

**CONTRA COSTA
CLEAN WATER
PROGRAM**

Date: September 21, 2022

To: **Contra Costa Permittee Municipal Staff involved in parcel and ROW-based CIP projects and ROW maintenance projects for the following activities:**

- Plan Review
- Maintenance
- Transportation
- Parks and Recreation
- Utilities
- Planning Development Entitlements
- Environmental Reviews

From: Erin Lennon, Watershed Management Planning Specialist, and Yvana Hrovat, Haley and Aldrich

Subject: Memorandum:
Key Updates in MRP 3.0, Provision C.3 New and Redevelopment

Background

The Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (MRP), issued by the San Francisco Bay Regional Water Quality Control Board, mandates certain stormwater pollution prevention measures for covered Permittees, which includes municipalities in Contra Costa County. MRP Provision C.3 requires Permittees to place conditions on certain development projects to incorporate site design measures, source controls, treatment measures, and, on some larger projects, flow duration controls.

The San Francisco Bay Regional Water Quality Control Board adopted the Final Order for the third reissuance of the MRP, or MRP 3.0, on May 11, 2022 (Order No. R2-2022-0018). MRP 3.0 Provision C.3 imposes significant new requirements with deadlines for Permittee implementation. This Memo summarizes key changes to Provision C.3 between MRP 2.0 (Order No. R2-2015-0049) to the newly adopted MRP 3.0 for Contra Costa Clean Water Program (CCCWP) Permittee municipal staff education and dissemination. Guidance for development project applicants is provided as a separate factsheet to be distributed to the public and included as Attachment 4 to this memo.

This Memo focuses on the following C.3 Provisions that changed significantly between MRP 2.0 and 3.0:

- **Provision C.3.b Regulated Projects** (pages C.3-2 to C.3-13) establishes thresholds at which new development and redevelopment projects must comply with Low Impact Development (LID) requirements in Provisions C.3.c and C.3.d (pages C.3-13 to C.3-19).
- **Provision C.3.e.ii Special Projects** (pages C.3-21 to C.3-29) covers LID Reduction Credit allowances for certain Special Project categories of smart growth/high density and affordable housing.
- **Provision C.3.j. Green Infrastructure Planning and Implementation** (Attachment H, Table H-1) establishes County- and Permittee-specific numeric (in the form of acres of impervious surface treated) implementation requirements for green infrastructure (GI) retrofits.

Effective Dates

The timeline for the C.3. Provisions with key changes is as follows:

- Until July 1, 2023 – 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).
- July 1, 2023 – Provisions **C.3.b.** and **C.3.e.** changes are effective.
- September 30, 2023 – Annual Reporting on New Regulated Projects begins.
- June 30, 2027 – Provision **C.3.j.** required implementation of numeric target GI retrofits need to be met.

Key Provision C.3 Changes

Notable changes to Provision C.3 are summarized in Table 1. For further details on these changes, refer to the attachments as noted below:

- C.3.b. changes to Regulated Projects – Attachment 1: “MRP 3.0: Development Projects Requiring LID Treatment for Stormwater” table.
- C.3.j. retrofit assignments – Attachment 2: “MRP 3.0 Green Infrastructure Retrofit Assignments” table.
- All Provision C.3 updates – Attachment 3: “Changes to Municipal Regional Stormwater Permit, Provision C.3” presentation.

Table 1: Key Provision C.3 Updates

C.3.b: Regulated Project Updates (See Attachment 1)			
Project Type	Municipal Target Audience	Key Updates to Requirements	Recommended Staff Actions
Parcel-Based Projects	Staff involved in Environmental Review, Public Works Planning, Design, and Plan Review	<p>These projects are considered Regulated Projects which require LID treatment for stormwater:</p> <ul style="list-style-type: none"> • Construction of one detached single-family home that creates or replaces 10,000 SF or more of impervious surface is a Regulated Project. • All other projects, regardless of land use, which create or replace 5,000 SF or more of impervious surface. • Renovation of parking lots and other paved areas where the base course is affected for 5,000 SF or more of impervious surface. 	<ul style="list-style-type: none"> • Discussions between planning staff and prospective applicants often begin long before an application is deemed complete and considered for approval—particularly for larger projects. These discussions should include consideration of the C.3 requirements that will apply at the time of project approval, referencing the key updates in this Memo. • Revise application materials accordingly.
Roads, Sidewalks and Trails	Staff involved in CIP, Env Review, Transportation Planning and Design, Parks and Recreation, Planning and Design	New roads and trails, or widening with additional travel lanes, which create 5,000 contiguous SF or more of impervious surface are now Regulated Projects.	<ul style="list-style-type: none"> • Permittees may wish to review capital projects scheduled to be implemented during the permit term (by June 30, 2027) and determine if any might be Regulated Projects. • Revise application materials accordingly.
Road Maintenance Projects	Staff involved in Utilities, Operations and Maintenance	<ul style="list-style-type: none"> • One contiguous acre or more of pavement maintenance that affects the base course, or extends the roadway, is now a Regulated Project. • Utility trenching projects ≥ 8 feet in width that extend over a contiguous acre or more are now Regulated Projects. 	<ul style="list-style-type: none"> • Review road maintenance projects scheduled to be implemented during the permit term (by June 30, 2027) and determine if any might be Regulated Projects. • Revise application materials accordingly.
C.3.e.ii: Special Projects			
Project Type	Municipal Target Audience	Key Updates to Requirements	Recommended Staff Actions
Special Project Category C	Staff involved in Management, Planning, Project Management, and Engineering Design	<ul style="list-style-type: none"> • Special Project Categories A and B remain unchanged. • Special Project Category C now applies to certain affordable housing projects only (and not transit oriented developments, as was the case in MRP 2.0). 	<ul style="list-style-type: none"> • Become familiar with the new Special Project Category C definition and related LID Reduction Credit allowances. • Revise application materials accordingly.

C.3.j: Green Infrastructure (GI) Planning and Implementation (See Attachment 2)			
Description	Municipal Target Audience	Key Updates to Requirements	Recommended Staff Actions
Additional Requirements for Implementation of Parcel- and ROW-based GI Retrofits	Staff involved in Management, Planning, Project Management, and Engineering Design	<p>Transitions from GI planning to GI implementation and sets the following minimum implementation requirements, to be met by June 30, 2027:</p> <ul style="list-style-type: none"> • 3 acres of impervious surface to be treated by a GI retrofit per 50,000 population which can be met by each municipality or countywide. • Minimum of 0.20 acres of impervious surface to be treated by a GI retrofit in each municipality • Capped at 5 acres of impervious surface treated for municipalities > 250,000 population <p>Projects that may count towards the minimum retrofit requirements:</p> <ul style="list-style-type: none"> • 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 <p>Some other key considerations:</p> <ul style="list-style-type: none"> • Retrofit of roofs, parking lots and other impervious areas on parcels will generally cost significantly less per square foot than retrofits within the street right-of-way. • Although not explicitly stated in the Permit, it is assumed that conversion of impervious surface to landscape, replacement of impervious surface with pervious pavement, and diversion of runoff from storm drains to landscape dispersal all qualify as Green Infrastructure projects and can be credited toward a Permittee's Retrofit Assignment. 	<ul style="list-style-type: none"> • Begin (if not done already) tracking projects that may count towards the minimum GI retrofit requirements. • Discuss with other divisions/staff to identify qualifying GI retrofit projects that have already been built (since January 1, 2021) or that are in the planning stage. • Attend GI Retrofit forum to be held at Development Committee meeting on September 28, 2023 (see Other C.3 Provisions and Next Steps section of this Memo).

Other C.3 Provisions and Next Steps

GI Retrofits Forum

The Development Committee noted the time needed to plan, design, fund, and build Green Infrastructure projects in roadways is typically more than the 5 years allowed by Provision C.3.j.ii.(2)(a). Further, Permittees have various options that can count toward fulfilling the retrofit assignments. Permittees will want to consider possible routes to compliance and begin formulating plans for getting there. Towards this goal, a forum to share GI retrofit ideas and strategies and initiate C.3.j.-related GI retrofit planning and guidance development will be held during the September 28th, 2022, CCCWP Development Committee meeting.

External MRP 3.0 C.3 Updates Handout

Public guidance for development project applicants will be provided separately as a planning counter handout. This document is titled, "Updated Stormwater Management Design Requirements: New Development/Redevelopment Projects" and will also be posted on the CCCWP webpage. It is also included as Attachment 4 to this memo.

Stormwater C.3 Guidebook

Updates to the Stormwater C.3 Guidebook are in progress and will include the updated MRP 3.0 thresholds and definitions, but not HM standards (still TBD). The Development Committee targeted October 2022 for completion of the 8th Edition. See CCCWP webpage at www.cccleanwater.org/development-infrastructure/development.

Hydromodification Management

Provision C.3.g. includes an updated hydromodification management (HM) standard for Contra Costa Permittees and building on work during MRP 2.0, requires submittal of a technical report detailing how the HM standard will be implemented. CCCWP consultants completed a HM compliance options report in September 2022. HM standards and compliance requirements will be summarized in the next Stormwater C.3 Guidebook edition.

Attachments

Attachment 1: Table, "MRP 3.0: Development Projects Requiring LID Treatment for Stormwater"

Attachment 2: Table, "MRP 3.0 Green Infrastructure Retrofit Assignments" (Based on MRP 3.0 Attachment H, pages H-2 to H-3)

Attachment 3: Presentation, "Changes to Municipal Regional Stormwater Permit, Provision C.3"

Attachment 4: Planning Counter Handout/Factsheet, "Updated Stormwater Management Design Requirements: New Development/Redevelopment Projects"

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 ≥ 8 feet wide on average over entire length of project	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	1	C.3.b.ii.(1)(b)(iii)
Upgrade from dirt/gravel to pavement (exempt if built to spec for pervious pavement)		Included	Included	1	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)
Extending the pavement edge or paving graveled shoulders		Exempt	Included	1	C.3.b.ii.(1)(b)(iii)
Interior Remodels		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
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)
Shoulder grading		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Reshaping/regrading drainage		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Crack sealing		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Pavement preservation that does not expand road prism		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Vegetation maintenance		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)

Notes:

1. Change effective July 1, 2023, per Provision C.3.b.iii.
2. Projects that fall under the planning and building authority of the Permittee
3. Includes addition of an ADU within a lot
4. "Project" includes any frontage improvements
5. Prior to MRP 3.0, implementation of stormwater treatment for renovated pavement has varied by jurisdiction and by project.
6. Caltrans highway projects are excluded
7. Work may be excluded if runoff is directed to a vegetated area
8. Acreage treated with road maintenance projects can count towards minimum Green Infrastructure numeric requirement (Provision C.3.j.ii.).
9. Alternative minimum sizing criteria for bioretention facilities (typically 2% or less of tributary area) may apply
10. These activities were moved from Provision C.3.b.ii.(1) during the May 11, 2022 adoption hearing

The new Special Project Category C becomes effective July 1, 2023. Until then, MRP 3 authorizes implementation of the old category C requirements, which are included in Attachment I.

See C.3.e.iii Implementation Level on pg. C.3-20

- (3) Prior to July 1, 2023, Permittees shall implement Provision C.3.e.ii in Attachment I, which are requirements from the Previous Permit.
- (4) Beginning July 1, 2023, Permittees shall implement Provision C.3.e.ii.

MRP 3.0 Green Infrastructure Retrofit Assignments

(Attachment H)

57.32 acres countywide

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
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

Changes to Municipal Regional Stormwater Permit, Provision C.3



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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

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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



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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)



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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

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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 \geq 10 feet wide <ul style="list-style-type: none"> Unless are pervious pavement per <i>Guidebook</i> criteria Or 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 closures Sidewalk replacement ADA curb ramps 	Contiguous	10,000 SF	5,000 SF

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Regulated Project Thresholds

Roads, Sidewalks, and Trails

Project Type	Threshold Area	Now	MRP 3.0
Reconstructing* existing roads • 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



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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.

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C.3 Updates Summary Table

MRP 3.0: Development Projects Requiring LID Treatment for Stormwater					
Project Type/Description	Impervious surface area created or replaced				
	Threshold Area	MRP 2.0	MRP 3.0	Notes	Subprovision
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)(ii)
Upgrade from dirt/gravel to pavement (exempt if built to spec for pervious pavement)		Included	Included		C.3.b.ii.(1)(b)(ii)
Removing/replacing asphalt or concrete to top of base course or lower		Exempt	Included	1	C.3.b.ii.(1)(b)(ii)
Repair of pavement base (i.e. base failure repair)		Exempt	Included	1	C.3.b.ii.(1)(b)(ii)
Interior Remodels		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
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)

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Special Projects in MRP 3.0

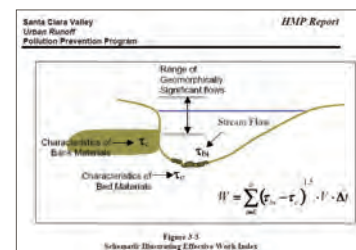
- **Category A** (unchanged):
 - Project size up to 1/2 acre, 85% lot coverage
 - Non-auto, pedestrian-oriented, zero surface parking
- **Category B** (unchanged):
 - Project size up to 2 acres
 - 25-100% non-LID, scales with FAR or DU/acre
- **Category C** (changed):
 - MRP 2.0: Applies to certain Transit 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



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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



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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



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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



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Green Infrastructure Retrofits Assignments

Municipality	Acres	Municipality	Acres
Antioch	5.00	Moraga	1.07
Brentwood	4.45	Oakley	2.55
Clayton	0.74	Orinda	1.20
Concord	5.00	Pinole	1.16
County	5.00	Pittsburg	4.36
Danville	2.67	Pleasant Hill	2.09
El Cerrito	1.53	Richmond	5.00
Hercules	1.58	San Pablo	1.86
Lafayette	1.60	San Ramon	4.56
Martinez	2.30	Walnut Creek	4.21

**57.32 acres
countywide**

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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.



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Questions?

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



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CONTRA COSTA
CLEAN WATER
PROGRAM

Updated Stormwater Management Design Requirements:

New Development/Redevelopment Projects

Changes stemming from San Francisco Bay Municipal Regional Permit (MRP) 3.0, effective July 1, 2022

Developers | Engineers | Planners | Project Applicants



Background

The San Francisco Bay Regional Water Quality Control Board mandates stormwater pollution prevention measures for certain development projects. In May 2022, the San Francisco Bay Regional Water Quality Control Board adopted a new Municipal Regional Stormwater Permit (MRP 3.0), which included significant changes to thresholds that determine which parcel-based development and redevelopment projects are regulated. **The purpose of this handout is to communicate MRP 3.0 Provision C.3 updates that impact parcel-based projects.**

TABLE 1. CHANGES TO REGULATED PROJECT THRESHOLDS

Old (MRP 2.0) and new (MRP 3.0) development and redevelopment threshold areas that determine parcel-based projects. Threshold areas are cumulative.

Project Type	MRP 2.0 Threshold, sq ft	MRP 3.0 Threshold, sq ft
<ul style="list-style-type: none"> • Parking lots • Auto service facilities • Retail gasoline outlets • Restaurants 	5,000	5,000
Other development or redevelopment	10,000	5,000
Parking lot renovation	Exempt*	5,000
Detached single-family (not part of larger plan)	Exempt	10,000

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

View or download the NPDES Municipal Regional Permit:

(Order No. R2-2022-0018)

https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0018.pdf

TABLE 2. THRESHOLDS AND REQUIREMENTS FOR PARCEL-BASED PROJECTS
(excluding roads and public trails)*

Non-Regulated Projects		Regulated Projects	
Impervious Area Threshold	Requirement	Impervious Area Threshold	Requirement
All projects requiring municipal approvals or permits (includes single-family residences)	As encouraged or directed by local staff, preserve or restore open space, riparian areas, and wetlands as project amenities, minimize land disturbance and impervious surfaces, cluster structures and pavements, include micro-detention in landscaped and other areas, and direct runoff to vegetated areas. Use Bay-friendly landscaping features and techniques. Include Source Controls specified in Appendix D**.	One single-family home, not part of a larger plan of development, creating or replacing 10,000 square feet	Prepare and submit a Stormwater Control Plan as described in Chapter 2**, including features and facilities to ensure runoff is treated before leaving the site. Use the LID Design Guide in Chapter 3 and the design criteria in Chapter 4**.
Projects creating or replacing more than 2,500 square feet that are not Regulated Projects	Using the template in Appendix C**, prepare and submit a Stormwater Control Plan for a Small Land Development Project. Implement one of four options: (1) Disperse runoff roof or paved area to a vegetated area; (2) incorporate permeable pavement into your project; (3) include a cistern or rain barrel if allowed by your municipality, or (4) incorporate a bioretention facility or planter box.	All other projects creating or replacing between 5,000 square feet (10,000 square feet for projects approved before 7/1/2023) and one acre	
		Projects creating or replacing one acre or more, unless exempted.	Design LID features and facilities for hydromodification management (HM) as well as stormwater treatment. Prepare and submit a Stormwater Control Plan as described in Chapter 2** and use the LID Design Guide in Chapter 3**.

* Summary only. Requirements for your project are determined by your municipality.
** CCCWP Stormwater C.3 Guidebook

FAQs

Q - Why does this requirement matter?

A - Development is a major contributor to stormwater pollution due to increases in impervious surfaces like roads, parking lots, and rooftops preventing stormwater from infiltrating into the ground. Storm drain systems collect and convey this urban runoff and, in most cases, discharge directly to surface waters without treatment, contributing significant quantities of pollutants to surface waters. However, if runoff is properly managed, stormwater pollutants can be attenuated and stormwater can be a valuable resource. MRP 3.0 requirements promote low impact development (LID) techniques and green infrastructure (GI) designs, aimed to encourage stormwater as a resource and prevent or minimize the discharge of pollutants contained in stormwater runoff.

Q - What are the new regulated project thresholds for parcel-based projects?

A - Impervious surface threshold for most projects will drop from 10,000 to 5,000 sq ft.

- New categories of regulated projects include:
 - Road and sidewalk repair projects ≥ 5,000 contiguous sq ft
 - Detached single family home that creates or replaces ≥ 10,000 sq ft

Q - Are threshold areas cumulative or contiguous?

A - Thresholds are cumulative for parcel-based projects.

Q - When are the requirements in effect, and how will this impact projects already underway?

A - Changes are in effect July 1, 2023. Until July 1, 2023, MRP 2.0 thresholds and requirements will still 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).

Q - Is there updated guidance that details these requirements?

A - The CCCWP Stormwater C.3 Guidebook and related resources are in the process of being updated to reflect new permit requirements. Stay tuned! The current guidebook can be found on our website (below). Stormwater C.3 Guidebook - Contra Costa Clean Water Program (cccleanwater.org)

Q - Where can I obtain further information?

A - For any additional questions regarding this new guidance, please contact the Contra Costa Clean Water Program at (925) 313-2360 or visit us online at: <https://www.cccleanwater.org/development-infrastructure/development>.



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