville				X		X	
Reid Bogert	SMCWPPP				X	X	X	X
John Steere	CCCWP				X		X	
Chris Sommers	EOA/SCVURPPP					X		
Lisa Sabin	EOA/SCVURPPP					X		
Lisa Austin	Geosyntec					X		
Robert Newman	Vallejo					X		
Karin Graves	CCCWP					X		X
Rinta Perkins	City of Santa Clara					X	X	X
Steve Carter	Paradigm						X	
Amanda Booth	San Pablo						X	X
Craig Pon	Oakland						X	