

MRP 3.0 C3/GI Work Group Meeting
Thursday, November 14, 2019
Meeting Summary

1. Introductions/Changes to the Agenda

- Introductions were made. List of attendees is attached.
- Based on the information shared at the Steering Committee last week, the discussion of the Water Board (WB) staff's comments on the GI Provision preliminary draft language is expected to be short. Therefore, Agenda Item 4 was moved up to Agenda Item 3, with the objective of leaving more time for discussion of the other agenda items (Asset Management and other C.3. Provisions).

2. Accept Previous Meeting Summary

- Jeff Sinclair (City of San Jose) had 2 comments on the draft October 3rd meeting summary:
 1. Page 1, Agenda Item 3, O&M Provisions and Practices, second sub-bullet "Most common problems observed...": Jeff commented that ponding is not a problem in San Jose. Some attendees concurred while others stated that ponding was an issue. Consensus to delete "Most common" from the beginning of the sentence and revise to read "Problems observed include..."
 2. Page 2, Agenda Item 3, C.3.b Thresholds and Exemptions, fifth sub-bullet "San Jose Perspective": revise "(but looking into it)" to "(but plan to look into it)".
- The draft October 3rd meeting summary was accepted with these suggested edits.

3. Green Infrastructure Provision – Preliminary Draft Language

- Zach Rokeach (WB staff) informed attendees that they are not prepared to provide an update at this meeting.
- Keith Lichten (WB staff) explained that they need more time to internally organize their thoughts on the provision. Due to other demands (such as review of GI Plans and WB trash workshop), he's unsure whether they will have revised language ready for the December meeting. *NOTE: During Agenda Item 6, it was decided to move the topic to the January Work Group meeting.*
- Zach thanked the GI Indicators Subgroup for the draft language provided to WB staff at the September 5th meeting. Asked whether WB staff was planning to craft their own language or use the Subgroup's proposed language, Zach replied that he envisioned building on the Subgroup's language.
- Asked if he had any high-level comments on the GI Plans so far, Keith replied that he would like to defer the discussion until January but that he was not surprised by the level of detail or the level of commitment provided in the GI Plans reviewed so far.

4. Asset Management (AM)

- **Tracking to Date:** To facilitate the discussion, EOA prepared and shared a table summarizing what permittees are already required to track for completed projects (Provisions C.3.h. and C.3.j.) and other items that WB staff indicated in previous meetings that they would like to see tracked via asset management systems. Keith suggested adding life cycle costs, future funding needs, and full trash capture devices and screens. Dan Cloak (DCE/CCCWP) mentioned that other data permittees have been

required to track include outfall locations, storm drain system maps, and hydromodification management applicable areas.

- **AM Driver:** Dan asked WB staff what the driver is for the inclusion of asset management in the permit, and whether there are specific things in the Guam or Salinas permits that WB staff wants, or just something general about AM.
 - Keith replied that EPA policy and cost of compliance guidance play a role but that he's interested in control-specific and programmatic approaches that can lead to better water quality outcomes. He wants a way to track lessons learned from the work being done, so that permittees make improvements over time. He recognizes that permittees are doing a lot of this work already, but that AM may be a way of framing that work.
 - Dale Bowyer (WB staff) added that they hope AM will lead to allocation of more funding, and that through AM, permittees will see stormwater as an asset to manage, and start budgeting better for stormwater infrastructure.
 - Zach added that AM can provide insight on the cost of compliance.
- **Grey vs Green:**
 - Pam Boyle Rodriguez (City of Palo Alto) agrees with the approach to manage GI assets in the same way as grey infrastructure. She feels there is a need for systems to help provide information on green vs. grey assets, and that it would be useful to have GI asset management requirements but without the specificity of the Guam permit. In her opinion, GI is still seen as something that provides aesthetic/open-space value, not as something that provides stormwater treatment/flood control benefits.
 - Amanda Booth (City of San Pablo) feels that there will be a wide range in the baseline level of tracking GI assets across jurisdictions. In her jurisdiction, GI is currently tracked better than grey infrastructure.
- **Lessons Learned:** Keith noted that the current program for integrating lessons learned into updated guidance or implementation seems ad hoc, and asked what could be done better with AM.
 - Jeff explained that the City of San Jose uses interdepartmental SOPs that can be updated with lessons learned. Lessons learned through the feedback loop have already resulted in improvements in GI design. The City is currently working on development of an AM program for GI. Jeff is in favor of an AM approach, but cautious about including specific requirements in the permit. San Jose relies on the MRP requirements to get funding for maintenance and already has enough direction from the current permit to track and maintain systems. He's also concerned that overly prescriptive language could be challenging for cities that are working on or already have a program in place, since it could mean having to undo or modify work they've already completed.
 - Amanda stated that she feels all permittees are likely in favor of AM, but that they are nervous about prescriptive requirements and potentially short time frame.
 - Jill Bicknell (EOA/SCVURPPP) suggested that the permit language describe desired outcomes and allow permittees to develop their own systems to provide outcomes consistent with the number/types of assets they have.
 - Keith stated that he understands that different cities have different complexities and needs, and that flexibility makes sense.

- **Desired Outcomes:** Terri Fashing (City of Oakland) summarized the desired outcomes that had been discussed:
 - Water quality improvement;
 - Lessons learned feedback loop to improve GI implementation moving forward;
 - Better understanding of life-cycle costs to help get funding for stormwater programs;
 - A system that the WB can view/audit at their convenience, perhaps reducing the reporting burden on permittees;
 - Tracking maintenance.

Keith stated that the WB is looking for more granular outcomes, and wants to provide a more specific target for permittees to aim at.
- **Timing:** WB staff goal is to have AM phased in over the next permit term, with approach/framework by Year 1, systems in place by mid-term, and outputs to learn from by the end of the permit term.
- **Costs:** Dan expressed concern over presenting lifecycle costs in AM - showing these costs could make GI projects unattractive. Keith suggested tracking actual costs, which Dan agreed would be more useful. Jill stated there may not be enough experience now to know maintenance costs, but that it would be good to start tracking that data. Amanda mentioned that multiple sources of funding are used – having to break costs into detailed level costs/funds is not helpful but high-level cost information would be useful. Pam stated that thinking about long-term costs is vital to being responsive to the public.
- **Private vs Public GI Projects:** Keith asked why an AM program should not apply to private projects. Responses included:
 - Any mapping of private projects could cause concern that the governmental agency is trying to control private property.
 - Concerns about making private utility information public.
 - Lots of unknowns about private projects. Permittees are required to inspect and ensure O&M, but shouldn't be required to track private projects as part of AM.
 - Cost information should be specific to public systems and the need for public funds for O&M.
- **System Compatibility / Scalability:** Keith raised discussion of conducting AM on a countywide or regional scale versus by permittee. Jill replied that it would be nice to have the flexibility to set up per jurisdiction or on a larger scale. Attendees discussed various concerns, preferences, and options, including the use of StreetSaver, a Metropolitan Transportation Commission (MTC) tool for pavement management. MTC already plans to create a storm drain module, and Matt Fabry (SMCWPPP) asked if permittees would be interested in exploring whether that effort could support the need.
- **Comments from attendees included:**
 - A separate tool such as StreetSaver would mean double-entry. Wouldn't use it as primary database, but would use it if it helps get funding.
 - Bigger programs figure out lessons learned and info gets transferred down to smaller programs. Not sure how AM requirements would make things better.
 - Smaller programs – many don't have IT/GIS staff. But those cities likely have far fewer GI projects, which could be easy to track in a spreadsheet.
 - One permittee likes having private and public projects in one database (i.e., AGOL)

- Don't want StreetSaver prioritization to override the prioritization process that permittees developed as part of their GI Plan.

Keith agreed that varying city sizes require different levels of effort. Scalability question is key. Keith asked whether knowing what the tools are already being used by permittees would be helpful in writing the permit language. Pam suggested it's better to focus on what information to collect.

- Keith expressed interest in examples of O&M forms for GI and trash to get a sense of what kind of data is being collected to inform changes in practice.
- WB staff intent is to focus on C3 (GI) and C10 (trash) controls and not gray infrastructure in MRP 3.0. Permittees should tell WB staff if they want the permit to require certain information to get help with funding or plans.

5. Permittee Perspectives on C.3 Provisions

- The group continued the discussion of topics carried forward from previous meetings: C.3.b thresholds and exemptions (single family homes); and Special Projects.
- **Single-Family Homes (SFH):**
 - When asked why permittees are opposed to getting rid of the exemption for SFHs, Jill replied that the water quality benefit is likely to be negligible and that implementing the requirement would have high costs and level of effort for permittees. C.3.i already requires site design measures for SFH >2,500 sq ft.
 - There was discussion about whether C.3.i requirements should be strengthened or removed and covered under C.3.a. No consensus was reached.
 - Keith suggested making the C.3.i requirement more specific. If developer is unable to meet C.3.i requirements, then it becomes a regulated project. This could reduce permittee O&M and tracking efforts.
 - Keith asked how SFH fits in with alternative compliance and cost recovery for plan review. Responses show that cost recovery varies by permittee, with some requiring upfront deposits, some charging a percentage, and some not charging anything.
 - Discussion ended with attendees asking when the WB will reach a decision on points of agreement. Keith stated that he's not sure whether it will be as part of the administrative draft, or perhaps some language before that. He is committed to providing adequate time for review.
- **C.3.b Thresholds:**
 - Keith: Drivers to lowering thresholds are water quality impairment (TMDL pollutants) and MEP. NGOs would like to see a more direct connection to pollutant load reduction. WB staff may want to use lower thresholds as part of showing more progress toward meeting water quality objectives.
 - Matt suggested looking at thresholds in the larger context of GI drivers and long term goals, and allow jurisdictions flexibility in meeting those goals.
- **Special Projects:**
 - If Special Projects exemptions are going away, permittees asked for them to be phased out and allow more time to develop alternative compliance programs or other options.
 - Dale explained that the urgency for a more immediate approach is that developments get entitlements, and are then exempt from current requirements (so inherent lag in implementation of new requirements).

- Attendees voiced concerns, including:
 - Permittees need time to figure out their approach;
 - Alternative compliance, in-lieu, etc. takes time to enact and put in place. Should give cities that have a lot of Special Projects time to transition.
 - Concern about going straight from Special Projects to alternative compliance. Developers won't want to do anything on site, which could create equity issues.
- Keith pointed out that San Francisco is requiring dense urban projects to install all LID treatment or participate in an in-lieu program. In-lieu fees go to planned CIP projects.
- Frank (Concord/Moraga/Pleasant Hill) mentioned that Special Projects can help provide affordable housing. Jill mentioned that an affordable housing developer in the South Bay is putting green roofs on almost all projects. They own and maintain the buildings, so they see the long-term cost benefits.
- Terri emphasized the value of Special Projects and offered to look at the most important types of Special Projects in Oakland and potential ways to tighten exemptions. Jill suggested that San Jose and other large cities could also provide input.
- **Phase II Permittees**
 - WB staff sent letter to Phase IIs on likely outcomes for joining MRP vs. staying under Phase II Permit. City of Petaluma and San Francisco (MS4 area) will likely join the MRP regardless of other Phase II permittees' decisions.

6. Next Steps/Action Items

- Terri (Oakland), Jeff (San Jose), and other cities with Special Projects will provide information on the types of Special Projects that most need LID reduction credits.
- Matt will check availability of Theresa Rommell (MTC) to participate in a future work group meeting.
- Jill will provide Keith with CASQA position paper on Asset Management.
- Water Board staff comments on "GI Provision – Preliminary Draft Language" and update on GI Plan review scheduled for discussion at January meeting, to allow Water Board adequate time to formulate comments.
- Continue to discuss the following topics on future meeting agendas: asset management (examples, MTC StreetSaver?); O&M procedures; Special Projects.

7. Next Meeting

- Next MRP 3.0 C3/GI Work Group meeting date will be December 5th.

List of Attendees – November 14, 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	10/3/19	11/14/19
Keith Lichten	Water Board	X	X	X	X			X	X	X
Dale Bowyer	Water Board	X	X	X				X	X	X
Zach Rokeach	Water Board	X	X	X	X			X	X	X
Adele Ho	CCCWP	X	X							
Alvin Lei	Fairfield								X	X
Amanda Booth	San Pablo						X	X	X	X
Chris McCann	Danville				X		X			
Chris Sommers	EOA/SCVURPPP					X				
Courtney Riddle	CCCWP	X			X					
Craig Pon	Oakland						X			
Dan Cloak	DCE/CCCWP	X	X	X	X	X	X	X	X	X
Derek Crutchfield	Vallejo	X	X	X		X				
Frank Kennedy	Concord/Moraga/ Pleasant Hill		X	X	X	X	X	X	X	X
Geoff Brosseau	BASMAA	X	X							
James Paluck	Fairfield	X	X	X						
Jeff Sinclair	San Jose	X		X	X	X	X	X	X	X
Jennifer Harrington	Vallejo F&WD	X								
Jill Bicknell	EOA/SCVURPPP	X	X	X		X	X	X	X	X
Jim Scanlin	ACCWP		X	X			X	X	X	X
John Steere	CCCWP				X		X			
Karin Graves	CCCWP					X		X	X	
Kevin Cullen	Fairfield		X	X			X?	X	X	
Kristen Hathaway	Oakland		X						X	
Liesbeth Magna	EOA/SCVURPPP				X		X		X	X
Lisa Austin	Geosyntec					X				
Lisa Sabin	EOA/SCVURPPP					X				
Matt Fabry	SMCWPPP	X	X		X		X	X		X
Melissa Tigbao	Vallejo	X								
Pam Boyle Rodriguez	Palo Alto	X	X	X	X	X	X	X	X	X
Peter Schultze-Allen	EOA/SMCWPPP	X	X	X	X	X	X	X	X	
Reid Bogert	SMCWPPP				X	X	X	X	X	
Rinta Perkins	City of Santa Clara					X	X	X	X	
Robert Newman	Vallejo					X				X
Sam Kumar	Vallejo				X					
Shannan Young	Dublin	X	X	X	X	X	X	X	X	X
Steve Carter	Paradigm						X			
Terri Fashing	Oakland	X	X	X		X		X	X	X