



Regulatory Changes: Overview of New Permit Requirements (MRP 3.0)

Jill Bicknell, P.E.
EOA, Inc.

San Mateo Countywide Pollution Prevention Program

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MRP 3.0 – It's Here!

- Coming to a City or County near you!
- 724 pages long!
- New scary requirements!






Presentation Overview

- Overview of MRP 3.0
- Provision C.3 New/Redevelopment
 - Review of Unchanged Requirements
 - Changed/New C.3 Requirements
 - Regulated Projects – parcel based
 - Pavement maintenance and road reconstruction
 - Special Projects
 - Effective Dates/Grandfathering
 - Green Infrastructure (GI) Implementation



SM County Applicable MRP Provisions

<u>Program Specific</u>		<u>Pollutant Specific</u>		<u>Monitoring/Reporting</u>	
C.2 Municipal Operations	C.6 Construction Site Controls	C.9 Pesticides Toxicity Control	C.13 Copper Controls	C.8 Water Quality Monitoring	C.21 Asset Management
C.3 New Development and Redevelopment	C.7 Public Information and Outreach	C.10 Trash Load Reduction	C.14 Bacteria Controls	C.20 Cost Reporting	
C.4 Industrial/Commercial Site Controls	C.15 Exempted and Conditionally Exempted Discharges	C.11/12 PCB and Mercury Controls			
C.5 Illicit Discharge Controls	C.17 Unsheltered Homeless Populations				

 Minor changes
 Significant changes
 New provision

Provision C.3 – Unchanged Requirements

- LID approach – source control, site design, treatment
- LID sizing and design guidelines
- Alternative compliance options
- Special Projects (except Category C criteria)
- Hydromodification management requirements
- O&M verification program requirements
- Site design requirements for small, unregulated projects

Possible Expansion of LID Treatment Options

- C.3.c - Optional work group to investigate pollutant removal effectiveness and hydrologic equivalency of high flow-rate media filters in combination with retention/detention storage compared to conventional bioretention
- C.3.d – Option to evaluate benefits and runoff reduction associated with trees and submit proposed sizing and design criteria for tree-based stormwater treatment systems for incorporation into the permit
 - Note that use of tree interceptor credits is not allowed under MRP 3.0 but may be evaluated as part of this option

Changed/New Requirements – Regulated Projects

- Parcel based development or redevelopment
 - Threshold for impervious surface created/replaced reduced to 5,000 SF for most projects
 - Must include any impervious surface created/replaced in public ROW as part of project (e.g., sidewalk, street frontage)
 - Includes renovation of public/private parking lots and other pavement (down to top of base course)
 - New category – regulates detached single-family homes at 10,000 SF threshold

Changes/New Requirements – Regulated Projects

- Roads, sidewalks and trails
 - Threshold reduced to 5,000 SF (contiguous) for:
 - New roads, including sidewalks and bike lanes
 - Adding traffic lane to an existing road
 - New stand-alone trail projects ≥ 10 feet wide or ≤ 50 feet from creek bank built with impervious surface*

* Gravel is considered an impervious surface unless constructed like pervious pavement

Pavement Maintenance Requirements

- Pavement maintenance on parcels (C.3.b.ii.(1)(b)(ii)-(iv)), e.g., parking lots and other pavement
 - Excluded practices
 - Pothole and square cut patching
 - Overlay gravel on existing gravel
 - Overlay asphalt or concrete on existing asphalt or concrete (no increase in area)
 - Apply bituminous surface treatment (e.g., “chip seal”) to existing asphalt or concrete (no increase in area)
 - Upgrade from chip seal to asphalt or concrete (no increase in area)
 - Shoulder grading
 - Reshaping/regrading drainage
 - Crack sealing and pavement preservation that does not expand road prism

Pavement Maintenance Requirements

- Pavement maintenance on parcels (C.3.b.ii.(1)(b)(ii)-(iv)), cont'd
 - Included practices – regulated at $\geq 5,000$ SF (cumulative)
 - Upgrade from dirt to gravel* (exempt if built to spec for pervious pavement)
 - Upgrade from dirt/gravel to chip seal, asphalt, or concrete pavement
 - Removing/replacing asphalt or concrete to top of base course or lower
 - Repair of pavement base (i.e., base failure repair)
 - Extending the pavement edge or paving graveled shoulders
 - For Road Reconstruction Projects, these practices are included only if they trigger all criteria specified in Provision C.3.b.ii.(5), including the criteria regarding contiguousness.

*Gravel is considered an impervious surface unless constructed like pervious pavement

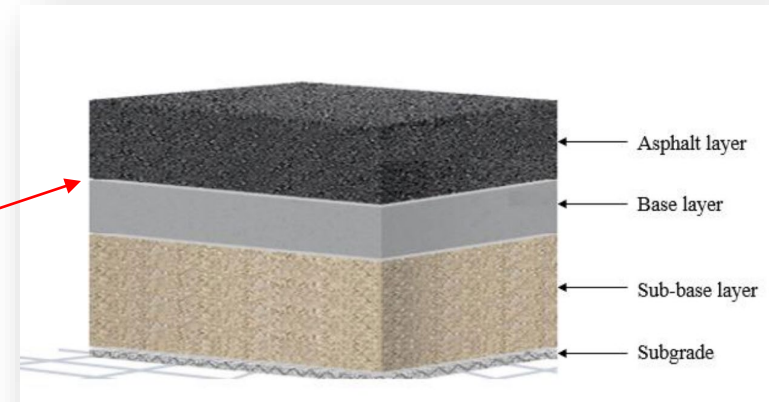
Pavement Maintenance Requirements

- Pavement maintenance definitions

- Base course

- Layer of material (typically aggregate base) located above the subbase course and/or subgrade course, and below the surface layer

Top of base
course



- Bituminous Surface Treatment

- A thin protective wearing surface which can provide protection of underlying pavement and a filler for existing cracks or raveled surfaces. Types include chip seal, slurry seal, seal coat, and cape seal.

Pavement Maintenance Requirements

- Public works maintenance projects (C.3.b.ii.(3))
 - Additional exclusions for small discontinuous projects in the public right-of-way that do not disturb $\geq 5,000$ SF of contiguous impervious surface
 - Examples: sidewalk gap closures, sidewalk replacement, and ADA curb ramps not associated with a parcel-based project
 - If associated with a Regulated Project, must be added to the cumulative impervious surface total of that project and treatment provided



Pavement Maintenance Requirements

- Road reconstruction projects (C.3.b.ii.(5)) – regulated at ≥ 1 acre of contiguous* impervious surface
 - Reconstruction of existing public streets and roads (and adjacent sidewalks and bike lanes) down to top of base course
 - Extending the pavement edge of an existing road (e.g., paving gravel shoulders)
 - Utility trenching projects which are ≥ 8 feet wide on average, over the entire length of the project
- * Project areas interrupted by cross streets or intersections are considered contiguous

Road Reconstruction and the “50% Rule”

- Where a reconstruction project disturbs $\geq 50\%$ of the existing impervious surface of the road, the entire road surface must be included in the treatment system design.
- Where a reconstruction project disturbs $< 50\%$ of the existing impervious surface of the road, only the new and/or replaced impervious surface of the road project must be included in the treatment system design.
 - However, if the runoff from that portion of the road cannot be separated from runoff from the rest of the road, the runoff from the entire surface draining onto the reconstructed portion must be treated.
 - This may also be an issue with regulated utility trenching projects that disturb a portion of the road but need to treat runoff from larger drainage areas
 - Can consider alternative compliance options to minimize the treatment area

Summary of Regulated Project Requirements

Project Type/Description	Threshold Area	MRP 2.0	MRP 3.0
Parcel-Based Projects			
Detached single-family home not part of larger plan of development	Cumulative	Exempt	10,000 SF
Public/private development	Cumulative	10,000 SF	5,000 SF
Public/private redevelopment project	Cumulative	10,000 SF	5,000 SF
Renovation of existing public/private parking lots or other pavement	Cumulative	Exempt	5,000 SF
Roads, Sidewalks, and Trails			
New roads, including sidewalks and bike lanes	Contiguous	10,000 SF	5,000 SF
Adding traffic lanes to an existing road	Contiguous	10,000 SF	5,000 SF
New stand-alone trail projects \geq 10 feet wide with impervious surface	Contiguous	10,000 SF	5,000 SF
Sidewalk gap closures, sidewalk replacement, ADA curb ramps not associated with a parcel-based project	Contiguous	10,000 SF	5,000 SF
Road Maintenance Projects			
Reconstructing existing roads, including sidewalks and bicycle lanes	Contiguous	Exempt	1 acre
Extending roadway edge	Contiguous	Exempt	1 acre
Utility trenching projects with average trench width \geq 8 feet	Contiguous	Exempt	1 acre

Special Projects: Definition

- Smart growth or high-density projects that may receive LID treatment reduction credit
 - Non-LID measures are limited to tree box filters and media filters
 - Required to demonstrate infeasibility of 100% LID treatment prior to receiving LID treatment reduction credits
 - Amount of credit based on size, lot coverage, location, density, surface parking and **number of affordable housing units**



Special Projects Category A – Small Infill Projects

- Located in central business district or comparable pedestrian-oriented district.
- Built as part of objective to preserve or enhance pedestrian-oriented environment.
- No surface parking except for emergency access, ADA or loading requirements.
- At least 85% of lot covered by buildings; 15% for safety access, trash/recycling, public uses, etc.
- Creates or replaces ½ acre or less of impervious surface.
- 100% LID treatment reduction credit.
- **No change in MRP 3.0**



Special Projects Category B – High Density Projects

- Located in central business district or comparable pedestrian-oriented district.
- Built as part of objective to preserve or enhance pedestrian-oriented environment.
- No surface parking except for emergency access, ADA or loading requirements.
- At least 85% of lot covered by buildings; 15% for safety access, trash / recycling, public uses, etc.
- Creates or replaces $> \frac{1}{2}$ acre, but no more than 2 acres of impervious surface.
- Graduated system of LID treatment reduction credit depending on Floor Area Ratio (FAR) or gross density (DU/Ac) - 50%, 75%, or 100%
- **No change in MRP 3.0**



Special Projects Category C – Transit Oriented

- Project must be non-auto-related land use project
- LID treatment reduction credit is the sum of:
 - Location credit – near transit hub/Priority Development Area (PDA)
 - Density credit
 - Minimum surface parking credit
 - **Category not available after June 30, 2023**
 - **Replaced by Affordable Housing Category**



Special Projects Category C – Affordable Housing

- HUD definition for affordable housing - Preserved housing project with deed restriction running at least 55 years and rent/mortgage \leq 30% of the total household income
- Primarily a residential project
- Minimum gross density: 40 dwelling units per acre
- LID treatment reduction credit is the sum of credits for:
 - Percent of dwelling units in different income categories (required)*
 - Location
 - Density
 - Surface parking

* Income limits are based on most current Official State Income Limits defined on the California Department of Housing and Community Development's website (updated annually)

Affordable Housing Credits

Area Median Household Income (AMI)	Minimum Percentage of DUs		
	70% credit	50% credit	25% credit
Moderate ($\leq 120\%$ of AMI)	100	75	50
Low ($\leq 80\%$ of AMI)	75	50	25
Very Low ($\leq 50\%$ of AMI)	50	25	15
Extremely Low ($\leq 30\%$ of AMI)	25	15	5

Effective Dates and Grandfathering

- All new requirements for Regulated Projects (Provision C.3.b) take effect July 1, 2023
- Until July 1, 2023, MRP 2.0 (Attachment I) requirements apply
 - “Any pending Regulated Project that has not yet been approved as of June 30, 2023, and for which a Permittee has no legal authority to require new requirements..., is subject to the Provision C.3 requirements in effect on the Permit's effective date.”
 - A project “in the pipeline” that is approved or entitled by June 30, 2023 must meet MRP 2.0 requirements
 - For a public project, “funded and construction scheduled” is equivalent to “approved” (per previous permits)

GI Programmatic Implementation

- Permittees developed GI Plans during MRP 2.0
- Must continue to implement and update as needed
 - Complete updates to related municipal plans
 - Develop funding and funding mechanisms
 - Update GI guidance, details and specifications
 - Implement tools to track and map completed projects
 - Adopt/amend policies, ordinances, and legal mechanisms
 - Conduct outreach and education
- Must continue to look for opportunities to integrate GI into public infrastructure projects

GI Numeric Retrofit Targets / Goals

- Short-term numeric target (during 5-year permit term)
 - 3 acres treated per 50,000 population (up to 5 acres)
 - Can be met on countywide basis (43.31 acres for SM County)
 - If met countywide, each permittee must implement at least one project treating a minimum of 0.2 acres
 - Projects constructed or funded by end of permit term, including road reconstruction projects, count toward target
- Long-term numeric goal to be developed during MRP 3.0
 - Multi-decadal; progress toward goal during each permit term
 - Will allow credit for all GI constructed to date

GI Numeric Retrofit Requirements

**Provision C.3.j.ii.(2);
Attachment H, Table H-1**

San Mateo County Permittees

Table H-1. Numeric Retrofit Requirements

County	Permittee	2019 US Census Bureau Population Estimate	MRP 3 Provision C.3.j Retrofit Assignment (acres)	County Total (acres)
San Mateo	Atherton	7,137	0.43	43.31
San Mateo	Belmont	26,941	1.62	
San Mateo	Brisbane	4,671	0.28	
San Mateo	Burlingame	30,889	1.85	
San Mateo	Colma	1,489	0.20	
San Mateo	Daly City	106,280	5.00	
San Mateo	East Palo Alto	29,314	1.76	
San Mateo	Foster City	33,901	2.03	
San Mateo	Half Moon Bay	12,932	0.78	
San Mateo	Hillsborough	11,387	0.68	
San Mateo	Menlo Park	34,698	2.08	
San Mateo	Millbrae	22,394	1.34	
San Mateo	Pacifica	38,546	2.31	
San Mateo	Portola Valley	4,568	0.27	
San Mateo	Redwood City	85,925	5.00	
San Mateo	San Bruno	42,807	2.57	
San Mateo	San Carlos	30,185	1.81	
San Mateo	San Mateo	104,430	5.00	
San Mateo	San Mateo County	64,832	3.89	
San Mateo	South San Francisco	67,789	4.07	
San Mateo	Woodside	5,458	0.33	

GI Numeric Implementation Flexibility

- Can count GI projects constructed since January 1, 2021
- Can “contribute substantially” to GI project(s) outside of a Permittee’s jurisdiction (within its County)
- Can count impervious area treated by non-Regulated Projects and by Regulated Projects that go “above and beyond”
- Can count the impervious area treated for Regulated Road Reconstruction Projects
- Small rural Permittees may collectively submit a proposal for pilot projects investigating alternative GI techniques
- Permittees with ordinances that require Regulated Projects to treat additional area may get a one time 25% reduction credit (up to 1 acre)

For More Information:

- **SMCWPPP C.3 Regulated Projects Guide**
<https://www.flowstobay.org/preventing-stormwater-pollution/with-new-redevelopment/c-3-regulated-projects/>
- **SMCWPPP GI Design Guide**
<https://www.flowstobay.org/data-resources/resources/green-infrastructure-design-guide/>
- **Municipal Regional Stormwater Permit**
https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/mrp5-22/R2-2022-0018.pdf

Questions?

Contact information:

Jill Bicknell, P.E.

EOA, Inc.

jcbicknell@eoainc.com

