Municipal Regional *Urban Runoff* Permit

Hearing on Feb 2009 Revised Tentative Order

May 13, 2009

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Permit History

Alameda
1991,1997, 2003

Contra Costa
1993,1999

Santa Clara
1990,1995, 2001

San Mateo
1993,1999

Fairfield-Suisun
1995, 2003

Vallejo
1998

Timeline

- Regional permit discussions began – 2004
- Draft permit public noticed – Dec 2007
- Water Board workshop – March 2008
- Revised draft permit – Feb 2009

Regional Permit Goals

- Specifics in one permit rather than individual management plans
- Consistency, accountability, flexibility
- Opportunity for collaboration

Permit's Regulatory Drivers

- Implement controls to reduce pollutants to the maximum extent practicable
- Effectively prohibit non-stormwater discharges
- Manage contribution to violations of water quality standards

Urban Runoff Pollutants

- Trash
- Metals
- PCBs
- Pesticides (past and present)
- Petroleum hydrocarbons
- Pathogens
- Nutrients
- Flame retardants

Financial Challenges

- Currently $50 million to $100 million/yr spent on "stormwater management"
- New urban runoff management costs

Component	Permit Term
Trash	>$30 million
PCBs, Mercury et al	~$10 million
Monitoring	~$8 million

- Currently $500 million to $one billion/yr spent on wastewater management

Permit Requirements Lead To Funding Opportunities

- San Francisco Estuary Project stimulus funds (State Revolving Fund) grant proposal
  - ~ $8 million for trash capture
- San Francisco Bay Area Water Quality Improvement Fund – $5 million now available
- State Bond funds
- More State Revolving Fund grants?
- Coordinate with needs to address all local agencies' infrastructure

Required Permit Elements

- Municipal Operations
- New and Re-Development
- Industrial/Commercial Site Controls
- Illicit Discharge Detection and Elimination
- Construction Site Control
- Public Information & Participation
- Monitoring
- Specific Pollutant Controls

Municipal Operations (C.2)

- Removed detailed street sweeping and storm drain inlet cleanup requirements
  - Generally high cost vs benefit
  - Pollutant specific implementation
- Revised pump station requirements
  - Results-based = No low dissolved oxygen

New and Redevelopment (C.3)

- Replaced road reconstruction treatment requirement with green-streets pilot projects
- Revised grandfathering language for new 5000 ft^2 requirements
  - Problems with "application deemed complete" in existing permits

New and Redevelopment

New revisions in response to new comments

- Alternative Compliance opportunity for all projects (off-site/in-lieu fee)
- Low Impact Development treatment required for new runoff
  - Emerging performance standards
  - Build upon existing efforts
  - Allow time for full implementation

Potential Changes to Low Impact Development Requirements

1. Define LID design elements
2. Set LID hydraulic sizing standard
3. Set site-based LID infeasibility criteria
4. Allow off-site mitigation and/or in-lieu fee system for net LID benefit
5. Establish a LID credit system
   - Projects with infeasibility and other development environmental benefits
     - transit-oriented development, Brownfield development, or high density urban infill

Industrial/Commercial Site Controls (C.4)

- Requirements revised
  - Now based on outcomes of inspections and resolution of problems
- Modified Enforcement Response Plan requirements
- Simplified and reduced reporting
  - Results-based summary of outcomes

Illicit Discharge Detection and Elimination (C.5)

- Requirements revised
  - Now based on outcomes of inspections and resolution of problems
- Modified Enforcement Response Plan requirements
- Simplified and reduced reporting
  - Results-based summary of outcomes

Construction Site Controls (C.6)

- Requirements revised
  - Now based on outcomes of inspections and resolution of problems
- Modified Enforcement Response Plan requirements
- Simplified and reduced reporting
  - Results-based summary of outcomes

Monitoring (C.8)

- Bay – Regional Monitoring Program
- Creek status monitoring - rotating
- Long-term trends - fixed stations
- Monitoring projects
- Pollutant loads - fixed stations

Regional collaboration encouraged/rewarded

Monitoring

- Reduced from initial draft permit to minimum level that can be justified
- Consistent with our Surface Water Ambient Monitoring Program
- Costs are reasonable and warranted

Monitoring

New revisions in response to new comments

- Integration of program elements
  - Long-term stations ↔ pollutant-load stations
  - Wet-weather status monitoring → long-term
- Clarify flexibility afforded by a regional monitoring collaborative
  - Number and phasing of stations
  - Future permit amendment if necessary

Trash Reduction (C.10)

- Major revisions to allow flexibility and accountability
- Abate hot spots
  - One per 30K population or 100 acres retail/wholesale commercial land use area
- Install trash capture devices in area equivalent to 30% of retail/wholesale commercial land use area
- Long-Term Plan to abate trash impacts by 2023

Trash Reduction

New revisions in response to new comments

- Clarify Trash Action Level is not an effluent limit or water quality standard
- Allow redirection of hot spot abatement resources if diminishing returns
- Adapt trash assessment effort based on site knowledge

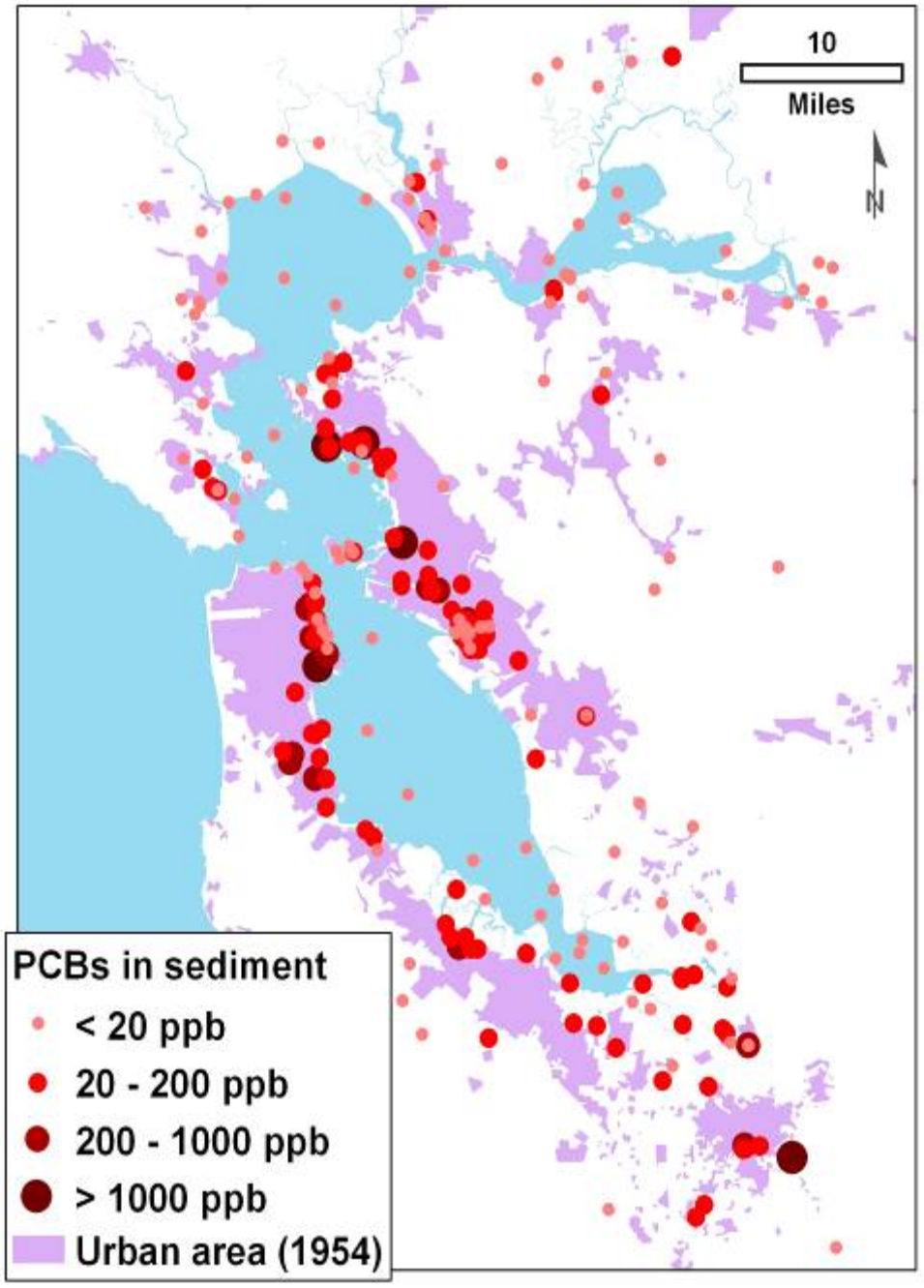
Mercury and PCBs (C.11 & 12)

- Implement TMDLs = attain wasteload allocations within 20 years
- Permit-term requirements based on phased implementation of controls
  - pilot studies phase →
  - focused implementation phase →
  - full implementation

Mercury and PCBs

Pilot Studies

- Identify and cleanup sources (5)
- Improve system O&M (5)
- Strategic treatment retrofit (10)
- Route runoff to wastewater system (5)



Conditionally Exempted (Non-Stormwater) Discharges (C.15)

New revisions in response to new comments

- Simplify potable water discharge exemption conditions
- Exempt residential foundation drainage
- Outreach-based approach to residential car washing

Annual Reports (C.16)

- Deleted Annual Report Form from permit
- Report form to be developed in collaboration with Permittees
  - Should be win-win-win

Summary

- Further reduction in requirements will undermine permit integrity
  - Eliminated or minimized requirements with limited water quality benefit
- Recognize challenge of increased costs
  - Time schedules for new requirements
  - Requirements lead to funding opportunities
- Amend permit in future to resolve details and unintended consequences and to adapt requirements if necessary

Next Steps

- Document responses to comments
- Some further revisions in response to comments
- Follow-up with stakeholders
- Adoption hearing in July