

Regulatory Updates: Municipal Regional Permit Construction General Permit



Sandy Mathews, Larry Walker Associates
March 30, 2022

Construction and Development Provisions

MUNICIPAL REGIONAL PERMIT 3.0



MRP Reissuance Process



Effective date assumed to be July 1, 2022



Until adopted, everything is subject to change!

Minor changes to the Construction Site Control Program (C.6)

■ C.6.b Enforcement

- New provision to refer sites to the Regional Water Board, District Attorney, or other agencies
 - Encourages joint inspection and parallel enforcement for large, complex, or non-compliant sites

■ C.6.e Inspection Reporting

- Minor changes, streamlining information to report
- Evaluation of effectiveness required in 2027 rather than annually

■ C.6.f Training Reporting

- Additional specificity and accounting for reporting staff training
 - Report total number of municipal and non-municipal inspectors
 - Report total number of municipal and non-municipal inspectors attending each training

Demolition Sites (PCBs) Inspections (C.12.g.ii 3 & 4)

- Inspect sites to ensure effective controls prevent discharges to stormwater
- No later than March 2023 enhance construction site program for PCBs demolition projects

EXAMPLES OF ENHANCEMENTS

Monthly Dry Season Inspections

Sweeping to Remove Sediment and Dust

Significant changes to Regulated Projects (C.3.b)

- 5,000 square feet impervious area threshold for most projects
 - Special land use categories
 - Other development
 - Road widening and new roads
- Road reconstruction that creates/replaces 1 contiguous acre (or more) of impervious area
 - Limits maintenance exemptions
 - Utility trenching included in the definition of road reconstruction
- Large single-family residences that create 10,000 square feet impervious area

Other changes for the New Development and Redevelopment Program (C.3)

- Special Projects (C.3.e.ii)
 - Replace Category C Transit Oriented Development with Affordable Housing
- Green Infrastructure Planning (C.3.j)
 - Changes to require implementation of Green Infrastructure Plans
 - Sets targets for municipal Green Infrastructure retrofit projects

Next steps for MRP reissuance

- Workgroups are wrapping up discussions with the Regional Water Board staff on details and deadlines
- Anticipate release of final Tentative Order and response to comments by mid-April
- Anticipate adoption of MRP 3.0 on May 11, 2022

Until adopted, everything is subject to change!

Construction and Development Provisions

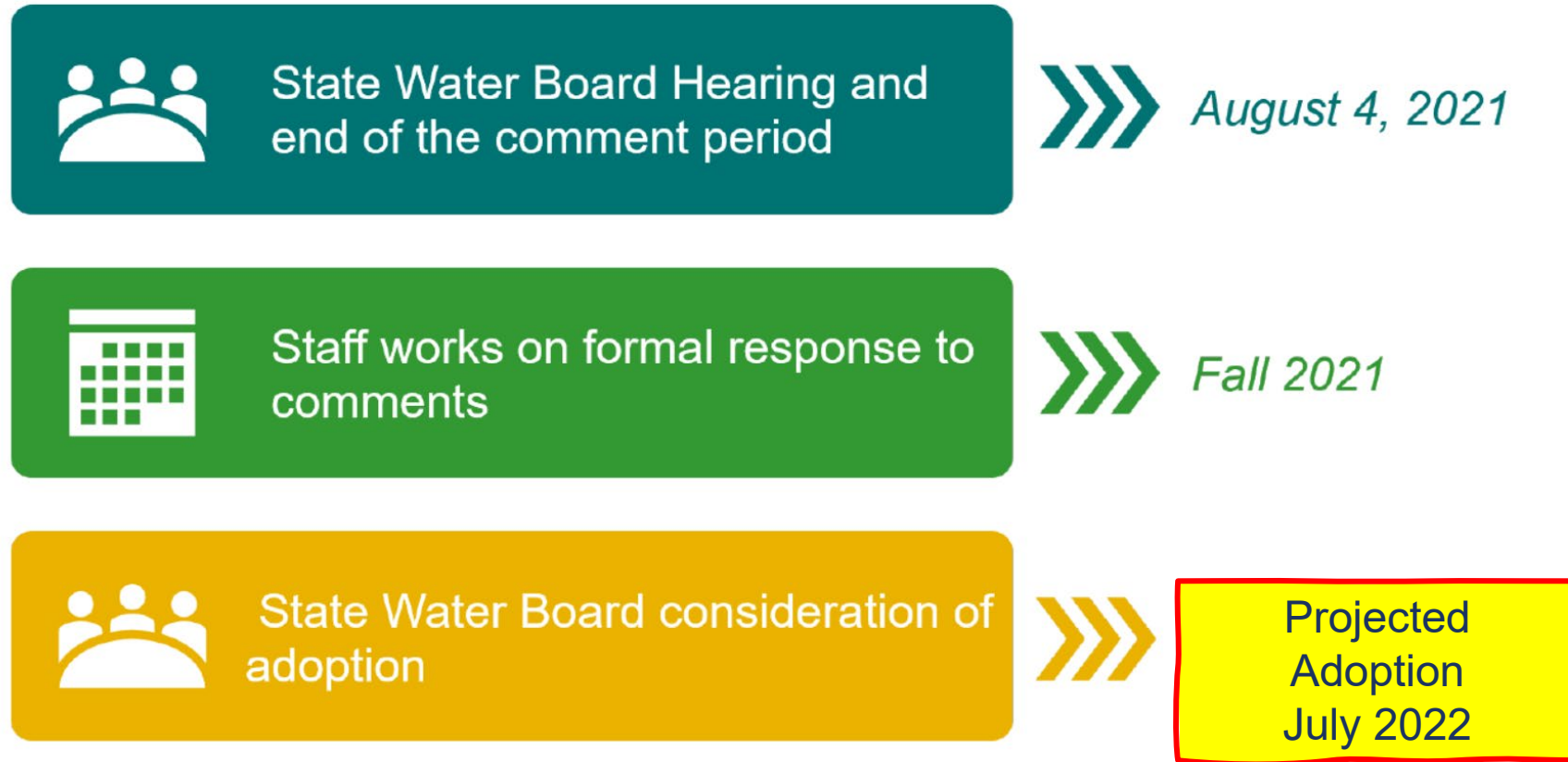
CONSTRUCTION GENERAL PERMIT





Until adopted, everything is subject to change!

Reissuance Process and Schedule



CGP Public Workshop - June 2021

- Projected date based on the Executive Director's March 2022 report. See: https://www.waterboards.ca.gov/board_info/exec_dir_rpts/pol_per_view.html

Proposed “significant” changes (as of the Public Draft)

Requirements Added or Modified

1. Reorganized Permit
2. Trash Control (BMPs)
3. Passive Treatment (BMPs)
4. Non-Applicability Process
5. Dewatering Activities (BMPs)
6. Demolition Activities (BMPs)
7. **Monitoring and Reporting**
8. **NOT Process**

There are no TMDL requirements proposed for Alameda or Contra Costa Counties

Requirements Added or Modified

11. **Expansion of QSD and QSP role**
12. Road Routine Maintenance Exemption
13. Fire Fighting Activity
14. Post Construction
15. Final Stabilization
16. Active Project Transfer

Requirements Removed

1. Bioassessment Monitoring
2. Rain Event Action Plans
3. Weekly Risk Level 1 inspections

Expands QSD and QSP roles from beginning to end of project

QSD Expanded Roles

- Inspections (cannot be delegated)
 - Within 30 days of the start of construction
 - Twice annually, Aug-Oct; Jan-Mar
 - Within 14 calendar days of NAL exceedance
 - As requested by Water Board staff
 - Projects must have a QSD from beginning to end of project

QSP Expanded Roles

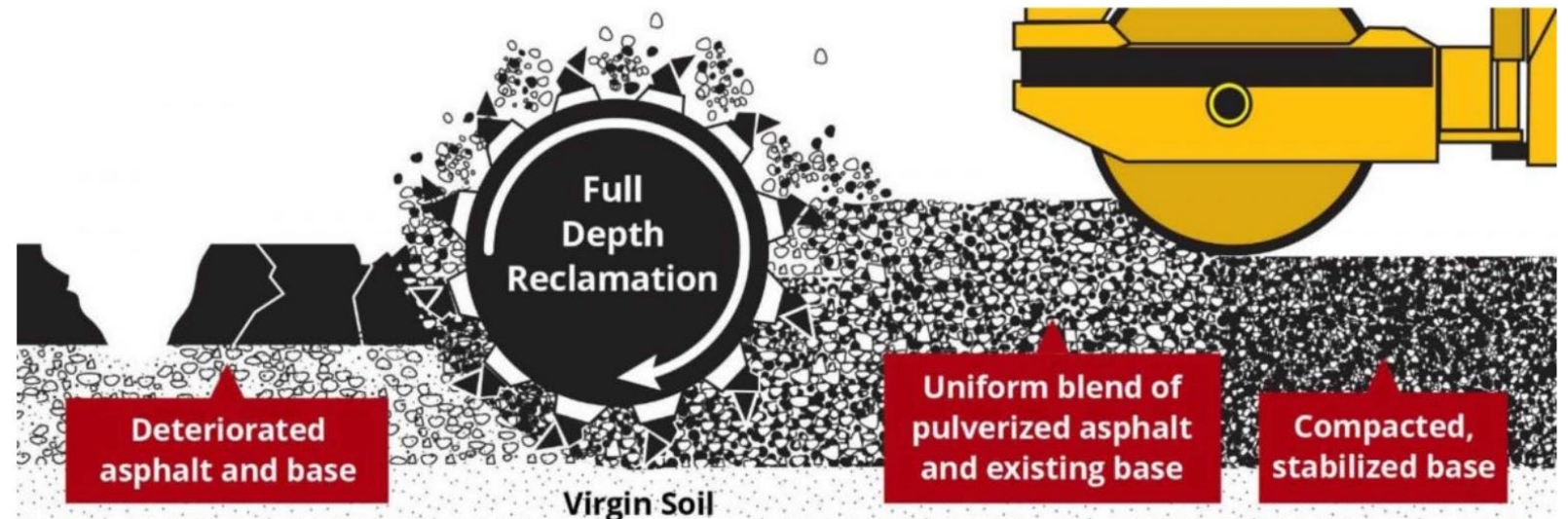
- Inspections (cannot be delegated)
 - Once per month
 - Within 72 hours of a predicted rain event
 - Within 14 calendar days of NAL exceedance
 - Prior to NOT submittal
- Must provide site specific training to delegates
 - Oversight of BMP installation and maintenance
 - Visual monitoring
 - Sampling
- Must review and oversee work completed by delegates

Definition of routine maintenance for roads

- Adds clarification for road maintenance that would not be exempt from CGP
 - If a project exposes underlying soil – not routine maintenance
 - If a project exposes pervious subgrade – not routine maintenance

Unclear how this new definition would affect maintenance activities like full depth reclamation

Unclear how this new definition would affect maintenance unpaved roads or gravel roads



Post construction documents uploaded to SMARTS

- Projects within Alameda and Contra Costa counties follow the MRP's post construction requirements
- NOI – Applicants must submit their Stormwater Control Plan
- NOT – Applicants must submit
 - Post construction BMP design specifications and
 - Operations and maintenance plan

NOT process changes

- QSP inspects site to verify NOT conditions have been met and prepares NOT
- More specific information must be submitted
- Final site map
 - Elevation contours
 - Drainage area boundaries and discharge points
 - Final erosion controls and Post construction BMPs
 - Photo location and orientation
- Photos demonstrating stabilization
- Post construction design specs and maintenance plan

NOTs will be automatically approved 30 calendar days after submittal unless NOT is denied, returned, or accepted for review

Active projects need to resubmit PRDs

- By the effective date of the new permit active projects will need to re-certify and submit updated PRDs (e.g., SWPPP)
 - State Water Board terminates active permits not recertified
- Projects with submitted but unapproved NOTs will need to re-certify and submit updated PRDs (e.g., SWPPP)
- Current projects with waivers may continue to operate under waiver until the expiration date of the waiver

Monitoring and reporting changes: qualified rain event (QRE)

Current Definition

- Any rain event that produces **0.5 inches** of precipitation with a 48-hr or greater period between rain events

Proposed Definition

- Weather pattern that results in ***0.5 inches*** of precipitation **within a 24-hour period**.
- The event begins on the calendar day when 0.5 inches has accumulated and continues on subsequent days where **0.25 inches of precipitation** or more occur.
- The event ends when there are two sequential calendar days with less than 0.25 inches of precipitation on each day.

Impact of QRE definition change

How many QREs under current definition?

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
0.0" rain	0.1" rain	0.2" rain	0.2" rain	0.1" rain	0.0" rain	0.1" rain
0.0" rain	0.0" rain	0.2" rain	0.5" rain	0.25" rain	0.1" rain	0.1" rain

Impact of QRE definition change

How many QREs under the new definition?

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
0.0" rain	0.1" rain	0.2" rain	0.2" rain	0.1" rain	0.0" rain	0.1" rain
0.0" rain	0.0" rain	0.2" rain	0.5" rain	0.25" rain	0.1" rain	0.1" rain

Reissuance Process and Schedule



CGP Public Workshop - June 2021

* Projected date based on the Executive Director's March 2022 report. See: https://www.waterboards.ca.gov/board_info/exec_dir_rpts/pol_per_view.html