



Provision C.3 in MRP 2 – The Future is Here!

An Update on New Stormwater Permit Requirements

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Outline of Presentation

- Background on MRP and Reissuance
- Overview of New C.3 Requirements:
 - Good News (no or positive changes)
 - Grandfathered Projects
 - Special Projects
 - Installation and O&M Inspections
 - Green Infrastructure

Bay Area Municipal Regional Permit (MRP)

- One Phase 1 municipal stormwater permit that covers 76 permittees:
 - San Mateo, Santa Clara, Alameda, and Contra Costa Counties, Fairfield-Suisun area, and City of Vallejo
- Five-year permit term
- MRP 1: 12/09 – 12/15
- MRP 2: 1/16 – 12/20



The Good News

- Many C.3 requirements did not change:
 - Regulated project thresholds
 - Road requirements and thresholds
 - C.3.a Performance Standards
 - Site design and source control measures
 - Pervious paving design standards required
 - Numeric sizing criteria
 - Hydromodification management & maps
 - (for SCVURPPP)
 - Small project site design requirements

The Good News

- Many C.3 requirements had positive changes:
 - **LID Treatment** -- eliminates requirement to demonstrate feasibility of infiltration and rainwater harvesting prior to using biotreatment
 - **Biotreatment Soil Specifications** – allows Permittees to collectively develop and adopt revisions to specifications (with Executive Officer approval)

The Good News

- Positive changes, continued:
 - **Alternative Compliance** – provides more flexibility in timing of alternative compliance projects (must complete within 3 years of Regulated Project)
 - **Hydromodification Management** – allows Permittees to develop new approach for sizing HM facilities based on direct simulation of erosion potential (which may result in smaller facilities)

“Grandfathered” Projects

- Elimination of grandfathering:
 - Projects approved prior to any C.3 requirements (i.e., before Oct. 2003) that have not begun construction by January 1, 2016 must include stormwater treatment
 - Exceptions:
 - Projects approved with vesting tentative map
 - Projects for which municipality has no legal authority to require changes to previous approvals
 - Non-LID treatment (media filters) allowed if LID treatment is not feasible

Special Projects – A Refresher

- Special Projects are high density and transit oriented development projects that may receive **LID treatment reduction credit**, i.e., allowed limited use of “non-LID” treatment measures
- Amount of credit based on size of project, lot coverage, location, density, and amount of surface parking
- Non-LID measures are limited to tree box filters and media filters



Special Projects (MRP 1)

Category C – Transit Oriented Project

- Must be located within 1/2 mile radius of transit station
- Commercial or mixed use project: minimum floor area ratio (FAR) of 2:1 required
- Residential project: minimum density of 25 dwelling units/acre (DU/ac) required
- Graduated system of LID treatment reduction credit:
 - Location credit
 - Density credit
 - Minimum surface parking credit



Special Projects

- Changes to credit system:
 - Definitions of FAR and gross density include larger project area (makes it harder to earn credit)
 - **Floor Area Ratio** = Ratio of total floor area of all buildings (except structures or floor area dedicated to parking) to total project site area
 - **Gross Density** = Total number of residential units divided by entire site area, including land occupied by public ROWs, recreational, civic, commercial and other non-residential uses

Special Projects

- Changes to credit system, continued:
 - Allows mixed use projects to use either FAR or DU/ac density criterion
 - Helps mixed use projects that are primarily residential with some ground floor retail
- Changes to reporting:
 - Eliminates mid-year reporting of potential Special Projects
 - Still must report annually in Annual Report

Installed Treatment Measure Inspection Programs

- Installation Inspections (beginning 7/1/16):
 - Initial inspection of stormwater controls required “at the completion of installation”
 - Replaces requirement to inspect within 45 days of installation
 - Installation inspection of pervious paving systems $\geq 3,000$ sq.ft. required
 - Excludes private patios
 - Allows inspection of “representative no.” of pervious driveways in subdivisions

Installed Treatment Measure Inspection Programs

- O&M Inspections (beginning 7/1/16):
 - Inspection frequency to be tracked by number of Regulated Project sites instead of number of treatment/HM controls
 - Must inspect an average of 20% of project sites per year (minimum 15%)
 - Must track and inspect pervious paving systems $\geq 3,000$ sq.ft.

Installed Treatment Measure Inspection Programs

- O&M Inspections, continued:
 - Allows Permittees to accept third party inspections of vault-based treatment systems if inspected annually
 - Allows reporting of summary data instead of details for each inspection (must still track inspection data in database)

Installed Treatment Measure Inspection Programs

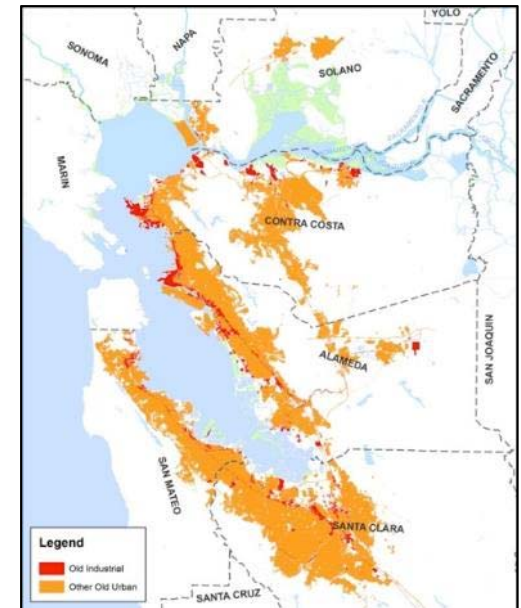
- O&M Inspection Enforcement
 - Must have O&M Enforcement Response Plan by 7/1/17
 - Corrective actions must be implemented within 30 days of inspection
 - Actions can be temporary and more time allowed for permanent corrections (with explanation)

Green Infrastructure (GI) Requirements

- Permittees are required to complete and implement Green Infrastructure Plans that:
 - Include LID drainage design in public and private streets, parking lots, roofs, etc.
 - Disconnect/treat impervious surface
 - Reduce adverse water quality impacts of urbanization and urban runoff over long term
 - Help achieve reduction in PCB and mercury loads and meet TMDL requirements

GI & POC Requirements

- Link between Green Infrastructure planning and implementation and required pollutant controls
 - Control measures for certain pollutants (PCBs and mercury) include green infrastructure
 - Quantities of PCBs and mercury discharged to the Bay must be reduced to specified levels by 2040
 - GI Plans must provide reasonable assurance that specified PCB and mercury load reductions will be met (via public and private projects)



High PCB
Concentrations in
Sediments

Overview of GI Requirements

- Develop a Green Infrastructure (GI) Plan
 - Prioritize and map planned and potential projects
 - Update related municipal plans
 - Evaluate funding options
 - Track progress
- Conduct education and outreach
- Conduct “early implementation”
 - Construct planned and funded projects
 - Review public project lists and assess opportunity for incorporating GI elements

GI Plan Framework

- Must prepare a framework (work plan with tasks and timeframes) within 1st year
- Framework must be approved by local governing body, mayor or city/county manager
- Approval required by 6/30/17
- Must provide documentation of approval to Water Board by 9/30/17

SCVURPPP Assistance

- Guidance and templates for GI Plan and Framework elements
- Model GI language for related plans, policies and ordinance updates
- Guidelines, standards and specs for GI projects
- Outreach and workshops at regional level, and materials for use at the local level
- Mapping, tracking, and reporting tools
- Stormwater Resource Plan – countywide effort with Water District to identify & prioritize projects

Other GI Requirements

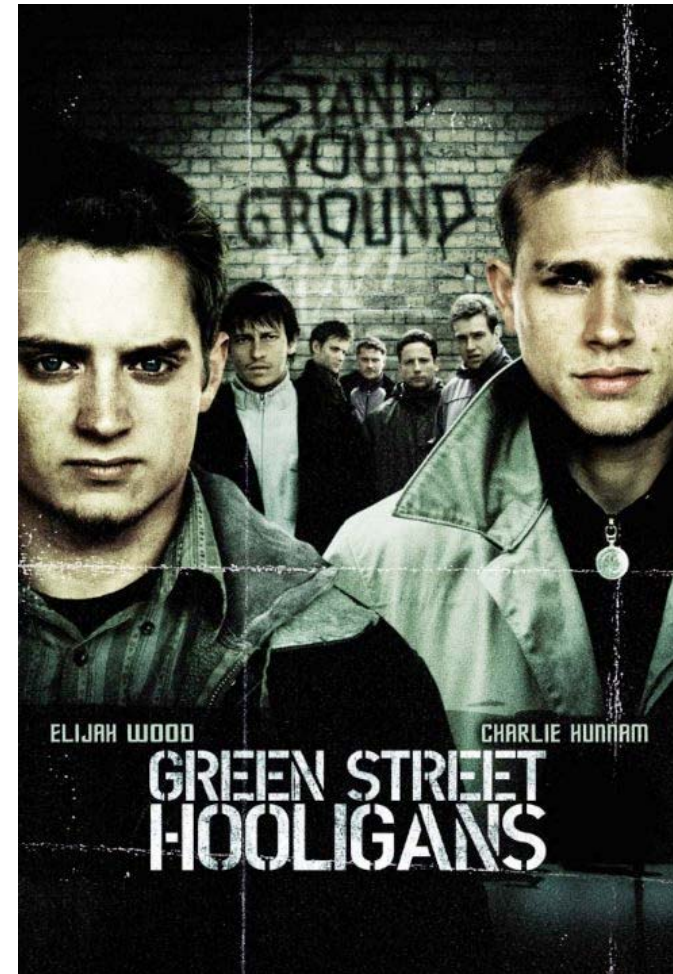
- Participate in Processes to Promote GI
 - (Collectively) provide information to assist regional, state and federal agencies to plan, design and fund GI measures in local infrastructure and transportation projects
- Track and Report Progress
 - (Collectively) develop and implement methods to track and report disconnected impervious area and PCB/Hg loads reduced due to GI projects

Key C.3 Deadlines

Deliverable	Due Date
List of Current/Potential GI Projects	9/30/16 and annually
Summary of GI Education and Outreach Efforts	9/30/16 and annually
Approved GI “Framework” (Work Plan)	6/30/17
O&M Enforcement Response Plan	7/1/17
Completed GI Plan	9/30/19
Documentation of Legal Mechanisms	9/30/19

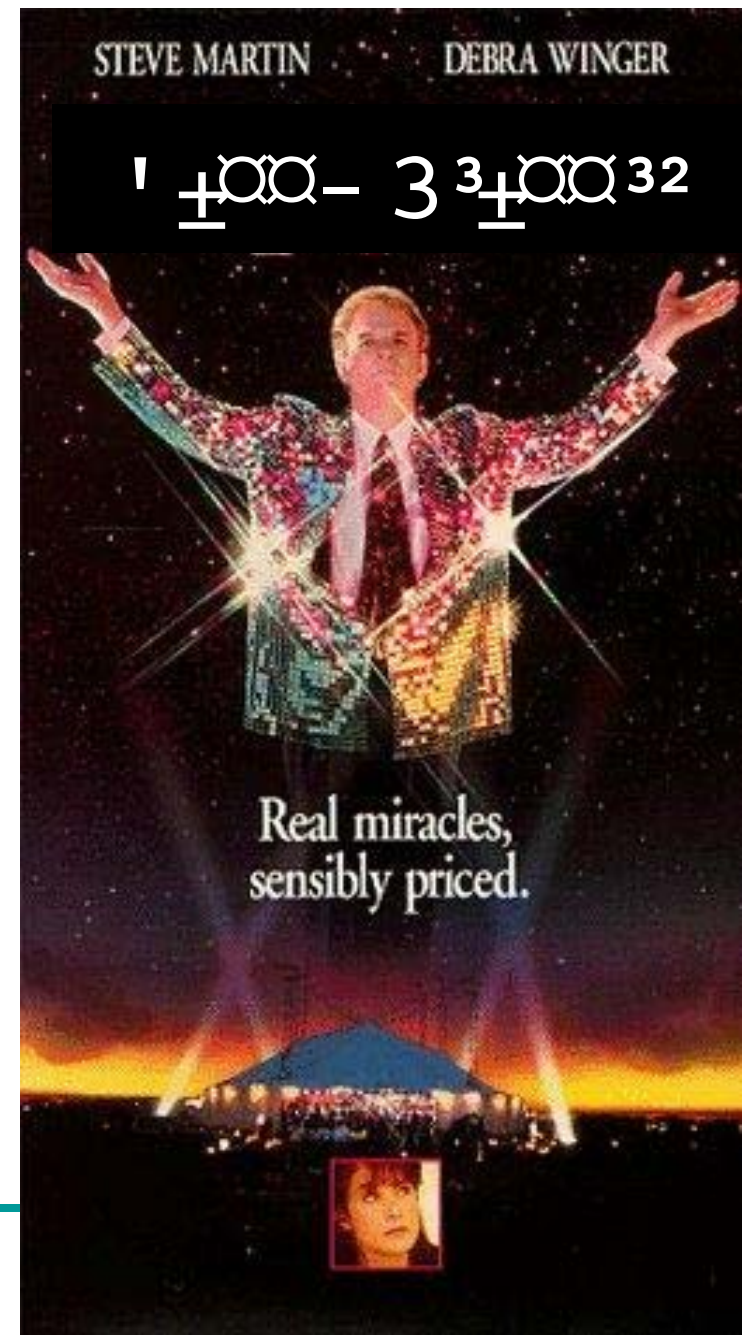
Last Year

“Standing our ground” against unreasonable new Green Infrastructure requirements



This Year

Evangelists for
Green Infrastructure!



Questions?



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