

Changes to Municipal Regional Stormwater Permit, Provision C.3



CONTRA COSTA
CLEAN WATER
PROGRAM

Introductions

Erin Lennon Watershed Management Planning Specialist Contra Costa Clean Water Program

- New Staff - Ms. Lennon will act as Program contact for Development and Municipal Operations Committees and related NPDES MRP provisions (C.2-6, 9, 10, 13, 17, 21)
- Ms. Lennon has 15 years of experience of fostering healthy communities by:
 - Supporting cross-disciplinary, collaborative programs to prevent and address watershed pollution
 - Coordinating stormwater management and research efforts across the Bay Area
 - Ensuring public and private compliance with clean water permits/regulations

Yvana Hrovat, PE, QSD Water Resources Engineer, Haley & Aldrich

- Haley & Aldrich is assisting CCCWP and Permittees with C.3 implementation
- Ms. Hrovat has 18 years of experience in assisting California municipalities and agencies with:
 - Planning, design, construction, monitoring and maintenance of Green Infrastructure and LID measures
 - Development of LID guidance and stormwater standards manuals
 - Facilitation of outreach, trainings, and public workshops

Topics

1

Effective Dates

2

Regulated Project Thresholds

3

Hydromodification Management

4

Green Infrastructure Retrofits

California Regional Water Quality Control Board
San Francisco Bay Region
Municipal Regional Stormwater NPDES Permit

Revised Tentative Order
No. R2-2022-XXXX
NPDES Permit No. CAS612008
September 10, 2021

May 11, 2022

Note: Revisions to the Tentative Order are shown in red/line-through.

Revised Tentative Order

Public Release Date: April 11, 2022



Changes are Effective July 1, 2023

- Until then, MRP 2.0 thresholds and requirements will apply to:
 - Projects with approved or conditionally approved Tentative Maps
 - Projects with applications deemed complete
 - Housing projects for which a preliminary application has been submitted (per SB 330 and SB 8)



Regulated Project Thresholds

Parcel Based Projects

| Project Type | Threshold Area | Now | MRP 3.0 |
|---|----------------|-----------|-----------|
| <ul style="list-style-type: none"> • Parking lots • Auto service facilities • Retail gasoline outlets • Restaurants | Cumulative | 5,000 SF | 5,000 SF |
| Other Development or Redevelopment | Cumulative | 10,000 SF | 5,000 SF |
| Parking Lot Renovation | Cumulative | Exempt* | 5,000 SF |
| Detached Single-Family (not part of larger plan) | Cumulative | Exempt | 10,000 SF |

*Application of C.3 requirements to parking lot renovations has varied by jurisdiction and by project

Regulated Project Thresholds

Roads, Sidewalks, and Trails

| Project Type | Threshold Area | Now | MRP 3.0 |
|--|----------------|-----------|----------|
| New roads , including sidewalks and bike lanes <ul style="list-style-type: none">Includes widening with additional lanes | Contiguous | 10,000 SF | 5,000 SF |
| New stand-alone trail projects ≥ 10 feet wide <ul style="list-style-type: none">Unless are pervious pavement per <i>Guidebook</i> criteriaOr direct runoff to a vegetated area @ 2:1 ratio | Contiguous | 10,000 SF | 5,000 SF |
| Stand-alone Public Works ROW projects <ul style="list-style-type: none">Sidewalk gap closuresSidewalk replacementADA curb ramps | Contiguous | 10,000 SF | 5,000 SF |

Regulated Project Thresholds

Roads, Sidewalks, and Trails

| Project Type | Threshold Area | Now | MRP 3.0 |
|---|----------------|--------|---------|
| Reconstructing* existing roads <ul style="list-style-type: none">• Includes sidewalks and bicycle lanes | Contiguous | Exempt | 1 acre |
| Extending pavement surface without adding lanes (e.g. safety improvements or paving shoulders) | Contiguous | Exempt | 1 acre |
| Utility trenching projects \geq 8 feet wide on average | Contiguous | Exempt | 1 acre |

*Removing and replacing an asphalt or concrete pavement to the top of the base course or lower, or repairing the pavement base in preparation for surface treatment



Summary

These are now regulated projects:

- Construction of one detached single-family home that creates or replaces 10,000 SF or more of impervious surface.
- All other projects that create or replace 5,000 SF or more of impervious surface.
- 5,000 SF or more of parking lot renovation where base course is affected.
- 1-acre (contiguous) or more of utility trenching, road maintenance that affects the base course and extension of the roadway without adding lanes.

C.3 Updates Summary Table

| MRP 3.0: Development Projects Requiring LID Treatment for Stormwater | | | | | |
|--|---|-----------|-----------|-------------|----------------------|
| Project Type/Description | Impervious surface area created or replaced | | | Notes | Subprovision |
| | Threshold Area | MRP 2.0 | MRP 3.0 | | |
| Parcel-Based Requirements | | | | | |
| Detached single-family home not part of a larger plan of development | Cumulative | Exempt | 10,000 SF | 1, 2, 3 | C.3.b.ii.(6) |
| Public/private development (e.g. new library on previously undeveloped site) | Cumulative | 10,000 SF | 5,000 SF | 1, 2, 4 | C.3.b.ii.(1), (2) |
| Public/private redevelopment project (e.g. renovated hospital) | Cumulative | 10,000 SF | 5,000 SF | 1, 2, 4 | C.3.b.ii.(3) |
| Renovation of existing public/private parking lots and other pavement (see applicable activities below) | Cumulative | Exempt | 5,000 SF | 1, 2, 4, 5 | C.3.b.ii.(1) |
| Roads, Sidewalks, and Trails | | | | | |
| New roads, including sidewalks and bike lanes | Contiguous | 10,000 SF | 5,000 SF | 1, 6 | C.3.b.ii.(4) |
| Adding traffic lanes to an existing road | Contiguous | 10,000 SF | 5,000 SF | 1, 6 | C.3.b.ii.(4) |
| New stand-alone trail projects 10 feet wide or wider with impervious surface | Contiguous | 10,000 SF | 5,000 SF | 1, 7 | C.3.b.ii.(4) |
| Sidewalk gap closures, sidewalk replacement, ADA curb ramps not associated with a parcel-based project | Contiguous | 10,000 SF | 5,000 SF | 1 | C.3.b.ii.(3) |
| Road Maintenance Projects | | | | | |
| Reconstructing existing roads, including sidewalks and bicycle lanes (see applicable activities below) | Contiguous | Exempt | 1 acre | 1, 8, 9 | C.3.b.ii.(5) |
| Extending roadway edge (e.g., lane widening, safety improvement, paving a graveled shoulder) | Contiguous | Exempt | 1 acre | 1, 8, 9, 10 | C.3.b.ii.(5) |
| Utility trenching projects | Contiguous | Exempt | 1 acre | 1, 8, 9 | C.3.b.ii.(5) |
| Specific Activities: Work Included or Exempt When Calculating Threshold Area of Project (e.g. 5,000 SF, 1 acre) | | | | | |
| Upgrade from dirt to gravel (exempt if built to spec for pervious pavement) | | Included | Included | | C.3.b.ii.(1)(b)(iii) |
| Upgrade from dirt/gravel to pavement (exempt if built to spec for pervious pavement) | | Included | Included | | C.3.b.ii.(1)(b)(iii) |
| Removing/replacing asphalt or concrete to top of base course or lower | | Exempt | Included | 1 | C.3.b.ii.(1)(b)(iii) |
| Repair of pavement base (i.e. base failure repair) | | Exempt | Included | 1 | C.3.b.ii.(1)(b)(iii) |
| Interior Remodels | | | | | |
| Repair of roof or exterior wall surface | | Exempt | Exempt | | C.3.b.ii.(1)(b)(ii) |
| Pothole and square cut patching | | Exempt | Exempt | | C.3.b.ii.(1)(b)(ii) |
| Overlay gravel on existing gravel | | Exempt | Exempt | | C.3.b.ii.(1)(b)(ii) |
| Overlay asphalt or concrete on existing asphalt or concrete (no increase in area) | | Exempt | Exempt | | C.3.b.ii.(1)(b)(ii) |
| Upgrade from chip seal or cape seal to asphalt or concrete (no increase in area) | | Exempt | Exempt | | C.3.b.ii.(1)(b)(ii) |

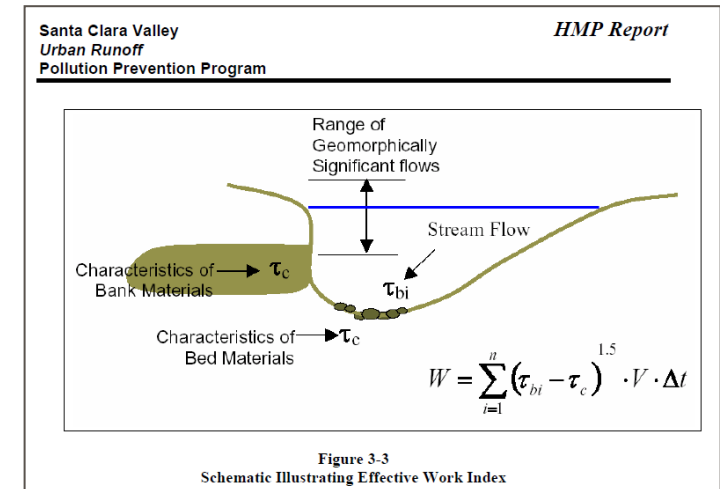
Special Projects in MRP 3.0

- **Category A** (unchanged):
 - Project size up to ½ acre, 85% lot coverage
 - Non-auto, pedestrian-oriented, zero surface parking
- **Category B** (unchanged):
 - Project size up to 2 acres
 - 25-100% non-LID, scales with FAR or DU/acre
- **Category C** (changed):
 - MRP 2.0: Applies to certain Transit Oriented Developments
 - MRP 3.0: Will apply to certain affordable housing projects only
 - Amount of non-LID is by proportion of extremely low, very low, low, and moderate-income housing
 - Additional credits for proximity to transit, more dwelling units per acre, and minimized surface parking



Hydromodification Management (HM)

- Applies to:
 - Projects that create or replace ≥ 1 acre impervious surface, unless:
 - Post-project impervious surface is less than or same as pre-project
 - Project drains to Bay/Delta or tidal zones
 - Project is in exempt/highly developed watershed
- HM Facility Sizing:
 - Continue to use methods and criteria (sizing factors) in Guidebook 7th Ed.
 - Methods and criteria will change during MRP 3.0
 - CCCWP is examining options for ongoing compliance



Green Infrastructure Retrofits since 2009

- **MRP 1.0:** Ten Green Streets Pilot Projects
- **MRP 2.0 (2015):**
 - Green Infrastructure Plans submitted in 2019
 - Review all capital projects for “no missed opportunities”
- **MRP 3.0 (2022)**
 - Implement retrofit projects during permit term to treat runoff from a minimum acreage of existing impervious surface



MRP 3.0 Minimum Green Infrastructure Retrofits

- By June 30, 2027
 - 3 acres per 50,000 population
 - May be met by each municipality or countywide
 - Minimum of 0.20 acres in each municipality
 - Capped at 5 acres for municipalities > 250,000 population
- May count toward minimum:
 - Excess existing impervious area retrofit in connection with a Regulated Project
 - Regulated Projects that are Roads Projects
 - Projects completed after January 1, 2021
 - Projects that are approved and funded by June 30, 2027



Green Infrastructure Retrofits Assignments

| Municipality | Acres |
|--------------|-------|
| Antioch | 5.00 |
| Brentwood | 4.45 |
| Clayton | 0.74 |
| Concord | 5.00 |
| County | 5.00 |
| Danville | 2.67 |
| El Cerrito | 1.53 |
| Hercules | 1.58 |
| Lafayette | 1.60 |
| Martinez | 2.30 |

| Municipality | Acres |
|---------------|-------|
| Moraga | 1.07 |
| Oakley | 2.55 |
| Orinda | 1.20 |
| Pinole | 1.16 |
| Pittsburg | 4.36 |
| Pleasant Hill | 2.09 |
| Richmond | 5.00 |
| San Pablo | 1.86 |
| San Ramon | 4.56 |
| Walnut Creek | 4.21 |

**57.32 acres
countywide**

Next Steps

- C.3 Update Handout and Memorandum
- Updated C.3 Guidebook
- Inform prospective applicants and municipal planning staff of changes to applicability.
- Evaluate how permit changes impact road construction and road maintenance projects.
- Consider options and scenarios for meeting Green Infrastructure Retrofit Assignments.



Questions?

Contact: Erin Lennon, CCCWP: Erin.Lennon@pw.cccounty.us
Yvana Hrovat, PE: yhrovat@haleyaldrich.com



CONTRA COSTA
CLEAN WATER
PROGRAM