

SCVURPPP C.3 Workshop
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Review of Provision C.3 Requirements in MRP 3.0

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Presentation Overview

- Summary of Regulated Project Requirements
- Alternative Compliance Options
- Summary of Green Stormwater Infrastructure (GSI) Requirements
- Approaches for Meeting GSI Targets

Bay Area Municipal Regional Permit (MRP)

- Regional Phase I stormwater NPDES permit for urban areas (79 permittees):
 - San Mateo, Santa Clara, Alameda, and Contra Costa Counties, Fairfield-Suisun, and Vallejo
- Third reissuance “MRP 3.0” adopted May 11, 2022, and effective July 1, 2022
- New requirements for Provision C.3, New and Redevelopment Controls, effective July 1, 2023



Provision C.3 Basics

- New Development and Redevelopment projects above certain impervious surface thresholds are required to manage stormwater runoff onsite using Low Impact Development (LID) measures or Green Stormwater Infrastructure (GSI).
- Permittees are also required to retrofit existing public streets and parking lots where feasible to treat runoff with LID/GSI measures



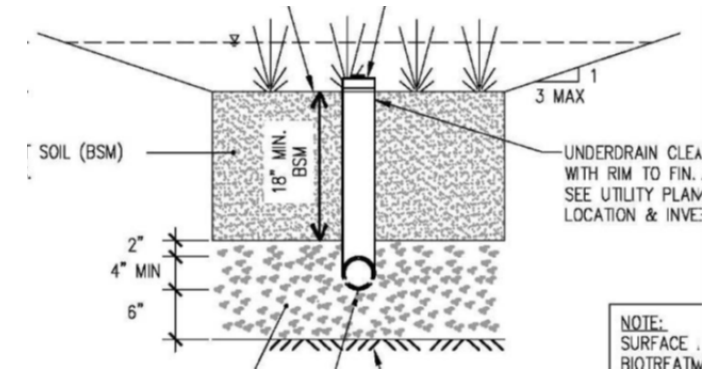
LID Requirements

- Source Controls - permanent features or practices that reduce pollutant sources
- Site Design – design features that reduce or disconnect impervious surfaces and preserve natural areas
- LID Treatment Measures – infiltration, evapotranspiration, rainwater harvesting/use, and biotreatment/bioretenion
- Hydromodification Management Measures – features that control runoff peaks, volumes, and durations where needed to control erosion in creeks



LID Sizing and Design Guidelines

- C.3.d sizing requirements
 - 80% of average annual runoff (volume-based)
 - Flow of runoff from a rain event of 0.2 inches per hour intensity (flow-based)
- Bioretention design criteria
 - 5 in/hr surface loading rate
 - Engineered biotreatment soil mix (per spec)
 - Raised underdrain for max infiltration if allowed
- Pervious pavement design criteria
 - Volume-based; follow established guidance/specs



Unchanged C.3 Requirements in MRP 3.0

- 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

Changes/New Requirements – Regulated Projects

- Parcel based development or redevelopment
 - Threshold for impervious surface created/replaced reduced to 5,000 square feet (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 impervious area 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*
 - Added category of public works improvement projects regulated at 5,000 SF of contiguous impervious surface
 - Sidewalk gap closures, sidewalk replacement, and ADA curb ramps not associated with a parcel-based project

Changes/New Requirements – Regulated Projects

- Road maintenance/reconstruction projects – regulated at 1 acre of contiguous impervious surface
 - Reconstruction of public 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

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/Reconstruction 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

Alternative Compliance

- Alternative Compliance (AC) is an option in Provision C.3.e of the MRP that gives permittees some flexibility in meeting the C.3 requirements for regulated projects.
- The permit recognizes that not all regulated projects may be able to install LID treatment systems onsite because of site conditions, such as existing underground utilities, right-of-way constraints, and limited space
- AC allows methods to be used that are different from the standard process of installing on-site LID treatment measures

Alternative Compliance in MRP 3.0

- The options for AC are described as follows in the permit:
 - LID treatment in another location off-site
 - Payment of in-lieu fee for off-site or regional project treatment
- AC projects must be in same watershed (defined broadly) and achieve a net water quality benefit (not defined)
- Off-site or regional project measures must be completed within 3 years of regulated project completion (up to 5 with EO approval)
- Future option: a countywide AC credit exchange system
 - Will likely be added in a permit amendment

Locations/Types of Alternative Compliance (AC)

- A. AC for municipal projects within the permittee's jurisdictional boundaries (e.g., Capital Improvement Program, roads etc.)
- B. AC for private projects within the permittee's jurisdictional boundaries (e.g., regulated parcel-based projects)
- C. AC through a regional trading system where treatment could occur outside of the jurisdiction

A. Within the Jurisdiction (Public)

AC approach that can be used for internal compliance purposes (permittee's own projects):

- Build a voluntary GSI project in the public ROW, park, campus, etc., and use for internal projects needing AC - with tracking
- Older projects that installed LID can be used to generate “greened acres” for alternative compliance if:
 - They weren't used for Regulated Projects
 - They comply with C.3.d sizing and other metrics (18” minimum depth of BSM, 5”/hour minimum permeability, support healthy plants etc.)

B. Within the Jurisdiction (Private)

Offsite AC for regulated private projects:

- Have applicant fund design, construction, and O&M of offsite improvements
- Have applicant pay an in-lieu fee for pro-rated portion of the design and/or construction of an already completed municipal GSI project
- Have applicant pay an in-lieu fee for design and/or construction of offsite improvements to be completed at a later date by permittee

C. Outside of the Jurisdiction

- Regional Compliance Program (multiple jurisdictions or countywide):
 - Can be used for AC for private and public projects
 - Contra Costa County Regional Alternative Compliance System being developed to allow exchanges of compliance units for both C.3.e & C.3.j
 - San Mateo County is also exploring RAC system, with the Orange Memorial Park Regional Project available to provide compliance units
 - MOU-based approach initially; “market-based” approach later
 - Discussions are just beginning in Santa Clara County

GSI Programmatic Implementation

- Permittees developed GSI 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, education, and training
- Must continue to look for opportunities to integrate GSI into public infrastructure projects (“no missed opportunities”)

GSI 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 (46 acres for SC County)
 - Each permittee must do one project (minimum 0.2 ac. treated)
 - 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 GSI constructed to date

GSI Numeric Retrofit Requirements

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

Santa Clara County Permittees

Municipal Regional Stormwater Permit
Order No. R2-2022-0018

NPDES Permit No. CAS612008
Attachment H

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)
Santa Clara	Campbell	41,793	2.51	46.09
Santa Clara	Cupertino	59,276	3.56	
Santa Clara	Los Altos	30,089	1.81	
Santa Clara	Los Altos Hills	8,423	0.51	
Santa Clara	Los Gatos	30,222	1.81	
Santa Clara	Milpitas	84,196	5.00	
Santa Clara	Monte Sereno	3,427	0.21	
Santa Clara	Mountain View	82,739	4.96	
Santa Clara	Palo Alto	65,364	3.92	
Santa Clara	San Jose	1,021,795	5.00	
Santa Clara	Santa Clara	130,365	5.00	
Santa Clara	Santa Clara County	98,110	5.00	
Santa Clara	Saratoga	30,153	1.81	
Santa Clara	Sunnyvale	152,703	5.00	

GSI Numeric Implementation Flexibility

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

Example Approaches for Meeting GSI Targets

- Non-Regulated Projects
 - Retrofit existing street or public parking lot with GSI
 - Coordinate with planned capital project (“no missed opportunities”)
 - Require non-Regulated private project to provide GSI/LID treatment (typically via ordinance authority)
- Regulated Projects (above and beyond MRP requirements)
 - GSI treatment in frontage (if no changes required there as part of project)
 - Extra GSI treatment in frontage (beyond what is required)
 - Extra GSI treatment in another location via alternative compliance

Questions?

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