

ATTACHMENT 2

Provision C.1 Compliance with Discharge Prohibitions and Receiving Waters Limitations

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.1.	Updated to add references to provisions that implement new TMDLs including C.16 (San Mateo County Sediment Controls). Other TMDLs added are not in San Mateo County. Also implicitly adds reference to new subprovision C.14.a., Enhanced Bacteria Control. C.14.a. is potentially relevant to all Permittees that discharge stormwater runoff to a water body without an existing bacteria TMDL when such discharges may cause or contribute to exceedances of applicable bacteria water quality objectives in the non-TMDL water body.	Inclusion of enhanced bacteria controls intended to help shield Permittees from future law suits from third parties regarding MS4 discharges contributing to exceedances of bacteria water quality objectives. Applicable Permittees would be deemed in compliance with receiving water limitations and discharge prohibitions. But unclear which Permittees C.14.a. applies to and the process to enact. Would monitoring data be required?	Language in C.1 of Admin Draft is likely adequate. Minor modifications may be needed. Clarify which Permittees C.14.a. applies to and the process to enact. Propose revised language to ensure that if bacteria control actions are triggered, then no regrets actions that focus on human sources are included. Propose revised language regarding connection to monitoring data.

Provision C.2 Municipal Operations

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.2.a. Street and Road Repair and Maintenance C.2.b Sidewalk/Plaza Maintenance and Pavement Washing C.2.c Bridge and Structure Maintenance and Graffiti Removal	iii. Reporting – a narrative description that identifies supporting BMP documents, as appropriate was added to Annual Reporting requirements. The Permittees shall report on implementation of and compliance with these BMPs in the Annual Report, <u>along with a narrative description that identifies supporting BMP documents, as appropriate.</u>	No issue identified but formatting is inconsistent with other Provisions	For formatting consistency make this reporting requirement (1)
C.2.a. Street and Road Repair and Maintenance C.2.b Sidewalk/Plaza Maintenance and Pavement Washing C.2.c Bridge and Structure Maintenance and Graffiti Removal	iii Reporting – added a requirement to provide supporting documents in the 2024 Annual Report. <u>In the 2024 Annual Report, Permittees shall make applicable supporting BMP documents available to the Water Board by providing links to online documents or attaching documents to the Annual Report.</u>	No issue identified but formatting is inconsistent with other Provisions	For formatting consistency make this reporting requirement (2)
C.2.b Sidewalk/Plaza Maintenance and Pavement Washing – i. Task Description	Added requirement <u>BMPs for washing down outside areas of human habitation shall include sanitizing procedures.”</u>	This topic is already included in Provision C.15.a.ii.(3) “Examples of actions that may be implemented include, but are not limited to,establishing and updating sidewalk/street/plaza cleaning standards for the cleanup and appropriate disposal of human waste”.	To avoid duplication and inconsistency within the Permit delete this sentence from Provision C.2

Provision C.2 Municipal Operations

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.2.d. Stormwater Pump Stations	<p>A reporting requirement was added:</p> <p><u>iii. Reporting – The Permittees shall report on implementation of and compliance with these BMPs in the Annual Report.</u></p>	<p>Reporting requirements for this Provision were in MRP 1.0. In MRP 2.0 the reporting requirement was removed. The rationale is provided in MRP 2.0 Fact Sheet page A-30: “Previous pump station reporting shows that implementation of corrective actions (i.e., BMPs) prior to the pumps, combined with using the pumps to discharge collected water, as opposed to simply allowing it to overflow, aerates the water to a DO level of at least 3 mg/L. Thus, this Permit removes the specific requirements for the monitoring of DO at pump stations and allows the Permittees greater flexibility to ensure that all water discharged from pumps stations is at least 3 mg/l. The reporting requirement has also been removed from this Permit, but Permittees must maintain any sampling records and make them available upon request.”</p>	<p>Remove new reporting requirement.</p>

Provision C.2 Municipal Operations

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.2.g Storm Drain Inlet marking	This Provision was moved from MRP 2.0 Provision C.7.a Public Information and Participation.	This Provision covers both municipally-owned storm drain inlets and newly approved, privately maintained streets. We recommend the requirements related to municipally-owned storm drain inlets remain in Provision C.2 and the private street development requirements be moved to Provision C.3. Note Provision C.3.c.i.(1)(f) already requires storm drain system stenciling or signage.	<p>Delete private street requirements from this Provision.</p> <p>Task Description – Permittees shall mark and maintain municipally-<u>owned maintained</u> storm drain inlets with an appropriate stormwater pollution prevention message, such as “No dumping, drains to Bay” or equivalent. For newly approved, privately maintained streets, Permittees shall require storm drain inlet markings with an appropriate stormwater pollution prevention message by the project developer upon construction and maintenance of markings through the development maintenance entity. Markings on the storm drain inlets shall be verified prior to acceptance of the project.</p> <p>ii. (3) Certify that all privately maintained streets had storm drain inlet markings verified prior to acceptance of the project and were required to maintain the storm drain inlet markings through the development maintenance entity.</p>

Provision C.2 Municipal Operations

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.2.h Staff Training – ii. Implementation Level	<p>This is a new subprovision that requires training at least once within the permit term on specific topics.</p> <p><i>(1) Stormwater pollution prevention;</i> <i>(2) Appropriate BMPs for maintenance and cleanup activities</i></p>	<p>Is there a specific concern with past compliance with this Provision that warrants this prescriptive level of training requirements and reporting?</p> <p>The topic “Appropriate BMPs for maintenance and cleanup activities” is general and duplicative. Maintenance and cleanup activities are not related to any of the specific subprovisions (i.e. street and road repair and maintenance, bridge and structure maintenance, etc.). These are duplicative of the stormwater pollution prevention general topic included in the list.</p>	<p>Delete C.2.h.ii.(2) (1) Stormwater pollution prevention; (2) Appropriate BMPs for maintenance and cleanup activities</p>
	<p><i>(6) Corporation Yard SWPPPs and inspections procedures;</i></p>	<p>The topic “Corporation Yard SWPPPs and inspection procedures” includes an unnecessary topic. Appropriate maintenance staff should be trained on the corporation yard SWPPP and BMPs. There are no specific inspection procedures related to corp yard inspections. Staff who perform the annual corporation yard inspections typically do not require any additional training other than being knowledgeable of the SWPPP and BMPs.</p>	<p>Revise: ii.(6) Corporation Yard SWPPPs and inspection procedures<u>BMPs</u>; and</p>

Provision C.2 Municipal Operations

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
	(7) Spill and discharge response and notification procedures and contacts	<p>The topic “Spill and discharge response and notification procedures and contacts” is duplicative and inconsistent with other Provision requirements. If maintenance staff are responsible for illicit discharge investigation, notification or contacts the training would be covered under Provision C.4.e.ii.(5) Illicit Discharge Detection and Elimination. In addition, there is also already a requirement in Provision C.5.c.ii.(3) “Each Permittee shall require the municipal staff conducting routine maintenance and inspection activities to report illicit discharges found during their activities to the central contact point so that illicit discharge staff can investigate and track.” Therefore, including this requirement in Provision C.2 is repetitive and inconsistent with other sections of the Permit.</p>	<p>Delete C.2.h.ii.(7).</p> <p>(7) Spill and discharge response and notification procedures and contacts</p>

Provision C.2 Municipal Operations

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
C.2.h Staff Training – iii Reporting	<p>This is a new subprovision that requires reporting of staff trained.</p> <p><u>(1)Dates of training;</u> <u>(2)Training topics covered;</u> <u>(3)Total number of Permittee maintenance staff;</u> <u>(4)Number and percentage of Permittee staff implementing municipal maintenance activity who attended training;</u> <u>(5)Total number of corporation yard staff performing corporation yard inspections for the Permittee; and</u> <u>(6)If there was no training in a given year, so state.</u></p>	<p>Is there a specific concern with past compliance with this Provision that warrants this prescriptive level of training requirements and reporting?</p> <p>The requirement to report “Total number of corporation yard staff performing corporation yard inspections for the Permittee” is duplicative of other reporting requirements. It is unclear why this number must be reported separately from “(3) total number of maintenance staff and (4) number and percentage of staff implementing activity who attended training”. If the training topic "corporation yard SWPPPs" is covered then the number and percentage of maintenance staff implementing corporation yard BMPs will be reported.</p>	<p>Delete iii.(5)Total number of corporation yard staff performing corporation yard inspections for the Permittee;</p>

Provision C.3 New Development and Redevelopment

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.3.b.ii.(1)(b) Regulated Projects - Special Land Use - Pavement Maintenance Exclusions</p>	<p>Changes exclusions for Special Land Use Projects and all other regulated projects. Replaces exclusion for "pavement resurfacing within the existing footprint" with more detailed "pavement maintenance" language. Specifies certain maintenance to existing roads that is not excluded, such as removing pavement down to the base course, extending the pavement edge, and upgrading from chip seal to asphalt or concrete.</p>	<p>Issues with what pavement maintenance activity is not excluded from C.3.b. Will cause more expense to Permittees and potentially delay needed maintenance. Also, 5,000 sq.ft. threshold for pavement maintenance is not consistent with 1 acre threshold for road replacement under C.3.b.ii.(5). Contrary to the MRP 2.0 stated purpose of the GI Plans giving flexibility to permittees for roadways where GI is more cost effective, this provision requirement will be the least cost effective and could negatively affect active transportation projects that reduce VMT and pollutants. Standard road maintenance projects could be affected and reconstruction projects will be regulated increasing costs and reducing feasibility. Asphalt overlays and chip sealing on existing roadways and within the existing roadway footprint should be exempt since they are standard maintenance practices to extend the life of roadways (See MTC Streetsaver).</p>	<p>Oppose removal of exclusion for pavement maintenance activities.</p> <p>WB Staff should define "road reconstruction".</p> <p>WB Staff should clarify the requirements for Special Land Use projects (how are they different, if at all?) now that all projects are proposed to be regulated projects over the 5,000 sq. ft. threshold.</p>

Provision C.3 New Development and Redevelopment

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.3.b.ii.(2)-(4) Regulated Projects - Other Development/Redevelopment and Road Projects</p>	<p>Lowers the regulated project threshold to 5,000 sq.ft. impervious surface created/replaced for all types, including new roads and widening of existing roads (and removes “contiguous” impervious surface requirement for roads). Clarifies that adjacent sidewalks in the public ROW are included with regulated private project’s scope.</p>	<p>Will increase number of regulated projects and burden on municipalities for design review, construction inspection, and O&M inspection, without significant water quality benefit. Removal for "contiguous" in roads requirement will cause more road projects to be regulated. For example, piecemeal projects such as gap closures, sidewalk section replacement, utility trenching, curb ramps, LID, etc. that are not “contiguous” and add up to 5,000 sq.ft. or more in total would become regulated. In many situations, these proposed locations are not connected in the same drainage basins, and removing the “contiguous” language would require permittees to mitigate existing areas that were not affected by the proposal.</p> <p>Water quality benefit not apparent versus increased burden on municipalities. WB staff should look at the total impact of all C.3 provision changes on municipalities and provide for flexibility for municipalities to choose appropriate methods of increasing impervious surface treatment in their jurisdictions, per their GI Plans.</p> <p>Oppose changes to include adjacent sidewalks and public right-of-way in the regulated private project's scope. Nearly all large development projects are required to replace sidewalks along their project frontage to comply with adopted plans. Requiring developers to include public sidewalks to meet C3 treatment guidelines would be difficult due to conflicts in the Public Right-of-Way (e.g. street trees and utilities), and takes away opportunities for Green Infrastructure. Diverting public runoff to private treatment systems can lead to liability issues.</p>	<p>Oppose reducing thresholds for all project types, including road projects.</p> <p>Strongly oppose removal of "contiguous" wording related to road projects.</p> <p>Oppose change of "10 feet" to "10 feet or more" on multi-use paths requiring treatment. Propose changing language to exclude all off-road bike and/or pedestrian facilities such as Class 1 designated and/or signed paths of any width.</p> <p>Oppose changes to include adjacent sidewalks and public right-of-way in the regulated private project's scope.</p>

Provision C.3 New Development and Redevelopment

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.3.b.ii.(5) Regulated Projects - Other Road Projects</p>	<p>Adds new category of regulated project, "Other Road Projects", that involve the "reconstruction of existing public roads, disturbing greater than or equal to one acre of impervious surface (collectively over the entire project site) ... including sidewalks and bicycle lanes that are built or rebuilt as part of the existing streets or roads." 50% rule applies. Removes "contiguous" and replaces maintenance definition and exemptions with new language.</p>	<p>Major concerns about this new regulated project category. Will cause significant additional expense to Permittees and potentially delay needed road maintenance projects. Also, if there is opportunity to integrate GI, these projects would not be able to be counted towards the impervious surface retrofit requirement in C.3.j.</p> <p>If this new definition/requirement is approved, most bike/ped projects that are in the pipeline or being evaluated will most likely be delayed/postponed indefinitely due to budget increase. Under this definition/requirement, it would not be out of the realm of possibility for a Bike/Ped project to cost upwards of \$1 million/bike lane mile.</p> <p>GI plans were intended to provide flexibility for the most cost-effective GI implementation. Why this overly prescriptive approach in combination with the proposed numeric implementation requirements in C.3.j.? Constraints, such as lack of storm drain pipes, narrow rights of way, slopes, soils etc., on rural, suburban and urban roadways are significant barriers to implementation with this non-flexible approach. There has been extensive planning work done to prioritize multi-benefit roadway projects as part of the countywide Sustainable Streets Master Plan. Alternative compliance programs will need significant time for development and a regional approach is preferred, but the Admin Draft does not propose to credit the existing regional project currently underway, further exacerbating the issue and not recognizing the actions of early adopters. The ability to implement bicycle and pedestrian projects in Active Transportation Plans (ATP) could potentially be impacted from increased costs and delays due to more stringent requirements that have been proposed beyond those in the current Permit, including non-exclusion of pavement maintenance practices as well as the proposed requirement in this section.</p>	<p>Oppose the addition of this category of regulated projects.</p> <p>Delete this category and allow use of GI Plans and GI feasibility analysis to determine best locations for green street retrofits.</p> <p>WB Staff should clarify: What defines project site limits and exactly what activities are considered a "disturbance".</p>

Provision C.3 New Development and Redevelopment

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.3.b.ii.(6) Regulated Projects - Large Detached Single Family Home Projects</p>	<p>Removes exemption for “detached single-family home projects that are not part of a larger plan of development” and adds new category of regulated project, “Large Detached Single-Family Home Projects”, that create and/or replace 10,000 sq.ft. or more of impervious surface.</p>	<p>Will increase number of regulated projects and burden on municipalities for design review, construction inspection, and O&M inspection, without significant water quality benefit. Will especially be a significant burden to small jurisdictions that have primarily single-family home development projects, requiring more staffing to approve and inspect the increased load of regulated projects created.</p> <p>Runoff from large single family homes can be adequately addressed with site design measures. The proposed requirement penalizes properties with long driveways and when a fire truck turnaround is necessary for public safety in wildfire prone areas. The "50% rule" is particularly concerning. The State is requiring the approval of ADUs (Accessory Dwelling Units) to be streamlined and obstacles removed - the proposed language is not line with that effort to increase density for housing goals.</p>	<p>Oppose removal of treatment exemption for detached single-family homes not part of larger plans of development</p> <p>Consider regulating only high-priority single family homes (e.g. those that may impact nearby creeks) or only large detached single-family homes that CREATE 10,000 sq.ft. or more of impervious surface (drop "replace").</p> <p>WB Staff should provide the rationale for requiring detached single family homes in already developed areas to provide treatment.</p>
<p>C.3.e.i. Alternative or In-Lieu Compliance with Provision C.3.b.</p>	<p>Added section to allow more detailed program for “exchanges of impervious surface treatment credits” (recognizing Contra Costa County grant-funded project.</p>	<p>Admin Draft does not include Alternative Compliance language proposed by Permittees.</p>	<p>Modify text to remove requirement to treat some runoff onsite, and allow for only offsite treatment, which is consistent with current interpretation but not current wording. Support modified language provided to WB staff by the MRP 3.0 C3/GI Work Group.</p>

Provision C.3 New Development and Redevelopment

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.3.e.ii. Special Projects</p>	<ul style="list-style-type: none"> •No changes to Special Projects Categories A and B. •Changed Category C from TOD focus to “Affordable Housing” with various changes to existing credit system and new credits. •Added a definition for “Dwelling Unit” •Added definition for Affordable Housing from HUD: as housing for which rent or mortgage costs (including utilities) are no greater than 30 percent of total household income. For metropolitan areas, HUD defines extremely low household incomes as 0 - 30 percent of area median income (AMI) and very low household incomes as 31 - 50 percent of AMI and (i) Be primarily a residential development project and (ii) Achieve at least a gross density of 40 DU/Ac. •Added definition for “deed-restricted affordable housing” as preserved housing with deed restrictions running at least 55 years, at rent/mortgage rates no greater than 30 percent of the household income for Very Low Income (≤50 percent of AMI) households”, with a table of max allowable monthly rent/mortgage for each County. 	<p>Changes to Category C have made it unusable for many permittees and have essentially eliminated this category.</p> <p>The proposed language is excessive and too prescriptive. Affordable housing criteria frequently change, and cities have their own policies. Do not recommend any requirements that would impact the amount of affordable housing constructed. Support the provision of credits for very low income household (< or = to 50 percent of AMI) affordable housing projects, but recommend that consideration be given to broadening the availability of credits to affordable housing for low and moderate income households and retaining existing credit provisions for transit oriented development. Municipalities are approving a broad variety of affordable housing projects, including mixed-income projects and mixed-use projects. The 40 du/ac density minimum excludes projects in smaller cities on small sites and is inconsistent with State law which allows small cities to designate a density of at least 20 du/ac adequate to accommodate affordable housing development. MRP should be consistent with State law and allow sliding scale of minimum density. Each permittee should further be able to make the determination whether the project is an affordable housing project or not using our land use authority, zoning code definitions, and General Plan Housing Element policies as a guide. The proposed minimum change in density credits from 25 to 40 dwelling units per acre, combined with the definition of a transit hub as being within ¼ mile of a rail station, ferry terminal or bus transfer station served by three or more bus routes may be difficult to achieve in jurisdictions in the rural Coastside part of the County (e.g. Midcoast). Would also support additional State policy directives and funding programs that help alleviate additional costs associated with the delivery of stormwater runoff treatment requirements with transit oriented development and affordable housing projects.</p>	<p>Oppose prescriptive specifications for affordable housing in Category C.</p> <p>Request to maintain eligibility of transit-oriented development projects.</p>

Provision C.3 New Development and Redevelopment

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.3.i. Required Site Design Measures for Small Development and Redevelopment Projects and Smaller Detached Single-Family Home Projects	Changes the threshold for “small development and redevelopment projects” from 2.5k-10k sq.ft. to 2.5k-5k sq.ft. and added “smaller detached SF home projects” of under 10,000 sf	Change made to recognize drop in threshold to 5,000 sq.ft. for most regulated projects and 10,000 sq.ft. for detached single family homes.	See responses above related to threshold changes.
C.3.j.ii.(2) Green Infrastructure Planning and Implementation - Numeric	<ul style="list-style-type: none"> •Adds GI Implementation requirement of “impervious surface retrofits” for small, medium and large jurisdictions (2, 6 and 10 acres respectively) with table listing requirements for each jurisdiction. Permittees may meet the requirements on a countywide basis. •Only projects given "final discretionary approval" after July 1, 2021, may be counted towards the Provision C.3.j.ii.(2) retrofit requirements. 	<p>Very challenging, high cost requirement that is unlikely to be able to be achieved within a 5-year permit term. Quantities and population bins are arbitrary. More flexibility needed. Not acceptable that no projects constructed under the "no missed opportunities" provision of MRP 2.0 will be counted; does not give credit to early implementers or long-range CIP commitments.</p> <p>C/CAG is collecting data on voluntary projects and when constructed to provide rationale for reducing implementation requirement.</p> <p>The proposed language is counter to the targets set by RAA and detailed in GI Plans and disrupts planning efforts to date. Some jurisdictions may not have feasible locations for the required number of acres of treatment (in addition to what might be required if road reconstruction req't change remains and early implementation projects don't count). Insufficient time to plan, budget, and implement the required amount of GI projects. Need more time to develop regional approach. Grant funding is generally not usable for regulated projects, so requirement will inhibit implementation.</p> <p>Major concern that the voluntary GI projects completed or begun planning prior to 7/1/2021 would not be given credit toward GI targets.</p>	<p>Strongly oppose the proposed language for numeric targets. Request consideration of a different metric, such as percent of impervious area in the jurisdiction, for GI implementation requirements. Allow permittees more flexibility for GI implementation, such as requiring GI retrofits in ROW along frontage, in lieu of other requirements like lowering thresholds and regulating road reconstruction projects.</p> <p>Oppose the requirement that only GI projects approved after 7/1/2021 should be given credit toward GI targets.</p> <p>Water Board Staff should clarify: Do the retrofitted acres have to use C.3.d sizing? Do site design measures, such as disconnecting downspouts, count toward the acreage requirement?</p>

Provision C.3 New Development and Redevelopment

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.3.j.iii Green Infrastructure Planning and Implementation - No Missed Opportunities	Continues "no missed opportunities" requirement to review CIP lists for projects with GI potential and submit list of projects with GI potential in annual reports.	Unclear if this is in addition to the GI implementation requirements, or a process that can be used to identify potential GI retrofits. The GI implementation targets essentially make this concept moot, if the expectation is that "no missed opportunities" would be in addition to the GI retrofit targets.	Delete this provision, as it is duplicative to the GI implementation targets.
C.3.j.v.(1) Green Infrastructure Planning and Implementation - Tracking and Mapping Tools	Adds language stating tracking and mapping tools should inform issues such as asset management, life cycle costs, O&M frequency and "beneficial design changes". Contains more specific details as to what needs to be included in the tracking tools and requires tools to be completed by 2023 Annual Report. Specifies what information must be available to the public, and that any other information must be available to Water Board staff upon request.	Need to clarify some requirements and inconsistencies. Appears to create undue burden with no water quality benefit.	WB Staff should provide rationale for this requirement - especially the private property-related section.
C.3.j.v.(2) & (3) Green Infrastructure Planning and Implementation - Reporting	With the 2026 Annual Reports, Permittees shall provide a summary of lessons learned to-date with regard to [GI Plan implementation], including topics such as operation and maintenance, sizing, infiltration and other design criteria for stormwater treatment controls, implementation of tracking and mapping tools, cooperation with non-municipal entities, regional project efforts, funding initiatives and opportunities to leverage municipal approval of private development, education and outreach, and development or updates of plan documents with a green infrastructure nexus. In the summary, Permittees shall also discuss attainment of the numeric retrofit requirements.	Major reporting requirement. Overall, reporting requirements for C.3 have increased, although WB staff and permittees had agreed on a goal to reduce reporting throughout the permit. See previous comments related to burdensome reporting requirements continuing to stack and requiring undue amounts of staff time.	Oppose the overall increase in reporting requirements for C.3.

Provision C.4 Industrial and Commercial Site Controls

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.4.b. Business Inspection Plan – ii. Implementation Level	ii.(1) Facilities For to Prioritize into for Inspection Plan — “Commercial and industrial facilities with the functional aspects and types described below, and other facilities identified by the Permittees as reasonably likely to contribute to pollution of stormwater runoff, shall be prioritized for inspection on the basis of the potential for water quality impact using criteria such as pollutant sources on site, <u>use of</u> pollutants of concern, proximity to a waterbody, <u>the potential for discharge</u> , and <u>the</u> actual discharge history of the facility.”	Changed the basis for prioritization from “potential and actual discharge history, i.e. enforcement history ” to “the potential for discharge” and “the actual discharge history”. Potential discharge and actual discharge have specific definitions in MRP 2.0. These terms were originally created by RWB staff. There are revisions throughout the Permit that change the meaning of the original terms or reduce their use.	To avoid the apparent confusion of the terms “potential discharge” and “actual discharge” revise the statement: “.... shall be prioritized for inspection on the basis of the potential for water quality impact using criteria such as pollutant sources on site, use of pollutants of concern, proximity to a waterbody, the potential for discharge, and the actual discharge <u>the enforcement</u> history of the facility.”
C.4.b. Business Inspection Plan – ii. Implementation Level	Added the following: <u>“Permittees may use a variety of sources to develop and update the business inspection prioritization, including, but not limited to, business license applications, tax records, and inspectors’ observations.”</u>	These sources are not used to update business inspection prioritization but to find new businesses for inspection. The Provision should not specifically state how a Permittee must meet the requirement to identify new businesses. This language should be placed in the Fact Sheet.	Delete from Permit Provision and move to the Fact Sheet.

Provision C.4 Industrial and Commercial Site Controls

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
<p>C.4.b. Business Inspection Plan – ii. Implementation Level</p>	<p>Added “trash storage” and fueling areas to the list of functions that would mean a business is included in the Inspection Plan:</p> <p>(a) Sites that include with the following types of functions or facilities that may produce pollutants when exposed to stormwater include, but are not limited to:</p> <ul style="list-style-type: none"> ● Outdoor process and manufacturing areas ● Outdoor material storage areas ● Outdoor waste <u>and trash</u> storage, <u>handling</u>, and disposal areas ● Outdoor vehicle and equipment storage and maintenance areas ● Outdoor wash areas ● Outdoor drainage from indoor areas ● <u>Fueling Areas</u> ● Rooftop equipment ● Other sources determined by the Permittee or Water Board as reasonably likely to contribute to pollution of stormwater runoff. 	<p>This was previously worded to clarify facilities with functions “that may produce pollutants when exposed to stormwater” need to be inspected. With the removal of this text it implies any business with the function listed must be included in the Inspection Plan whether or not that function may produce pollutants when exposed to stormwater.</p> <p>By adding “trash storage” it implies that every business with a trash container would need to be included in the Inspection Plan (i.e. banks, real estate offices, lawyer offices, barber shop, etc.). This list is used to identify businesses that should be inspected and is not intended to list every area of a business that needs to be inspected (i.e. trash storage/disposal areas are inspected at every business in the BIP).</p> <p>Fueling areas are also regulated through Spill Prevention Control and Countermeasure (SPCC) Plans and routinely inspected by CUPA agencies.</p>	<p>(a) Sites with the following functions <u>that may produce pollutants when exposed to stormwater</u> or facilities:</p> <ul style="list-style-type: none"> ● Outdoor process and manufacturing areas ● Outdoor material storage areas ● Outdoor waste and trash storage, handling, and disposal areas ● Outdoor vehicle and equipment storage and maintenance areas ● Outdoor wash areas ● Outdoor drainage from indoor areas ● Fueling Areas ● Rooftop equipment ● Other sources determined by the Permittee or Water Board as reasonably likely to contribute to pollution of stormwater runoff.

Provision C.4 Industrial and Commercial Site Controls

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.4.b. Business Inspection Plan – ii. Implementation Level	Added “restaurants and other food service businesses” and “grocery stores, especially their waste and cardboard compactor and dumpster areas” to the list of businesses that must be included in the Inspection Plan.	<p>Most (if not all) Permittees have restaurants identified in their Business Inspection Plans. One of the reasons restaurants are included is because of the grease handling and storage (i.e. waste storage function). However, “other food service businesses” is too general and could lead to the incorporation of a significant number of other businesses that do not have a reasonable likelihood to be sources of pollutants, such as a ice cream shops, coffee shops that do not serve any food, places that only serve prepackaged food, cottage businesses, etc. This would be overly burdensome to municipal inspection programs with no likely additional water quality benefit.</p> <p>Grocery stores is also too general a category to be included. Many Permittees already inspect larger grocery stores due to the food preparation on site that leads to concerns of waste storage (i.e., FOG). However, including the general category of grocery stores would lead to the incorporation of many other businesses that that do not have a reasonable likelihood to be sources of pollutants, such as small corner markets, tea shops, etc. This would be overly burdensome to municipal inspection programs with no likely additional water quality benefit.</p>	<p>Revise as follows: Restaurants and other food service businesses; Grocery stores, especially their waste and cardboard compactor and dumpster areas;</p>

Provision C.4 Industrial and Commercial Site Controls

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
C.4.b. Business Inspection Plan – iii. Reporting	<p>Added the following reporting requirement:</p> <p><u>(1) Permittees shall include the following information in the 2023 Annual Report:</u></p> <p><u>A description of how the Permittee issues businesses licenses and which entity or entities are responsible for reviewing and approving business license applications.</u></p>	<p>This is an increase in reporting requirements and duplicative of SB 205 requirements. Overall, reporting requirements for C.4 have increased, although WB staff and permittees had agreed on a goal to reduce reporting throughout the permit.</p>	<p>Delete new reporting requirement.</p>
C.4.c. Enforcement Response Plan – ii. Implementation Level	<p>Revisions to (2) Enforcement Tools and Field Scenarios - A discussion of enforcement tools for different field scenarios, including potential discharges (e.g., housekeeping issues, evidence of actual non-stormwater discharges, lack of BMPs, inadequate BMPs, inappropriate BMPs, <u>poor waste or material management that is likely to result in non-stormwater discharges</u>), actual non-stormwater discharges <u>(e.g., observed or documented unauthorized discharges to the MS4), non-stormwater discharges</u>, non-compliance with previous enforcement actions; and sites with a history of potential and/or actual non-stormwater discharges <u>inadequate or ineffective BMPs and unauthorized discharges</u>.</p>	<p>The revisions lead to inconsistent use of the defined terms “potential discharge” and “actual discharge”. This text should be consistent in C.4, C.5 and C.6. Note that “actual discharges” are defined as “non-stormwater discharges” and therefore, should not be listed separately.</p> <p>We recommend that actual discharge and potential discharge be included in the Glossary with definitions instead of inconsistently removing references to these terms throughout the Permit.</p>	<p>A discussion of enforcement tools for different field scenarios, including potential discharges (e.g., housekeeping issues, evidence of actual non-stormwater discharges, lack of BMPs, inadequate BMPs, inappropriate BMPs, poor waste or material management that is likely to result in non-stormwater discharges), actual <u>non-stormwater</u> discharges (e.g., observed or documented unauthorized discharges to the MS4), non-stormwater discharges, non-compliance with previous enforcement actions; and sites with a history of inadequate or ineffective BMPs and unauthorized <u>non-stormwater</u> discharges.</p>

Provision C.4 Industrial and Commercial Site Controls

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.4.c. Enforcement Response Plan – ii. Implementation Level	<p>In (3) Timely Correction of Potential and Actual Non-stormwater Discharges added the requirement for a compliance schedule.</p> <p>“If more than 10 business days are required for compliance, a <u>compliance schedule and</u> rationale shall be recorded in the electronic database or equivalent tabular system.”</p>	<p>A “compliance schedule” can have a formal regulatory definition and may be included in municipal ordinances as a type of Administrative Enforcement Action. Whereas the rationale for allowing a longer time for corrective actions may be associated with any level of enforcement, including verbal warnings.</p>	<p>If more than 10 business days are required for compliance, a compliance schedule and rationale, <u>including the expected time frame for compliance</u>, shall be recorded in the electronic database or equivalent tabular system.</p>
C.4.d Inspections – ii Implementation Level	<p>(b) Observations for evidence of unauthorized <u>or illicit</u> discharges, illicit connections, and potential discharge of pollutants to stormwater <u>by the Discharger or contractors, such as and including mobile businesses, that operate on the facility;</u></p>	<p>Unauthorized discharges are illicit discharges. The term “Discharger” is the “contractor” if the contractor is the responsible party. The term Discharger is defined in the glossary.</p>	<p>(b) Observations for evidence of unauthorized <u>(i.e. or</u> illicit) discharges, illicit connections, and potential discharge of pollutants to stormwater by the Discharger- <u>facility</u> or contractors, such as and including mobile businesses, that operate on the facility;</p>

Provision C.4 Industrial and Commercial Site Controls

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.4.d Inspections – iii Reporting	<p>Additional Annual Reporting requirements were added:</p> <p><u>(b) Number of sites with enforcement actions at each enforcement level;</u></p> <p><u>(c) Number of sites with enforcement actions unresolved after 10 days or a reasonable time (and no compliance schedule);</u></p> <p><u>(d) The highest level of enforcement implemented, including a list with the name and address of sites in the highest level of enforcement;</u></p>	<p>The reporting requirements now include the number of enforcement actions and the number of sites with enforcement actions, and the number of enforcement actions not corrected in a timely manner and number of sites with enforcement actions not corrected in a timely manner. Note that MRP 1.0 had both the number of enforcement actions issued and percentage of sites with enforcement actions. The RWB reduced reporting requirements for MRP 2.0. It is unclear why the reporting requirements are being increased and the benefit of the additional information.</p> <p>The requirement for the “highest level of enforcement implemented, including a list with the name and address of sites in the highest level of enforcement” is unclear. If a Permittee only issues 12 verbal warnings will they need to list the names/address of those sites. If a Permittee issues 12 verbal warnings and 1 notice of violation will they need to list the name/address of just the business that received the notice of violation. Or is the intent to list any business that reaches the Permittee's highest level of enforcement.</p> <p>We recommend that if the RWB wants to see the specific businesses that receive enforcement actions, they should request the data tracking tables.</p>	Delete new reporting requirements.

Provision C.4 Industrial and Commercial Site Controls

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
C.4.d Inspections – iii Reporting	(f) Number of enforcement actions or , <u>including</u> discrete number of potential and actual discharges fully resolved within 10 working days or otherwise deemed resolved in a longer, but still timely manner;	The revision would mean an increase in reporting and tracking requirements. Currently some Permittees track resolution for each potential and actual discharge identified. Other Permittees track resolution by enforcement actions. This revision would require Permittees to track by both methods. Recommend this be revised to be consistent with Provision C.6 reporting.	Number of enforcement actions, including or discrete number of potential and actual discharges fully resolved within 10 working business days <u>after the potential and actual discharges are discovered¹</u> or otherwise deemed resolved in a longer, but still timely manner <u>considered corrected in a timely, though longer period.</u> <u>Footnote (1) Permittees who track by discrete potential and actual discharges shall report by discrete discharges. Permittees who track by enforcement actions shall report by enforcement actions.</u>
C.4.d Inspections – iii Reporting	(2) A list of facilities that are required to have coverage under the Industrial General Permit, but have not filed for coverage. Permittees shall make the list of facilities required to have coverage under the Industrial General Permit, but that have not filed for coverage, available upon Water Board request. <u>(a) The list shall include the date when the facility was first identified and the date when it was most recently inspected or evaluated.</u> <u>(b) The list shall include and denote any facilities that were denied business license applications because they were subject to the Industrial General Permit, but had not obtained permit coverage.</u>	The information required for the list of facilities that may need coverage under the Industrial General Permit but have not filed for coverage has increased. Permittees no longer need to submit the list with the Annual Reports but they must also track facilities that were denied business licenses. This is an increase in reporting requirements and duplicative of SB 205 requirements. Overall, reporting requirements for C.4 have increased, although WB staff and permittees had agreed on a goal to reduce reporting throughout the permit.	Delete new requirement to identify if business license applications were denied.

Provision C.4 Industrial and Commercial Site Controls

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.4.e. Staff Training – iii Reporting	<p>Added Annual Reporting requirements:</p> <p><u>(3) Total number of industrial and commercial site inspectors performing inspections for the Permittee;</u></p> <p><u>(4) Total number of illicit discharge detection and elimination inspectors performing inspections for the Permittee;</u></p> <p>(5) <u>Total number and</u> percentage of industrial and commercial site inspectors attending training; and</p> <p>(6) <u>Total number and</u> percentage of illicit discharge detection and elimination inspectors attending training</p>	<p>This is an increase in reporting requirements. Overall, reporting requirements for C.4 have increased, although WB staff and permittees had agreed on a goal to reduce reporting throughout the permit.</p>	<p>Delete new reporting requirements.</p>

Provision C.5 Illicit Discharge Detection and Elimination

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
C.5.a Legal Authority – ii. Implementation Level	<p>Added the following to existing list of discharges requiring adequate legal authority:</p> <p>(1) <u>(g) Discharges of sewage, trash, or other potentially polluting or hazardous materials from unsheltered populations, including homeless encampments and unsheltered populations living in vehicles.</u></p>	<p>This is an unnecessary, duplicative requirement. Permittees should already have legal authority to address discharges of sewage, trash and other polluting or hazardous materials no matter the source of the discharges (i.e. commercial, residential, industry, or unsheltered population).</p>	<p>Delete added language.</p>
C.5.b Enforcement Response Plan – ii Implementation Level	<p>Revisions to (2) Enforcement Tools and Field Scenarios - A discussion of the various, escalating enforcement tools for different field scenarios, including, but not limited to, potential discharges (for example, housekeeping issues, evidence of actual non-stormwater discharges, absent, inadequate, or inappropriate BMPs, <u>poor waste or material management that is likely to result in non-stormwater discharges</u>), actual discharges <u>(observed or documented flow of unauthorized or pollutant-containing discharges to the MS4)</u>, non-compliance with previous enforcement actions, and sites with a history of potential and/or actual discharges.</p>	<p>The revisions lead to inconsistent use of the defined terms “potential discharge” and “actual discharge”. This text should be consistent in C.4, C.5 and C.6 but currently is not. Note that “actual discharges” are defined as “non-stormwater discharges” and therefore, should not be listed separately.</p> <p>We recommend that actual discharge and potential discharge be included in the Glossary with definitions instead of inconsistently removing references to these terms throughout the Permit.</p>	<p>Use suggested text from C.4: A discussion of enforcement tools for different field scenarios, including potential discharges (e.g., housekeeping issues, evidence of actual non-stormwater discharges, lack of BMPs, inadequate BMPs, inappropriate BMPs, poor waste or material management that is likely to result in non-stormwater discharges), actual non-stormwater discharges (e.g., observed or documented unauthorized discharges to the MS4), non-stormwater discharges, non-compliance with previous enforcement actions; and sites with a history of inadequate or ineffective BMPs and unauthorized non-stormwater discharges.</p>

Provision C.5 Illicit Discharge Detection and Elimination

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
C.5.b Enforcement Response Plan – ii Implementation Level	<p>In (3) Timely Correction of Potential and Actual Non-stormwater Discharges added the requirement for a compliance schedule.</p> <p>Corrective actions shall be implemented before the next rain event, but no longer than 10 business days after the potential and/or actual discharges are discovered, <u>or in accordance with a compliance schedule when longer than 10 business days are required for compliance.</u> Corrective actions can be temporary. and more More time can be allowed for permanent corrective actions. If more than 10 business days are required for compliance, a rationale shall be recorded in the electronic database or equivalent tabular system.</p>	<p>A “compliance schedule” can have a formal regulatory definition and may be included in municipal ordinances as a type of Administrative Enforcement Action. Whereas the rationale for allowing a longer time for corrective actions may be associated with any level of enforcement, including verbal warnings. In addition, the revisions made are inconsistent with the text in C.4.c</p>	<p>Revision for consistency with C.4.c:</p> <p>Corrective actions shall be implemented before the next rain event, but no longer than 10 business days after the potential and/or actual discharges are discovered, or in accordance with a compliance schedule when longer than 10 business days are required for compliance. Corrective actions can be temporary. More time can be allowed for permanent corrective actions. If more than 10 business days are required for compliance, a rationale, <u>including the expected time frame for compliance,</u> shall be recorded in the electronic database or equivalent tabular system.</p>
C.5.c Spill Dumping, and Complaint Response Program – ii. Implementation Level	<p>(1) Each Permittee shall have a central contact point for the public and Permittee’s staff to report spills, dumping, and complaints. At a minimum, this central contact point shall include a phone number. Permittees shall also include, as feasible, a user-friendly web <u>address for reporting for spills and dumping or a link to a web-based reporting application.</u></p>	<p>There is confusion in the subsequent subprovisions of the Permit between the web address for where the contact phone number is listed on the Permittee’s website and the web address for an electronic reporting application. This Provision is only discussing the requirements for reporting mechanisms (i.e. phone or electronic reporting). The requirement for where these are publicized are in separate subprovisions.</p> <p>It is not feasible for every Permittee to have an electronic web-based application for reporting.</p>	<p>(1) Each Permittee shall have a central contact point for the public and Permittee’s staff to report spills, dumping, and complaints. At a minimum, this central contact point shall include a phone number. Permittees shall also include, as feasible, a user-friendly <u>web address electronic web-based application</u> for reporting for spills and dumping or a link to a web-based reporting application.</p>

Provision C.5 Illicit Discharge Detection and Elimination

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
C.5.c Spill Dumping, and Complaint Response Program – ii. Implementation Level	(2) Each Permittee shall publicize the phone number and web reporting address, <u>if used, to internal Permittee’s staff and the public on its website, and the contact information shall be kept up-to- date, and updated at least annually. The Permittee’s website shall be one of the places the central contact point is publicized. There- Permittee’s website shall be updated with the central contact point to report spills and dumping by June 30, 2016.</u> This central contact point shall be readily searchable and accessible on the Permittee’s website.	The revisions makes the Permittee’s website the only place the central contact phone number needs to be publicized. Permittees may also publicize the phone number on outreach material and Countywide Program websites. Also, the web reporting address is not required by C.5.c.(1) and therefore the text “if used” should not be deleted.	(2) Each Permittee shall publicize the phone number and web reporting address, <u>if used, to internal Permittee’s staff and the public. The Permittee’s website shall be one of the places the central contact point is publicized. on its website, and t</u> The contact information <u>on the Permittee’s website</u> shall be kept up-to- date, and updated at least annually. This central contact point shall be readily searchable and accessible on the Permittee’s website.
C.5.c Spill Dumping, and Complaint Response Program – iii Reporting	(1) The spill and dumping reporting phone number and web address, <u>if used</u> ;	Provision C.5.c.(1) requires a contact phone number be publicized on a Permittee’s website but does not require a web address for reporting. The web-based reporting application is only "if feasible".	(1) The spill and dumping reporting phone number, web address for where the phone number is publicized on the Permittee’s website and, if used, web address for the electronic web-based reporting application;
C.5.c Spill Dumping, and Complaint Response Program – iii Reporting	(3) A discussion of how the central contact point – spill and dumping reporting phone number and, <u>if used</u> , the web address – is being publicized to Permittees’ staff and the public.	Provision C.5.c.(1) requires a contact phone number be publicized on a Permittee’s website but does not require a web address for reporting. The web address or web-based reporting application is only if feasible.	(3) A discussion of how the central contact point – spill and dumping reporting phone number and, <u>if used</u> , the web address <u>electronic web-based reporting system</u> – is being publicized to Permittees’ staff and the public.
C.5.d Tracking and Case Follow-up – ii Implementation Level	Additions to information the electronic data tracking system must contain: (2) Investigation information: (a) Date and time <u>investigation of spill or discharge</u> started <u>(not to exceed 3 business days from the date the complaint was received by the Permittee),</u>	The requirement to start an investigation within 3 business days from the date the complaint was received should not be included in the requirements for a data tracking system. This should be stated separately in the Implementation Level.	Delete parenthetical phrase under (2)(a). Remove requirement to document the time an investigation started.

Provision C.5 Illicit Discharge Detection and Elimination

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.5.d Tracking and Case Follow-up – ii Implementation Level	<p>Additions to information the electronic data tracking system must contain:</p> <p>(2) Investigation information:</p> <p>(b) Date and time response to illegal dumping report or complaint started (may exceed 3 business days if the illegal dumping does not present an immediate threat to water quality);</p>	<p>The stated purpose of this provision is to control illicit discharges. Illegal dumping is not necessarily an illicit discharge. For example, illegal dumping of mattresses, furniture, etc. would not lead to a discharge to receiving water. This type of illegal dumping is typically handled and tracked by other programs and departments (e.g. Solid Waste, Recology, etc.) and should not be tracked in the illicit discharge tracking system. This is duplicative of requirements in Provision C.10 related to trash hot spot cleanups.</p> <p>If illegal dumping is required to be tracked in the illicit discharge tracking system it would be a significant amount of work for Permittees to coordinate with other departments and update their electronic tracking system.</p>	Delete added language.
C.5.d Tracking and Case Follow-up – ii Implementation Level	<p>Additions to information the electronic data tracking system must contain:</p> <p>(2) Investigation information:</p> <p><u>(c) Agency, department, or other entities responding to the complaint or discharge;</u></p> <p>(d) Type of pollutant;</p>	The requirement should be to only track other agencies if they oversee the resolution.	Revise as follows: (c) Agency, department, or other entities responding to the complaint or discharge if Permittee does not otherwise track resolution for discharge in their jurisdiction;

Provision C.5 Illicit Discharge Detection and Elimination

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
C.5.d Tracking and Case Follow-up – ii Implementation Level	Additions to information the electronic data tracking system must contain: (2) Investigation information: (e) <u>Identify the</u> entered storm drain and/or receiving water; (f) Date and time abated; and (g) Type of enforcement based on the Permittee’s ERP.	This would require a significant amount of effort to revise electronic data tracking systems to identify the specific storm drain or specific receiving water instead of a yes/no response if it entered a storm drain or receiving water.	Revise: (e) Identify the entered storm drain and/or receiving water;
C.5.d Tracking and Case Follow-up – ii Implementation Level	Additions to information the electronic data tracking system must contain: <u>(3) Responses to discharges or dumping related to unsheltered populations, including those living in homeless encampments or vehicles, shall be coordinated with the Permittee's Provision C.10 Trash Control efforts, Provision C.15 Homeless Encampment Discharge Control efforts, and other agencies and entities addressing homelessness issues, as appropriate.</u>	The purpose of this Provision is to address “illicit discharges not otherwise controlled under provisions C.4. .., C.6. .., and C.15 – Discharges Associated with Unsheltered Homeless Populations". Therefore, tracking discharges associated with unsheltered populations should not be included in Provision C.5.	Delete added language.

Provision C.5 Illicit Discharge Detection and Elimination

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.5.d Tracking and Case Follow-up – iii Reporting	<p>New reporting requirements: <u>(4) Copies of the phone trees and contact lists required in C.5.c.ii (4) and (5) shall be provided as attachments to, or links in, the 2026 Annual Report.</u></p>	<p>This new requirement is listed under the Annual Report. To avoid confusion renumber this Reporting section to separate the Annual Reporting requirements from the 2026 reporting requirement and the requirement to make materials available to the RWB.</p> <p>There is concern with providing internal phone trees and contact lists that contain municipal staff cell phone numbers needed for after hours contacts in public documents. Permittees should be allowed to edit or remove proper names and/or phone numbers before submitting.</p>	<p>iii. Reporting –</p> <p>(1) Permittees shall provide the following information in the Annual Report: (1a) Number of discharges reported; (2b) Number of discharges reaching storm drains and/or receiving waters; and (3c) Number of discharges resolved in a timely manner. (42) Copies of the phone trees and contact lists required in C.5.c.ii (4) and (5) shall be provided as attachments to, or links in, the 2026 Annual Report. References to private names and/or cell phone numbers may be removed or edited. (53) The electronic database or equivalent tabular system and supporting documentation shall be made available to Water Board staff or representatives during audits or inspections, and upon request.</p>
C.5.e Control of Mobile Sources – ii Implementation Level	<p>A new mobile business category was added: (a) Implementation of minimum standards and BMPs for each of the various types of mobile businesses such as, <u>including, but not limited to,</u> automobile washing, vehicle fueling, power washing, steam cleaning, <u>graffiti removal,</u> and carpet cleaning</p>	<p>Graffiti removal mobile businesses that utilize power washing are already included in the power washing category.</p>	<p>Delete graffiti removal from list of mobile business categories.</p>

Provision C.5 Illicit Discharge Detection and Elimination

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.5.e Control of Mobile Sources – ii Implementation Level	(e) Inspection of mobile businesses, as needed .	Currently mobile businesses are inspected in the illicit discharge program. Removing the text “as needed” implies a change to proactive inspections. There are many factors that make proactive inspections extremely difficult. Keep the text of "as needed" or "when notified of issue through illicit discharge program".	(e) Inspection of mobile businesses, <u>as needed</u> .
C.5.e Control of Mobile Sources – iii Reporting	Change in the reporting requirements for the 2026 Annual Report: (c) Number of inspections conducted of mobile businesses and/or job sites through the 2025-2026 reporting year; (d) Discussion of enforcement actions taken against mobile businesses <u>during the permit term</u> ;	These are duplicative of new Annual Reporting requirements to report number of inspections and discussion of enforcement actions. These requirements should be deleted from the 2026 Annual Report or the Annual Report requirements in C.5.e.iii.(2) should be deleted.	Delete added language.
C.5.e Control of Mobile Sources – iii Reporting	(g) A copy of the most recent version of the mobile business inventory, <u>BMP requirements, enforcement action information, and educational materials (Permittees’ annual reports may refer to the county-wide or regional reports for this information.)</u> .	The added text is duplicative of the reporting already identified in (a), (b), (e) and (f).	Delete added language.

Provision C.5 Illicit Discharge Detection and Elimination

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
C.5.e Control of Mobile Sources – iii Reporting	<p><u>(2) In each Annual Report, each Permittee shall include at least the following:</u></p> <p><u>(a) The total number of inspections conducted of mobile businesses;</u></p> <p><u>(b) The number of each type of mobile business inspected; and</u></p> <p><u>(c) A discussion of the enforcement actions taken against mobile businesses during the reporting year.</u></p>	<p>This is an increase in reporting requirements. Duplicative of reporting requirements in C.5.e.iii.(1)(c) and (d).</p> <p>Overall, reporting requirements for C.5 have increased, although WB staff and permittees had agreed on a goal to reduce reporting throughout the permit.</p>	<p>Delete language for Annual Reporting and retain reporting in 2026 Annual Report (C.5.e.iii.(1)).</p>
C.5.f MS4 Map	<p>Task Description – Each Permittee shall make the map(s) of its MS4 available <u>to the public upon request.</u></p> <p><u>Permittees shall identify information missing from the current MS4 maps and develop a plan and schedule to compile additional storm sewer system information, including component locations, size or specifications, materials of construction, and condition. This information will be used to update Permittee maps and databases.</u></p>	<p>The requirement to have a map/database of storm sewer system “component” locations, size, specifications, materials and condition is way beyond what is required for effective illicit discharge detection and elimination. In addition, this type of information is not typically made available to the general public.</p>	<p>Separate the requirements to make MS4 maps available to the general public and publicize availability from the requirement to update storm drain system maps with more detailed information. Reduce requirements for storm drain system map updates to eliminate inclusion of materials of construction and condition.</p>

Provision C.5 Illicit Discharge Detection and Elimination

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
C.5.f MS4 Map – ii Implementation Level	<p><u>(2) During the current Permit term, each Permittee shall complete the following:</u></p> <p><u>(a) Determine MS4 information missing from the Oakland Museum watershed maps, existing MS4 maps or drawings in the Permittee files, or other storm sewer system information databases.</u></p> <p><u>(b) Identify and make available upon request maps of the storm sewer system and other stormwater controls installed after publication of the Oakland Museum watershed maps within the Permittee's jurisdictional area.</u></p> <p><u>(c) Develop a plan and schedule for updating the Permittee's storm sewer system information. Permittees or countywide storm water programs may work with the Oakland Museum of California to develop a plan and schedule for updating existing information, maps, drawings, and databases. These updates will include the identification of all storm sewer system component locations, size or specifications, materials of construction, and condition</u></p>	<p>Not every Permittee uses the Oakland Museum maps to meet the requirement to make maps of the MS4 available to the public. All references to the Oakland Museum maps should be removed or moved to the Fact Sheet.</p> <p>The requirement to have a map/database of storm sewer system “component” locations, size, specifications, materials and condition is way beyond what is required for effective illicit discharge detection and elimination. In addition, this type of information is not typically made available to the general public.</p>	<p>Delete references to Oakland Museum maps. Implementation level should be limited to updating location and size of storm drains.</p> <p>Separate the requirements to make MS4 maps available to the general public and publicize availability from the requirement to update storm drain system maps with more detailed information. Reduce requirements for storm drain system map updates to eliminate inclusion of materials of construction and condition.</p>
C.5.f MS4 Map - Reporting	<p>New Reporting requirement related to storm drain system assets.</p> <p><u>(2) Submit a plan and schedule with the 2026 Annual Report to update existing storm sewer system information as described above.</u></p>	See comments under MS4 Map Implementation Level.	See comments under MS4 Map Implementation Level.

Provision C.6 Construction Site Control

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.6.b Enforcement Response Plan – ii Implementation Level	(2) Enforcement Tools and Field Scenarios – A discussion of the escalating enforcement tools for different field scenarios, including, but not limited to, potential discharges (e.g., housekeeping issues, <u>inadequate materials and waste management</u> , evidence of actual discharges, lack of emergency response plans, inadequate BMPs, and inappropriate BMPs), actual discharges, non-compliance with previous enforcement actions, and sites with a history of potential and/or actual discharges.	No issues identified. This section should be consistent with C.4 and C.5 sections.	None at this time.
C.6.c Best Management Categories – i. Task Description	<p>Permittees shall require all construction sites to have site-specific, and seasonally- and phase-appropriate, effective BMPS in the following six categories:</p> <ul style="list-style-type: none"> ● Erosion Control ● Run-on and Runoff Control ● Sediment Control, <u>including entrance/exit and perimeter controls</u> ● Active Treatment Systems, as necessary ● Good Site Management, <u>including materials and waste management</u> ● Non-Stormwater Management 	Additions are duplicative of categories that are well defined by CASQA BMP Handbooks. But no issues identified.	None at this time.

Provision C.6 Construction Site Control

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.6.c Best Management Categories – ii Implementation Level	from resources such as: <ul style="list-style-type: none"> ● CASQA BMP Handbook, Construction, January 2019 ● Caltrans Stormwater Quality Handbooks, Construction Site Best Management Practices Manual, March 2003, and addenda ● New BMPs available since the release of these handbooks. ● Other BMPs shown to provide equivalent or better protection 	Most recent CASQA BMP Handbook is December 2019	CASQA BMP Handbook, Construction, January <u>December</u> 2019
C.6.d Plan Approval Process – ii Implementation Level	A new footnote was added: Review the site operator’s/developer’s erosion/pollution control plan or Stormwater Pollution Prevention Plan (SWPPP) to verify compliance with the Permittee’s grading ordinance and other local requirements. Also review the site operator’s/developer’s erosion/pollution control plan or SWPPP to verify that seasonally appropriate and effective BMPs for the six categories listed in Provision C.6.c.i. are planned. ¹ Footnote: <u>1. If SWPPPs do not include erosion control plan drawings for use by construction workers and managers at the site, erosion, sediment, and site control plans and drawings must also be submitted and reviewed.</u>	This is duplicative since the text states to review the "erosion/pollution control plan" or SWPPP. But no issue identified.	None

Provision C.6 Construction Site Control

Subprovision	Description of Change (text change in Admin Draft in red)	Key Issues/Concerns	Response/Recommendation
C.6.e Inspections – iii Reporting	<p>New or revised Annual Reporting requirements:</p> <p><u>(a) Total number of construction sites requiring inspections during at least part of the Permit year.</u></p> <p>(g) Number of illicit discharges, actual and those inferred through evidence suspected, of sediment or other construction-related materials;</p>	<p>Evidence of illicit discharges is a clearer statement of why it is suspected that there was an illicit discharge. Recommend not changing wording.</p>	<p>(g) Number of illicit discharges, actual and <u>those inferred through evidence suspected</u>, of sediment or other construction-related materials;</p>
C.6.f Staff Training – iii Reporting	<p>Permittees shall include in each Annual Report the following information: training topics covered, dates of training, <u>total number of municipal and non-municipal inspectors</u>, and the number of <u>municipal and non-municipal</u> inspectors attending each training. If there was no training in that year, so state.</p>	<p>This is an increase in reporting requirements. Consultants that perform these inspections do so on behalf of the municipality. It is unclear why there needs to be a distinction.</p> <p>Recommend formatting reporting requirements consistent with other Provisions.</p>	<p>Revise formatting and delete "and non-municipal".</p> <p>Permittees shall include in each Annual Report the following information:</p> <p>(a) training topics covered, (b) dates of training, (c) total number of municipal and non-municipal inspectors, and (d) the number of municipal and non-municipal inspectors attending each training.</p> <p>If there was no training in that year, so state.</p>

Provision C.7 Public Information and Outreach

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.7.c. Public Outreach and Citizen Involvement Events	Reporting moved to Provision C.7.g.iii.(1)	Online events, webinars, etc. not included in language about public outreach events.	Add language that public outreach events may include online events or webinars.
C.7.g.i. Tracking and Reporting - Task Description	Requires Permittees to electronically track outreach efforts in a table or spreadsheet. The list of items that need to be tracked is described in the Admin Draft.	This is a new subprovision. Permittees will need to develop the tracking table	None at this time.
C.7.g.iii. Tracking and Reporting - Reporting	(1) Requires Permittees or Countywide Programs to shall submit a table listing the number and types of outreach programs implemented during that Permit year. The table should be cumulative showing the number of each type of outreach campaigns or events occurring during each Permit year.	Will require additional resources and requirement is somewhat unclear. Not all outreach programs have a number associated with them. Reporting only the number does not provide a good overview of activities implemented.	Consider changing the requirement to report type of outreach programs and brief descriptions. There is a typo in the description. The words "(or the Countywide Program, if the effectiveness assessment/evaluation was done countywide or regionally)" should be deleted. Effectiveness evaluation is covered under C.7.g.iii.(3).

Provision C.9 Pesticides Toxicity Control

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
Introductory text	Added neonicotinoids (e.g., imidacloprid, acetamiprid, and dinotefuran) to the list of Pesticides of Concern	Will lead to increased reporting requirements.	General concern with overall increase in reporting requirements for all provisions. Staff should review the requirements to ensure that all required reporting is needed.
C.9.e.ii. Public Outreach - Reporting		Incorrect reference to Provision C.9.f.	In the sentence " <i>the effectiveness of outreach efforts shall be evaluated only once in the Permit term, as required in Provision C.9.f.</i> ", the reference to Provision C.9.f. should be changed to Provision C.9.g.
C.9.g.iii. Evaluate Implementation of Pesticide Source Control Actions - Reporting		Incorrect reference to Provision C.9.g.	In the sentence, " <i>In their 2025 Annual Reports, the Permittees shall submit this evaluation, which shall include an assessment of the effectiveness of their IPM efforts required in Provisions C.9.a. - e. and g.</i> ", the Provisions referenced should be C.9.a. - f.

Provision C.10 Trash Load Reduction

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.10.a. Trash Reduction Requirements - i. Schedule	Language was added requiring the achievement of a 90% trash reduction compliance benchmark by July 1, 2023.	It is not practicable for Permittees to achieve the 90% reduction compliance benchmark in such a short timeframe (i.e., 1 year after effective date of permit). Prior to the COVID-19 pandemic, Water Board staff had agreed via discussions with Permittees to propose extending the 90% benchmark to 2023. Now that the pandemic is significantly impacting Permittee budgets/staffing (and will continue to impact over the next few years), it is not practicable for Permittees to maintain progress towards the benchmarks at the same pace as prior to the pandemic. This is especially the case if source control credit options allowed during MRP 2.0 are not an option under MRP 3.0.	<p>Extend deadline to achieve 90% by two years to July 1, 2025.</p> <p>Make the 90% benchmark a non-enforceable target, similar to the 60% goal in MRP 2.0 (i.e., "achieve 60 percent reduction.... This is not a mandatory deadline; rather, it shall be used as a performance guideline to meet the mandatory...70% deadline).</p> <p>In the Fact Sheet indicate that compliance with the 80% benchmark will continue until the 90% benchmark date (i.e., July 1, 2025).</p>
C.10.a. Trash Reduction Requirements - i. Schedule	Language was added requiring the achievement of a 100% trash reduction compliance benchmark by July 1, 2025	It is not practicable for Permittees to achieve the 100% reduction compliance benchmark by July 2025 (i.e., 3 year after effective date of permit). Prior to the COVID-19 pandemic, Water Board staff had agreed via discussions with Permittees to propose extending the 100% benchmark to 2025. Now that the pandemic is significantly impacting Permittee budgets/staffing (and will continue to impact over the next few years) the ability of Permittees to maintain progress towards the benchmarks at the same pace as prior to the pandemic is not practicable. This is especially the case if source control credit options allowed during MRP 2.0 are not allowed as an option in MRP 3.0.	<p>Extend deadline to achieve 100% by two years to July 1, 2027.</p>

Provision C.10 Trash Load Reduction

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.10.a. Trash Reduction Requirements - i. Schedule	Language was added requiring Permittees that do not attain 90% by July 1, 2023 to submit revised trash load reduction plan and implementation schedule to achieve compliance with the 90% compliance benchmark within a reasonable timeframe, and the 100% compliance benchmark by July 1, 2025.	See comment above regarding date of 90% and 100% benchmarks.	Extend deadline to achieve 90% and 100% benchmarks by two years to July 1, 2025 and July 1, 2027, respectively.
C.10.a. Trash Reduction Requirements - ii. Trash Generation Area Management	Language was added requiring Permittees to submit with 2024 Annual Report, a revised Trash Generation Area Map that includes trash management areas and private land drainage areas that will be retrofitted with full trash capture devices, or equivalent, by July 1, 2025. Maps are required to include the locations and associated drainage areas of full trash capture systems, and other trash control actions, and highlight any revisions or changes from the previous map(s).	Language requiring mapping of "other control measures" could pose an extensive level of effort expended by Permittees and is not likely helpful in illustrating implementation (e.g., street sweeping and source control actions).	Revise language to focus on mapping of full capture systems and make mapping of "other control measures" optional.

Provision C.10 Trash Load Reduction

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.10.a. Trash Reduction Requirements - ii. Trash Generation Area Management ; b - Trash Reduction on Private Drainage Areas connected to MS4	No changes from MRP 2.0.	This provision is impracticable to achieve in the timeframe set forth. For Permittees to address and demonstrate that all areas draining to inlets on private properties are at low trash generation, using methods described in C.10.b., will take time to work collaboratively with private property owners. In San Mateo County, there are over 1,000 private drainage areas that generate moderate, high or very high levels of trash. These private drainages represent roughly 41% of the trash in SM county that isn't addressed by full capture systems. Requiring property owners to install full capture within the timeframes outlined would potentially create economic hardship due to the costs associated with new infrastructure and ongoing maintenance. Given the economic impacts from COVID, private properties owners do not need additional burdens, rather they need more time (i.e., 2027) to allow for some level of economic recovery prior to imposing additional requirements for these properties.	Include additional methods in provision C.10 that would allow Permittees to use a programmatic approach to demonstrate that areas draining to inlets on private properties are addressed and will attain the low trash generation goal over time. This programmatic approach for these properties could be outlined in this provision and a control measure program plan could be submitted during the first year of the permit with more detail on the actions that will be conducted (e.g., inspections & enforcement) to ensure that these properties achieve the low trash generation goal.
C.10.b. Demonstration of Trash Reduction Outcomes - i. Full Trash Capture Systems ; a. Inspection and Maintenance	Language was changed for clarity to better describe requirement. The following language that is in MRP 2.0 was removed: " If this frequency of inspection is found excessive after two inspections, the inspection frequency can be reduced to once per year. "	Reduces the flexibility of Permittees to reduce inspection and maintenance frequencies at sites where there is no evidence of maintenance issues.	Add back in the language "If this frequency of inspection is found excessive after two inspections, the inspection frequency can be reduced to once per year." This language provides the flexibility needed to optimize inspection and maintenance frequencies at sites where issues are not observed. Not doing so will increase inspection and maintenance costs, with no water quality benefit.

Provision C.10 Trash Load Reduction

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.10.b. Demonstration of Trash Reduction Outcomes - ii. Maintenance Records; b. Certification</p>	<p>Language was added, requiring Permittees, in their 2023 Annual Report, to submit a program-wide operation and maintenance summary report that identifies the frequency and approach used by Permittees for the inspection and maintenance of full trash capture devices. This report is required to include, but not be limited to, a detailed description of common issues associated with the O&M of full trash capture devices, device siting and access issues, device types that are prone to plugging or other factors that may impact effective operation, and device types that require frequent maintenance.</p>	<p>Will require additional compilation of data and enhanced reporting at the County level.</p>	<p>Justification and benefit is unclear. Remove requirement if benefit can't be stated and/or if the report is identified a low priority, compared to many other new/enhanced actions included throughout the Admin Draft.</p>

Provision C.10 Trash Load Reduction

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.10.b. Demonstration of Trash Reduction Outcomes - v. Source Control</p>	<p>Changes to source control credits, including which actions are permissible for source control credit. As proposed, Permittees will no longer be permitted to take credit for single-use carryover plastic bag and expanded polystyrene food service ware ordinances. The new language is in red below. "Permittee jurisdiction-wide actions to reduce trash at the source, particularly persistent trash items other than those addressed under previous Permits (foam foodware and single-use plastic bags) may be valued toward trash load reduction compliance by up to ten percent load reduction total in remaining Moderate, High or Very High trash generating areas for all such actions. To claim a load percentage reduction value, Permittees must provide substantive and credible evidence that new source control actions are being implemented jurisdiction-wide and reduce trash by the claimed value. Credit for implementing source control measures will be phased out at the end of this permit term. A Permittee may support its claimed source reduction value with reference studies from other jurisdictions provided that it also provide credible evidence that the chosen source control action would achieve comparable trash reduction if implemented in the Permittee's jurisdiction."</p>	<p>Modifications proposed in the Admin Draft eliminate the impetus for enforcing existing source control ordinances and adopting new/expanded ordinances. Specifically:</p> <ul style="list-style-type: none"> - Disallowing credits for existing source control actions that are accounted for in MRP 2.0 does not acknowledge the ongoing benefits of these actions. - The modifications to the methods used to calculate credits drastically diminishes the benefits of these actions. - By not allowing source control credits towards the 100% benchmark, the longer-term benefits of these actions are not recognized. 	<p>Credits for existing source control actions allowed in MRP 2.0 should remain in MRP 3.0. Credits for additional/new source control actions should also be allowed.</p> <p>The accounting method used in MRP 2.0 should be continued into MRP 3.0.</p> <p>Credits for existing and additional/new source controls should be allowed towards the 100% compliance benchmark.</p>

Provision C.10 Trash Load Reduction

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.10.b. Demonstration of Trash Reduction Outcomes - vi. Partial Trash Reduction - Curb Inlet Screens	New provision. Optional to Permittees. Permittees may demonstrate through further assessment and study that the installation and appropriate maintenance of curb inlet screens, accompanied by street sweeping at an appropriate frequency, within Moderate trash generation areas can effectively reduce the trash generation rate to Low under conditions presented in the subprovision. Permittees are required to submit study results for Executive Officer approval prior to accounting for curb inlet screens.	Will require additional resource expenditures to conduct an additional study. Doesn't use the results of the recently completed studies as justification for reductions in moderate areas.	Results of existing studies should be sufficient to acquire credit for moderate areas, at a minimum "provisionally" during MRP 3.0 as information gaps are addressed during MRP 3.0. Remove language/requirement for additional study or minimize to allow for reduced level of analysis needed to address information gaps.
C.10.d. Trash Load Reduction Plans - ii.	Language was added requiring Permittees unable to attain a 90 percent trash load reduction, relative to 2009 baseline conditions, calculated without source control credits described in Provision C.10.b.v and/or offsets described in Provision C.10.f, by July 1, 2023, to develop and implement an updated Trash Load Reduction Plan. The Trash Load Reduction Plan is required to include detailed implementation actions and a schedule to attain a 100 percent reduction from 2009 levels, achieved through implementation of full trash capture, or other equivalent actions, consistent with the requirements of the Provision, by July 1, 2025. Permittees are required to submit their updated Trash Load Reduction Plans by March 29, 2024.	Source controls credits should be allowed towards 100%, so they should not be eliminated from consideration. Consistent with comments above, timeframes for achieving compliance benchmarks are impracticable.	Modify language to allow source controls to be used to demonstrate 100% compliance benchmark. Extend deadline to achieve 90% and 100% benchmarks by two years to July 1, 2025 and July 1, 2027, respectively.

Provision C.10 Trash Load Reduction

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.10.d. Trash Load Reduction Plans - iii. Mandatory Minimum Full Trash Capture Systems	Language was added requiring Permittees unable to attain 100 percent trash load reduction, relative to 2009 baseline conditions, by July 1, 2025, while accounting for credits from new source controls (as described in Provision C.10.b.v) may be granted additional time until July 1, 2026, to achieve 100 percent reduction via full trash capture, or equivalent, contingent on developing and implementing an approved Direct Discharge Control Plan as described in Provision C.10.f.ii.	Consistent with comments above, timeframes for achieving compliance benchmarks are impracticable.	Extend deadline to achieve 100% benchmark by two years to July 1, 2027.
C.10.f. Optional Trash Load Reduction Offset Opportunities - i Additional Creek and Shoreline Cleanup	Language was added to indicate that the offset is only available towards the 90% compliance benchmark in 2023. The offset is not available for the 100% compliance benchmark.	Reduces tools that Permittees can use to demonstrate attainments of compliance benchmarks.	Language should be changed to allow offset to continue towards 100% trash reduction goal.
C.10.g. Reporting - v. Program wide Full Capture System O&M Evaluation	New report. With their 2023 Annual Report provide a program wide operation and maintenance summary report as described in Provision C.10.b.ii.b, identifying frequency, approach, issues, and corrective action associated with full trash capture devices.	Will require additional compilation of data and enhanced reporting at the County level.	Justification and benefit is unclear. Remove requirement if benefit can't be stated and/or if the report is identified a low priority, compared to many other new/enhanced actions included throughout the Admin Draft.
C.10.g. Reporting - vii. Notice of Non-compliance with 90% and Updated Trash Load Reduction Plan	Language was added, requiring that Permittees unable to attain the 90 percent mandatory trash reduction compliance benchmark by July 1, 2023, via full trash capture, or equivalent, shall by March 29, 2024, submit a notice of noncompliance, pursuant to Provision C.23.c. and an updated Trash Load Reduction Plan as described in Provision C.10.d.ii.	Consistent with comments above, timeframes for achieving compliance benchmarks are impracticable.	Extend deadline to achieve 90% and 100% benchmarks by two years to July 1, 2025 and July 1, 2027, respectively.

Provision C.10 Trash Load Reduction

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.10.g. Reporting - viii. Notice of Non-compliance with 100%	Language was added, requiring that Permittees unable to attain 100 percent trash load reduction, relative to 2009 baseline conditions, by July 1, 2025, while accounting for credits from new source control (as described in Provision C.10.b.v) shall, by March 29, 2024, submit a notice of noncompliance pursuant to Provision C.23.c and may be granted additional time until July 1, 2026, to achieve 100 reduction via full trash capture, or equivalent, contingent on developing and implementing a direct discharge control plan (DDCP) as described in Provision C.10.f.ii.	Extension of one year of additional time for submitting a DDCP is not enough of an incentive for Permittees to develop a DDCP.	Extend additional time to 2030 (as allowed in Trash Amendments) if DDCP is submitted.

Provision C.11 Mercury Controls

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.11.a. Assess Mercury Load Reductions from Stormwater	Similar overall to MRP 2.0, but refers to the load reduction accounting methodology described in the Fact Sheet, which is assumed to be based on the revised methodology that Permittees submitted to RWB staff in September 2020.	Permittees have not yet seen the Fact Sheet, nor received feedback from RWB staff on the revised assessment methodology that was submitted in September 2020 under MRP 2.0.	Please provide approval of the methodology submitted in September 2020 and cite in the Fact Sheet. Permittees will review Fact Sheet language regarding the methods when available.
C.11.b. Program for Source Property Identification and Abatement	This new sub-provision requires Permittees are required to implement a Source Property Identification and Abatement Program during the permit term. Permittees are required to investigate, using both conventional sampling and laboratory analysis techniques, land areas that likely contribute mercury to municipal separate storm sewer system (MS4s). These investigations will likely focus on land areas where industrial activities occurred prior to 1980 and continue today (i.e., old industrial land use areas). For those properties or land areas found to be contributing substantial amounts of mercury or where high mercury concentrations are found (generally areas with sediment concentrations greater than 0.5 mg Hg/kg), Permittees are required to take action to abate the mercury sources into their MS4s or refer the properties to the Water Board for follow-up measures. Historical monitoring data suggest that mercury concentrations on or near source properties are similar to those found in urban areas in general so identification of source properties for referral may be based on presence of high PCBs concentrations (generally 0.5 mg PCBs/kg) alone. For each source property referred to the Water Board, Permittees are required to implement interim enhanced operation and maintenance (enhanced O&M) measures in the street or storm drain infrastructure adjacent to the referred source property or implement a stormwater treatment system downstream of the property. These enhanced O&M measures are required to be sufficient to intercept historically deposited contaminated sediment in the vicinity of the source area and prevent further contaminated sediment from being discharged from the source area to the storm drain system. San Mateo County Permittees are required to investigate 1,411 acres of likely mercury source properties.	We assume that the level of effort for source property investigations will be described in the Fact Sheet, which is not yet available. Based on discussion with Water Board staff, we assume that the methods will be similar to those used by Permittees during MRP 2.0.	In the Fact Sheet, include language that describes the methods that will be used to conduct source property investigations under MRP 3.0. The methods should allow flexibility/efficiencies and the required level of effort should not exceed that applied under MRP 2.0.

Provision C.11 Mercury Controls

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.11.c. Program for Treatment Control Measures in Old Industrial Areas</p>	<p>This new sub-provision requires Permittees to implement a Program for Treatment Control Measures in Old Industrial Areas. San Mateo County Permittees are required to implement control measures (treatment controls, diversion to wastewater treatment plants, or enhanced operation and treatment controls) in 10% of 4,450 acres of old industrial land use in SM County draining to an MS4 that have not been redeveloped or treated with GI or other treatment controls. Implementation of treatment controls and stormwater diversion in mercury-contaminated catchments not designated as old industrial may count toward fulfillment of the required acreage. In choosing locations for treatment controls and diversions, Permittees should focus on public rights-of-way and storm drain infrastructure in catchments containing known or suspected source areas or evidence moderate to high mercury or PCBs soil concentrations (generally sediment concentrations greater than 0.3 mg mercury/kg or 0.2 mg PCBs/kg). Because of the higher removal efficiency of wastewater treatment facilities, each acre addressed by routing stormwater to wastewater treatment facilities will be credited as 1.3 acres toward satisfying the treatment requirements provided that the diversion facilities are sized and operated consistent with the sizing requirements used for non-diversion treatment facilities.</p>	<p>The area of old industrial land use (4,450 acres) identified here is the old industrial land area that has not been redeveloped or treated with GI to date in San Mateo county, but does not account for the area addressed by other controls.</p> <p>Implementation of this subprovision as written would be cost-prohibitive.</p> <p>Diversion of stormwater runoff to wastewater treatment facilities is not cost-effective due to the very limited ability for collection systems and treatment plants to accept additional flows during wet weather conditions.</p>	<p>Please see C.12.c. section of this table, since this subprovision is driven by reduction of PCBs loads.</p>
	<p>Implementation of treatment control measures on 10% of the land area shown above will result in a total estimated load reduction of about 143 g mercury/yr (34,000 acres x 10% of area x 70% efficiency x 60 mg mercury/acre/yr estimated yield from old industrial areas) in the area covered by the Permit.</p>	<p>The calculation method presented here only applies to old industrial land uses whereas other types of land uses may be treated or otherwise addressed. In addition, the type of calculation shown does not apply to all of the controls that may be implemented.</p>	<p>For any goals for area treated or loads reduced, the associated calculation methods should allow for land use types other than old industrial to potentially be treated or otherwise addressed.</p>
	<p>Treatment control systems must be designed and sized consistent with Provision C.3.d. (Numeric Sizing Criteria for Stormwater Treatment Systems).</p>	<p>Constrains Permittees' ability to address load reductions via cost-effective measures that may or may not be treatment. For example, regional stormwater capture projects are not necessarily sized according to Provision C.3.d. (e.g., because they divert part of the flow from their drainage area).</p>	<p>Revise to allow flexibility in the types of control measures (e.g., regional stormwater capture projects) that could be used to meet any goals for area treated or loads reduced under this control program, with appropriate crediting. Also note typo: Administrative Draft refers to Provision C.2.b. instead of C.3.d.</p>

Provision C.11 Mercury Controls

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.11.e. Plan and Implement Green Stormwater Infrastructure to Reduce Mercury Loads	This sub-provision is substantially revised and simplified compared to MRP 2.0. Mercury load reductions via GI are not mandated. Permittees are instead required to implement GI projects during the term of the Permit consistent with requirements in Provision C.3.	Please see comments in C.3 section of this table.	Please see comments in C.3 section of this table.
C.11.f. Prepare Implementation Plan and Schedule to Achieve TMDL Wasteload Allocations	This sub-provision requires updates to the RAA and Implementation Plan and Schedule to achieve TMDL WLAs that was submitted during MRP 2.0 to include controls that weren't reported or for which new info is available, and to include controls to be implemented during MRP 3.0 and subsequent permit terms. Permittees are required to identify all specific control measures to be implemented, the intensity of control measure implementation, accountability metrics to track, and the estimated load reduction benefit from control measures implemented during the subsequent permit term. The updated Implementation Plan and Schedule to Achieve TMDL Wasteload Allocations is due March 31, 2026.	Due same due date as the IMR, which is approximately 6 months earlier in the permit term than the similar submittal made during MRP 2.0.	Consider extending due date to submit with Report of Waste Discharge, which is due six month prior to the termination date of the permit and is the appropriate submittal for this type of information. Modify language for mercury TMDL: date should be 2028, not 2030.

Provision C.12 PCBs Controls

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.12.a. Assess PCBs Load Reductions from Stormwater	Similar overall to MRP 2.0, but refers to the load reduction accounting methodology described in the Fact Sheet, which is assumed to be based on the revised methodology that Permittees submitted to Water Board staff in September 2020.	Permittees have not yet seen the Fact Sheet nor received feedback from Water Board staff on the revised assessment methodology that was submitted in September 2020 under MRP 2.0.	Please provide approval of the methodology submitted in September 2020 and cite in the Fact Sheet. Permittees will review Fact Sheet language regarding the methods when available.
C.12.b. Program for Source Property Identification and Abatement	This new sub-provision requires Permittees are required to implement a Source Property Identification and Abatement Program during the permit term. Permittees are required to investigate, using both conventional sampling and laboratory analysis techniques, land areas that likely contribute PCBs to municipal separate storm sewer system (MS4s). These investigations will likely focus on land areas where industrial activities occurred prior to 1980 and continue today (i.e., old industrial land use areas). For those properties or land areas found to be contributing substantial amounts of PCBs or where high PCBs concentrations are found (generally areas with sediment concentrations greater than 0.5 mg PCBs/kg), Permittees are required to take action to abate the PCBs sources into their MS4s or refer the properties to the Water Board for follow-up measures. For each source property referred to the Water Board, Permittees are required to implement interim enhanced operation and maintenance (enhanced O&M) measures in the street or storm drain infrastructure adjacent to the referred source property or implement a stormwater treatment system downstream of the property. These enhanced O&M measures are required to be sufficient to intercept historically deposited contaminated sediment in the vicinity of the source area and prevent further contaminated sediment from being discharged from the source area to the storm drain system. San Mateo County Permittees are required to investigate 1,411 acres of likely PCBs source properties.	We assume that the level of effort for source property investigations will be described in the Fact Sheet, which is not yet available. Based on discussion with Water Board staff, we assume that the methods will be similar to those used by Permittees during MRP 2.0.	In the Fact Sheet, include language that describes the methods that will be used to conduct source property investigations under MRP 3.0. The methods should allow flexibility/efficiencies and the required level of effort should not exceed that applied under MRP 2.0.

Provision C.12 PCBs Controls

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.12.c. Program for Treatment Control Measures in Old Industrial Areas</p>	<p>This new sub-provision requires Permittees to implement a Program for Treatment Control Measures in Old Industrial Areas. San Mateo County Permittees are required to implement control measures (treatment controls, diversion to wastewater treatment plants, or enhanced operation and treatment controls) in 10% of 4,450 acres of old industrial land use in SM County draining to an MS4 that have not been redeveloped or treated with GI or other treatment controls. Implementation of treatment controls and stormwater diversion in PCBs-contaminated catchments not designated as old industrial may count toward fulfillment of the required acreage. In choosing locations for treatment controls and diversions, Permittees should focus on public rights-of-way and storm drain infrastructure in catchments containing known or suspected source areas or evidence moderate to high mercury or PCBs soil concentrations (generally sediment concentrations greater than 0.3 mg mercury/kg or 0.2 mg PCBs/kg). Because of the higher removal efficiency of wastewater treatment facilities, each acre addressed by routing stormwater to wastewater treatment facilities will be credited as 1.3 acres toward satisfying the treatment requirements provided that the diversion facilities are sized and operated consistent with the sizing requirements used for non-diversion treatment facilities.</p>	<p>The area of old industrial land use (4,450 acres) identified here is the old industrial land area that has not been redeveloped or treated with GI to date in San Mateo county, but does not account for the area addressed by other controls.</p> <p>Implementation of this subprovision as written would be cost-prohibitive.</p> <p>Diversion of stormwater runoff to wastewater treatment facilities is not cost-effective due to the very limited ability for collection systems and treatment plants to accept additional flows during wet weather conditions.</p>	<p>MRP 3.0 should recognize that the only cost-effective and practical approaches to reducing PCBs discharges from old industrial land uses are identifying and abating source areas, large full trash capture devices (when removing trash is the driver), and redeveloping parcels over time. We would like to work with Water Board staff to establish requirements to develop a long-term plan for old industrial areas that identifies (as feasible) the specific geographic areas projected to redevelop, considers realistic time horizons for redevelopment, the added potential benefit of progressive policies to address roadway frontages as part of redevelopment, efforts to control trash discharges, and efforts to further characterize drainages and identify source properties.</p>
	<p>Implementation of treatment control measures on 10% of the land area shown above will result in a total estimated load reduction of about 143 g mercury/yr (34,000 acres x 10% of area x 70% efficiency x 60 mg mercury/acre/yr estimated yield from old industrial areas) in the area covered by the Permit.</p>	<p>The calculation method presented here only applies to old industrial land uses whereas other types of land uses may be treated or otherwise addressed. In addition, the type of calculation shown does not apply to all of the controls that may be implemented.</p>	<p>For any goals for area treated or loads reduced, the associated calculation methods should allow for land use types other than old industrial to potentially be treated or otherwise addressed.</p>
	<p>Treatment control systems must be designed and sized consistent with Provision C.3.d. (Numeric Sizing Criteria for Stormwater Treatment Systems).</p>	<p>Constrains Permittees' ability to address load reductions via cost-effective measures that may or may not be treatment. For example, regional stormwater capture projects are not necessarily sized according to Provision C.3.d. (e.g., because they divert part of the flow from their drainage area).</p>	<p>Revise to allow flexibility in the types of control measures (e.g., regional stormwater capture projects) that could be used to meet any goals for area treated or loads reduced under this control program, with appropriate crediting. Also note typo: Administrative Draft refers to Provision C.2.b. instead of C.3.d.</p>

Provision C.12 PCBs Controls

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.12.d. Program for Controlling PCBs in Stormwater Infrastructure</p>	<p>This new sub-provision requires Permittees to implement a Program for Controlling PCBs in Stormwater Infrastructure during the permit term. Permittees are required to implement a Caltrans specification (to be developed through proposed requirement in Caltrans stormwater permit, see Fact Sheet for details) to manage, as part of roadway replacement or major repair, potential PCBs-containing material in bridge roadway expansion joints. Implementation of this specification will result in a total estimated load reductions of 300 g PCBs/yr. Permittees are required to track the development of the Caltrans specification and develop an inventory of bridges in their jurisdictions that includes bridge ownership and a replacement/repair schedule.</p>	<p>The accountability metric is not clearly stated.</p>	<p>The accountability metric should be stated as implementation of the control program as specified in this subprovision.</p>
	<p>Permittees are required, by December 31, 2022, to implement or cause to be implemented the Caltrans specification during applicable replacement activities that are under the direction of the Permittee.</p>	<p>The time line for development of a satisfactory specification by Caltrans is uncertain and not under the Permittees' control.</p>	<p>The due dates need to be tied to completion of a satisfactory specification by Caltrans (i.e., due X months after completion of the Caltrans spec).</p>

Provision C.12 PCBs Controls

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.12.e. Program for Controlling PCBs from Electrical Utilities</p>	<p>This new sub-provision requires Permittees to implement a Program Controlling PCBs from Electrical Utilities during the permit term. Permittees are required to develop and implement a program to manage PCBs in oil-filled electrical equipment (OFEE) for municipally owned electrical utilities in the MRP program area and to collaborate with the Water Board to determine PCBs loadings in OFEE from non-municipally owned electrical utilities. Permittees are required to (1) develop and implement improved standard operating procedures to address spill response and reporting practices for releases from municipally owned OFEE, (2) document the PCBs loads avoided through existing and ongoing OFEE removal and replacement programs, and (3) collaborate with the Water Board to request information from non- municipally owned electrical utilities so that the Permittees can (a) utilize the information to determine the locations of PCBs-containing OFEE, (b) improve estimates of the total baseline mass of PCBs that have been used in OFEE in the MRP permit area, (c) evaluate the actions the non- municipally owned electrical utilities are taking to reduce or prevent the release of PCBs from their equipment and to respond to potential releases of PCBs from their equipment; and (d) identify opportunities to improve the response and cleanup protocols.</p>	<p>Permittee vs. Water Board staff roles are unclear for the requirement to "collaborate with Water Board". Permittees have limited ability to require PG&E to provide information and are reliant on Water Board staff to use their regulatory authority to compel PG&E to cooperate with any information requests.</p>	<p>Program staff to work with other Bay Area stormwater program reps and Water Board staff to clarify Water Board staff's role in using their regulatory authority to compel PG&E to cooperate with any information requests.</p>
	<p>Reporting requirements include (1) submitting in 2022 Annual Report the estimated PCBs loads avoided (along with supporting documentation) resulting from the removal of PCBs-containing OFEE through maintenance programs and system upgrades for the period 2002 up through the beginning of this permit term (2022), (2)submitting in 2022 Annual Report a description of the improved spill response practices implemented by municipally-owned electrical utilities, (3) submitting in every Annual Report, beginning with the 2022 report, a summary of the actions undertaken during that reporting year that remove PCBs-containing OFEE along with the loads avoided and the details of the calculations and assumptions used to estimate the load reduced, (4) submitting in 2026 Annual Report, as part of reporting under C.12.a.iii(2), the estimated PCBs loads reduced during the permit term associated with OFEE removal via ongoing maintenance programs and system upgrades, and (5) within six months of receiving the requested information from the non-municipally owned electrical utilities, submitting a report discussing (a) locations of the PCBs-containing OFEE still in service, (b) previous locations of PCBs-containing OFEE, and (d) opportunities to improve non-municipally owned electrical utilities' standard operating procedures for spill response, reporting, cleanup, and sampling and analysis.</p>	<p>Requirement includes actions that are beyond the control of Permittees. Requirements depend upon PG&E information to be fulfilled.</p>	<p>Provision should be revised to only include requirements specific to MRP Permittees.</p>

Provision C.12 PCBs Controls

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.12.f. Plan and Implement Green Stormwater Infrastructure to Reduce PCBs Loads	This sub-provision is substantially revised and simplified compared to MRP 2.0. PCBs load reductions via GI are not mandated. Permittees are instead required to implement GI projects during the term of the Permit consistent with requirements in Provision C.3.	Please see comments in C.3 section of this table.	Please see comments in C.3 section of this table.
C.12.g. Manage PCB-Containing Materials and Wastes During Building Demolition Activities	Similar to MRP 2.0 subprovision requiring Permittees to manage PCB-containing materials and wastes during building demolition activities. A new requirement is for Permittees to provide in each Annual Report, for each structure with PCBs concentrations of 50 mg/kg or greater, the PCBs removal and control method(s) used for the particular project, and, for those cases where notification and advance approval from the U.S. EPA is not required, the hazardous waste manifest prepared for transportation of the material to a disposal facility.	<p>Reporting requirements would expand the self-certifying tracking and reporting procedures developed and implemented as part of the protocol in MRP 2.0.</p> <p>Small community exemption option, consistent with MRP 2.0, is not included in MRP 3.0 language.</p>	<p>Add language for exemption of small communities with no applicable buildings, similar to what was included in MRP 2.0.</p> <p>Remove requirement for Permittees to provide "for each structure with PCBs concentrations of 50 mg/kg or greater, the PCBs removal and control method(s) used for the particular project, and, for those cases where notification and advance approval from the U.S. EPA is not required, the hazardous waste manifest prepared for transportation of the material to a disposal facility."</p> <p>Alternatively, include language for Permittees to require project proponents to submit this information directly to Water Board as needed.</p>

Provision C.13 Copper Controls

Subprovision	Description of Change <i>(text change in Admin Draft in red)</i>	Key Issues/Concerns	Response/Recommendation
C.13.a. Manage Waste Generated from Cleaning and Treating of Copper Architectural Features, Including Copper Roofs, during Construction and Post-Construction	Reporting (1) In the 2022 Annual Report, those the Permittees <u>that have not previously done so</u> shall certify that legal authority currently exists to prohibit the discharge of wastewater to storm drains generated from the installation, cleaning, treating, and washing of copper architectural features, including copper roofs.	With this wording, the RWB could receive some ARs with no certification that could mean they already certified or the Permittee can't certify. Recommend just having each Permittee certify legal authority in the 2022 AR, even if they previously certified.	Reporting (1) In the 2022 Annual Report, those the Permittees <u>that have not previously done so</u> shall certify that legal authority currently exists to prohibit the discharge of wastewater to storm drains generated from the installation, cleaning, treating, and washing of copper architectural features, including copper roofs.
C.13.b. Manage Discharges from Pools, Spas, and Fountains that Contain Copper-Based Chemicals	iii. Reporting: (1) In the 2022 Annual Report, the Permittees <u>that have not previously done so</u> shall certify that legal authority currently exists to prohibit the discharges to storm drains of water containing copper-based chemicals from pools, spas, and fountains.	With this wording, the RWB could receive some ARs with no certification that could mean they already certified or the Permittee can't certify. Recommend just having each Permittee certify legal authority in the 2022 AR, even if they previously certified.	iii. Reporting: (1) In the 2022 Annual Report, the Permittees that have not previously done so shall certify that legal authority currently exists to prohibit the discharges to storm drains of water containing copper-based chemicals from pools, spas, and fountains.

Provision C.14 Bacteria Control for Impaired Water Bodies

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
Introduction	<p>Language was added indicating that "Provisions C.2 through C.7 contain requirements to control sources of pollutants to the Permittees' MS4s. Implementation of these requirements should control sources of bacteria". The language goes onto say that "...if exceedances of bacteria water quality objectives occur in some water bodies that receive urban runoff, the requirements of this Provision apply to Permittees with discharges identified as causing or contributing to exceedances of bacteria water quality objectives in a receiving water. Permittees identified in this Provision shall demonstrate compliance with bacteria related Receiving Water Limitations during this Permit term through the timely implementation of control measures and other actions to reduce bacteria discharges from their MS4s in accordance with the requirements of this Provision. Provision C.14.a. applies to Permittees that discharge to a water body without a TMDL."</p>	<p>In addition to "demonstrating compliance with receiving water limitations", language indicating that "by implementing the actions described in C.14.a., Permittees will be deemed in compliance with discharge prohibitions" is not included in the intro.</p>	<p>Add language to intro indicating that "by implementing the actions described in C.14.a., Permittees will be deemed in compliance with discharge prohibitions."</p>

Provision C.14 Bacteria Control for Impaired Water Bodies

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.14.a - Enhanced Bacteria Control</p>	<p>The following language was added to the intro of C.14.a.</p> <p><i>Enhanced bacteria control requirements are applicable to each Permittee with MS4 discharges that may be causing or contributing to exceedances of applicable bacteria water quality objectives in a receiving water. Method used to determine exceedance of the objective is included as a footnote: <i>Where sampling data exceed the Statistical Threshold Value for the water contact recreation beneficial use in Table 3-2, additional sampling is needed to determine if the geometric mean is exceeded. When ten percent or more of the geometric mean values exceed the objective over a ten-month data collection period, the water body exceeds the objective.</i></i></p> <p><i>The actions described in this Provision shall be implemented where bacteria sources are located in order to reduce bacteria inputs to the water body with bacteria exceedances.</i></p> <p><i>The Permittees shall describe the rationale for the control measures it selects, the control measures it opts not to implement, and the implementation level of any enhanced actions in the Annual Report, as described in more detail below.</i></p>	<p>Unclear which Permittees C.14.a. applies to. The process for Permittees to enact C.14.a. is unclear. Are monitoring data required?</p> <p>Actions should be constrained to "Controllable" sources providing inputs causing or contributing.</p> <p>Unclear text. Actions are prescribed in this section, not optional. There is not "opt-out".</p>	<p>Clarify which Permittees C.14.a. applies to and the process to enact. Revise language to ensure that if bacteria control actions are triggered, then no regrets actions that focus on human sources are included. Revise language regarding connection to monitoring data.</p> <p>Remove language about "opting out". Undermines legitimacy of actions.</p>

Provision C.14 Bacteria Control for Impaired Water Bodies

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.14.a.1. Municipal Operations Bacteria Control</p>	<p>Requires Permittees to develop and implement enhanced BMPs to minimize potential bacteria sources, including but not limited to trash, human and animal fecal sources, and excessive biofilm, for the following municipal operations:</p> <ul style="list-style-type: none"> a. Street and road cleaning b. Parks and municipal open space maintenance c. Sidewalk, plaza, and pavement cleaning d. Pump station maintenance 	<p>Opened-ended actions, which provides flexibility, but municipal operations above and beyond those described in C.2 were not included in Sunnyvale and Mt View's C.1 report, nor should they be priority actions to address controllable sources, which are most human-associated.</p>	<p>Remove provision and refer to C.1 report submitted by Sunnyvale and Mountain View.</p>
<p>C.14.a.2. Industrial/Commercial Site Bacteria Control and Illicit Discharge Detection and Elimination</p>	<p>Requires Permittees to train municipal staff responsible for inspecting and enforcing industrial and commercial site controls and for detecting and eliminating illicit discharges to enhance their focus on potential bacteria sources. Specifically requires Permittees to use enforcement authorities to ensure bacteria sources are controlled, including:</p> <ul style="list-style-type: none"> a. Roof and exterior washoff of commercial and industrial structures and surfaces, where these sources are likely to contain bacteria, such as from rodent and bird wastes b. Outdoor garbage and recycle bins c. Outdoor floor mat washoff d. Portable toilets e. Illicit discharges to the MS4 	<p>Opened-ended actions, which provides flexibility, but com/ind facility and IDDE associated actions above and beyond those described in C.5 & C.6 were not included in Sunnyvale and Mt View's C.1 report, nor should they be priority actions to address controllable sources, which are most human-associated.</p>	<p>Remove provision and refer to C.1 report submitted by Sunnyvale and Mountain View.</p>

Provision C.14 Bacteria Control for Impaired Water Bodies

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.14.a.3. Control of Bacteria Sources Related to Unsheltered Homeless Populations</p>	<p>Requires Permittees to evaluate the potential for bacteria transport to surface waters from areas inhabited by unsheltered homeless persons, and to develop and implement BMPs to minimize such bacteria sources and transport.</p> <p>Specifically requires that Permittees minimize the transport of bacteria from areas inhabited by unsheltered homeless persons by taking actions that may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. Provide pump-out stations, mobile pumping services, or voucher programs for proper disposal of sanitary sewage where unsheltered homeless persons reside in recreational vehicles b. Provide sanitation services, including access to running water, where feasible, at locations where homeless people live or congregate. c. Establish and update sidewalk, street, and/or plaza cleaning standards for the cleanup and appropriate disposal of human waste d. Further actions to be discussed/determined 	<p>Opened-ended actions, which provides flexibility. Some actions described were included in Sunnysvale and Mt View's C.1 report, but not all actions described.</p>	<p>Revise provision consistent with those included in C.1 report submitted by Sunnysvale and Mountain View.</p>

Provision C.14 Bacteria Control for Impaired Water Bodies

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.14.a.4. Pet and Livestock Bacteria Source Control</p>	<p>Requires Permittees to evaluate the potential for domestic animal sources, such as pet waste, kennels, horse boarding facilities and trails, to generate and cause bacteria to be transported to surface waters; and to develop and implement enhanced BMPs to minimize such bacteria sources and transport.</p> <p>Provision specifically requires that Permittees ensure transport of bacteria from domestic animal sources to surface waters is minimized by taking the following actions:</p> <ul style="list-style-type: none"> a. Enhance numbers of, and maintenance of, pet waste stations b. Inspect pet boarding facilities to ensure pet waste is managed to prevent offsite discharges c. Inspect horse boarding facilities to ensure manure is managed to prevent offsite discharges. Notify Water Board staff of facilities that should enroll in the Confined Animal Facility program 	<p>Generally consistent with actions included in Sunnyvale & Mt View C.1 Report, however could use refinement to language.</p>	<p>Revise provision consistent with those included in C.1 report submitted by Sunnyvale and Mountain View.</p>

Provision C.14 Bacteria Control for Impaired Water Bodies

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.14.a.5. Public Outreach on Bacteria Source Control	Requires Permittees to enhance public outreach to improve human behavior regarding bacteria pollution prevention practices, such as, but not limited to, the following: a. Cleaning up pet waste b. Eliminating litter c. Eliminating outdoor restaurant floor mat washdown d. Using proper BMPs for sidewalk cleaning e. Covering trash storage areas f. Maintaining porta-potties properly	Generally consistent with actions included in Sunnyvale & Mt View C.1 Report, however could use refinement to language.	Revise provision consistent with those included in C.1 report submitted by Sunnyvale and Mountain View.
C.14.a.6. Coordination with Sanitary Sewerage System Entities	Encourages that Permittees collaborate with the entities responsible for the sanitary sewerage system to minimize overflows and leaks, including, to the extent necessary and within the limits of their authorities: a. Prioritize maintenance in areas contributing to bacteria loads to surface waters with elevated bacteria b. Enhance sewer system overflow response c. Develop lateral maintenance and replacement programs for consideration by the appropriate legal authority	Generally consistent with actions included in Sunnyvale & Mt View C.1 Report, however could use refinement to language.	Revise provision consistent with those included in C.1 report submitted by Sunnyvale and Mountain View.
C.14.a.7. Prioritize Trash Removal to Control Bacteria Sources	Requires Permittees to focus some of their trash reduction efforts to areas where trash generation likely contributes to bacteria exceedances in local surface waters.	Opened-ended actions, which provides flexibility. Some actions described were included in Sunnyvale and Mt View's C.1 report, but not all actions described.	Revise provision consistent with those included in C.1 report submitted by Sunnyvale and Mountain View.

Provision C.14 Bacteria Control for Impaired Water Bodies

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.14.a.8. Water Quality Monitoring	<p>Requires Permittees to develop and implement a monitoring program to identify potential bacteria sources to receiving waters that have been found to exceed the bacteria water quality objective and to help focus source control efforts. Specifically requires Permittees to conduct monitoring to identify sources of bacteria to the receiving water and to determine whether the bacteria objective has been achieved. Appropriate monitoring tasks include the following:</p> <ul style="list-style-type: none"> a. Desktop and field methods based on elements described in the California Microbial Source Identification Manual: A Tiered Approach to Identifying Fecal Pollution Sources to Beaches (Griffith et al. 2013) b. Receiving water monitoring to evaluate if bacteria control actions are reducing bacteria densities. c. GIS analysis of potential sources and existing bacteria control action locations to evaluate and optimize additional bacteria controls. 	<p>Generally consistent with actions included in Sunnyvale & Mt View C.1 Report, however could use refinement to language.</p>	<p>Revise provision consistent with those included in C.1 report submitted by Sunnyvale and Mountain View.</p>
C.14.c. City of San Mateo Marina Lagoon Beaches Bacteria Controls			<p>Provision C.14.c.1.ii.c) 4), change pre-rain email option to add an "or" option for pre-rain public service announcement, which could go out using our various social media channels.</p>

Provision C.14 Bacteria Control for Impaired Water Bodies

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
<p>C.14.e. City of Half Moon Bay and San Mateo County Bacteria Controls</p>			<p>e.1.ii(1) Initial Report: => This report shall be submitted <u>within 3 months of <i>effective date</i> of this permit.</u></p> <p>=> 'The report shall include a schedule, timeline, or frequency of implementation activities for all actions, including but not limited to the actions described in (2) – (x) below.' Reference should be just (2)</p> <p>e.1.iii Reporting =>"...reporting on the specific control measures (as listed in Provision C.14.d.1.(ii)) that have been implemented in the TMDL Project Area... Reference should be C.14.e.1.(ii)</p> <p>e.3.iii Reporting: Phase 2 TMDL Implementation Plan is due 5 years after the adoption of the TMDL, which would be March 15, 2027, not 2026.</p>

Provision C.15 Discharges Associated with Unsheltered Homeless Populations

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.15.a Permittee Requirements - i. Task Description	(1) Permittees shall use results from biennial point-in-time census surveys and related information, such as municipal efforts and complaint logs, to gain a better understanding of unsheltered homeless population numbers within the Permittee’s jurisdiction, the locations of unsheltered homeless residents, discharges and water quality-related impacts associated with homelessness, and associated sanitation-related needs.	Requires additional resources to gain understanding of homeless populations. Encampment discharges to the MS4 vs. other discharges within the watershed are difficult to distinguish.	Provide an exemption to Provision of C.15 if a Permittee does not have known permanent homeless encampments or if the homeless population is transient. Any requirements should be commensurate to the situation in each Permittee's jurisdiction.
C.15.a Permittee Requirements - i. Task Description	(2) To encourage ongoing regional, countywide, and municipal coordination efforts, Permittees shall develop a best management practice report that identifies effective practices to address non-storm water discharges associated with homelessness that impact water quality and specific milestones for reducing such discharges within a given timeframe. The report shall:	Requires additional resources to produce report.	Modify language to provide flexibility in levels of implementation as appropriate for different geographic areas.
C.15.a Permittee Requirements - i. Task Description	(a) Describe practices that may be implemented by Permittees, including those currently being implemented, to address discharges associated with homelessness that are impacting water quality	Requires additional resources to produce report.	None at this time.

Provision C.15 Discharges Associated with Unsheltered Homeless Populations

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.15.a Permittee Requirements - i. Task Description	(b) Identify regional and/or countywide efforts and implementation actions to address discharges associated with homelessness (including how those efforts and actions have been affected by unsheltered homeless population growth). Include recommendations for engaging in these efforts and incorporating discharge-reduction strategies that also help meet the unsheltered population’s clean water needs;	Requires additional resources to produce report.	None at this time.
C.15.a Permittee Requirements - i. Task Description	(c) Identify actions taken during the COVID-19 pandemic to reduce the spread of the virus in homeless populations, such as temporarily housing homeless people in hotels, that may have had a water quality benefit. Permittees shall consider the practicability of such actions for longer-term implementation	Requires additional resources to produce report.	None at this time.
C.15.a Permittee Requirements - i. Task Description	This task’s broader goals are to recognize non-stormwater pollutant sources associated with unsheltered homeless populations, reasons for discharges, and means by which they occur, and develop useful information that can be used toward prioritizing individual Permittee and collaborative best management practices for reducing or managing such discharges, while ensuring the protection of public health. Examples of collaborative implementation programs could include collaborative efforts between municipalities, Caltrans, sanitary sewer agencies, flood control districts, railroads, NGOs, social service agencies and organizations, and other agencies	Requires additional resources to produce report.	None at this time.

Provision C.15 Discharges Associated with Unsheltered Homeless Populations

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.15.a Permittee Requirements - ii. Implementation Level	(1) Each Permittee shall create a map identifying, within its jurisdiction, the location(s) of unsheltered homeless populations, including homeless encampments and other areas where other unsheltered homeless people congregate. The map shall identify the location(s) of unsheltered homeless populations in relation to storm drain inlets and existing streams, rivers, and flood control channels, as well as other surface water bodies, within the Permittee’s jurisdiction. The map shall be updated every two years during the Permit term (i.e., in 2023 and 2025). Where Permittees are working collaboratively to address discharges associated with homelessness, they may collaborate to submit a joint map that covers their respective jurisdictions	Requires additional resources to produce map.	Reduce frequency of required map revisions to once during permit term and make map revisions contingent upon point-in-time surveys occurring.
C.15.a Permittee Requirements - ii. Implementation Level	(2) Permittees shall report on the programmatic efforts that are being implemented within their jurisdiction, or at the countywide or regional level, to address discharges associated with homelessness. Examples of these efforts may include funding initiatives; adoption of ordinances to implement service programs; coordination with social services departments and NGOs; efforts to establish relationships with homeless populations; and alternative actions to reduce discharges to surface waters associated with homelessness, such as efforts towards providing housing, jobs, and related services for residents experiencing homelessness	Requires additional resources to produce report.	None at this time.

Provision C.15 Discharges Associated with Unsheltered Homeless Populations

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.15.a Permittee Requirements - ii. Implementation Level	(3) The Permittees shall identify and implement appropriate management practices to address discharges associated with homelessness that impact water quality and, as appropriate, public health impacts from such discharges to surface waters. Permittees shall also evaluate and assess the effectiveness of those practices (i.e., by reporting on the control measures being implemented, and the approximate portion of the Permittee’s homeless population being served by those control measures). Examples of actions that may be implemented include, but are not limited to, access to emergency shelters; the provision of social services, clean drinking water, and sanitation services; voucher programs for proper disposal of RV sanitary sewage; establishment of designated RV “safe parking” areas or formalized encampments with appropriate services; provision of mobile pump-out services; establishing and updating sidewalk/street/plaza cleaning standards for the cleanup and appropriate disposal of human waste; and establishing cleanup or pickup programs within the Permittee’s jurisdiction, or at the countywide or regional level	Although not a prescriptive requirement, will require additional resources to implement new controls and evaluate the effectiveness of controls.	None at this time.
C.15.a Permittee Requirements - ii. Implementation Level	(4) Permittees shall use the information generated through the biennial point- in-time census surveys and related information, and the regional coordination tasks (as described above) to review and update their implementation practices	Requires additional resources to produce report.	None at this time.

Provision C.15 Discharges Associated with Unsheltered Homeless Populations

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.15.a Permittee Requirements - iii. Reporting	(1) By September 30, 2023, the Permittees shall submit, acceptable to the Executive Officer, a best management practice report as described above. If implementation practices among Permittees in the same county are similar, or coordinated at a countywide level, Permittees may submit their report at a countywide level	Requires additional resources to produce report.	None at this time.
C.15.a Permittee Requirements - iii. Reporting	(2) By September 30, 2023, and once more by September 30, 2025, Permittees shall submit a map as described in Provision C.15.a.ii.(1).	Requires additional resources to produce map.	None at this time.
C.15.a Permittee Requirements - iii. Reporting	(3) By September 30, 2023, and once more prior to September 30, 2025, Permittees shall provide an update on implementation of best management practices and other control measures to address discharges associated with homelessness as described in Provision C.15.a.ii.(3)	Requires additional resources to produce reports.	Consider submittal with ROWD instead of Annual Report.

Provision C.16 San Mateo County Sediment Controls

Subprovision	Requirement	Response/Recommendation
C.16.b.	Based on the results of the road erosion inventory (C.16.a), San Mateo County shall develop a prioritized list and schedule of actions to reduce road-related sediment delivery to stream channels.	Controlling sediment from a private property is infeasible. Provide language exempting sediment load related to adjacent private properties. This would require Planning/ Building to enforce/regulate private property owners, which is a major impact to budget and processes.
C.16.b.	Based on the results of the road erosion inventory (C.16.a), San Mateo County shall develop a prioritized list and schedule of actions to reduce road-related sediment delivery to stream channels.	Provide description or definition to separate natural erosion from road related erosion activity. Define natural baseline.
C.16.b.i-ii.	Develop a prioritized list of control measures and pollution prevention strategies for all road-related erosion sites and for all culvert crossings with greater than a 'low' plugging or diversion potential identified in Provision C.16.a.	Define acceptable control measures and pollution prevention strategies. Note that Roads can only maintain roads and related drainage within the County maintained road prism. Roads division already cleans ditches, replaces energy dissipators, cleans clogged pipes, etc. which reduces erosion and sediment load. This would require Planning/ Building to enforce/regulate private property owners to include source controls.
C.16.c.ii.(3)	New roads constructed on hillslopes exceeding 5 percent shall be constructed as storm-proofed roads as defined by Weaver et al. (2015, Chapter 6) and shall meet the following specifications where applicable.	<p>Clarify whether this requirement applies to both public and private projects. Our understanding is only public projects.</p> <p>Provide start date for this requirement. Public or private projects may be in design prior to when this permit goes into effect, but may not be constructed until after this permit goes into effect. Project designs that are designed and or funded prior to the permit's effective date should be exempt.</p> <p>Note that Weaver design criteria is more suitable for Park's roads (i.e. gravel, base rock, etc.) setting.</p>
C.16.c.ii.(3)(k)	Road surfaces and ditches are hydrologically disconnected from streams and stream crossing culverts. Road surface runoff is dispersed, rather than collected and concentrated.	San Mateo County Roads Division: How does one disconnect hydraulically when the stream is the natural low point of the system? This is not feasible due to constraints of right-of-way. Language should be clarified.

Provision C.17 Exempted and Conditionally Exempted Discharges

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.17.b.i.(2) Pumped Groundwater, Foundation Drains, and Water from Crawl Space Pumps and Footing Drains	Updated EPA sampling methods and reporting limits. Added chromium III, manganese, and chlorine, total residual reporting limit to (b)(ii) table.	Total Residual Chlorine is not an appropriate sampling parameter for groundwater and should be removed from the table.	Remove total residual chlorine from the list of sampling parameters.
<i>C.17.b.iii Discharge Type – Emergency Discharges of Firefighting Water and Foam</i>	<i>Significant change in requirements.</i>	Described in the rows below. Over-regulation of firefighting activities during emergency situations. Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate. Adds requirements for Permittees regarding things over which they have no jurisdiction. Greatly increases reporting requirements.	<i>See rows below.</i>
C.17.b.iii Discharge Type – Emergency Discharges of Firefighting Water and Foam	(1) Emergency Discharges –Discharges resulting from emergency firefighting activities	This is repetitive of Subprovision title.	Delete and reformat numbering.
C.17.b.iii - (2) Interim Scoping	(a)(i) Catalog and assess the adequacy of BMPs and standard operating procedures (SOPs) for containment and cleanup of firefighting water and foam discharged during emergencies, including coordination within and between municipal departments, coordination between firefighting personnel and containment and cleanup crews, and coordination with contracted staff, as appropriate.	Cleanup BMPs/SOPs should only be for fires that occur in municipal/public property or right of way. Fires that occur on private property are the responsibility of the property owner for cleanup.	Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate. Recommend replacing the specific requirements in the Admin Draft with language that would encourage participation in a stakeholder group that would discuss options for Fire Departments and/or Permittees to address water quality concerns related to firefighting discharges.

Provision C.17 Exempted and Conditionally Exempted Discharges

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.17.b.iii - (2) Interim Scoping	(a)(ii) Catalog and assess the adequacy of all other resources used to determine if and how firefighting water and foam discharged during emergencies will impact receiving waters (e.g., MS4 maps and maps that identify environmentally sensitive areas), to facilitate containment and cleanup.	Municipalities may need to develop additional materials/maps and coordinate with fire departments.	Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate. Recommend replacing the specific requirements in the Admin Draft with language that would encourage participation in a stakeholder group that would discuss options for Fire Departments and/or Permittees to address water quality concerns related to firefighting discharges.
C.17.b.iii - (2) Interim Scoping	(b) Reporting – In the 2024 Annual Reports, Permittees shall report on the items in Provision C.17.b.iii.(2)(a). For any interim scoping done at the County level, Permittees may refer in their own Annual Reports to the respective Countywide Annual Reports.	Increase in reporting requirements. Overall, reporting requirements have increased, although WB staff and permittees had agreed on a goal to reduce reporting throughout the permit.	Revise to report on participation in stakeholder groups.
C.17.b.iii - (3) Ongoing Implementation Practices	(a) Following their assessment of the applicable items listed in Provision C.17.b.iii.(2)(a), Permittees shall improve any of those items that are found to be inadequate or lacking	Municipalities may need to develop additional materials/maps and coordinate with fire departments.	Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate. Recommend replacing the specific requirements in the Admin Draft with language that would encourage participation in a stakeholder group that would discuss options for Fire Departments and/or Permittees to address water quality concerns related to firefighting discharges.

Provision C.17 Exempted and Conditionally Exempted Discharges

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.17.b.iii - (3) Ongoing Implementation Practices	(b) Permittees shall work with firefighting personnel acting within their jurisdictions to evaluate opportunities to use the least environmentally harmful firefighting foams, and to reduce the use of firefighting foams without jeopardizing the protection of life or property, during emergencies.	Permittee ability to identify environmentally harmful foams and influence fire fighting operations is limited. Adds requirements for Permittees regarding things over which they have no jurisdiction.	Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate. Recommend replacing the specific requirements in the Admin Draft with language that would encourage participation in a stakeholder group that would discuss options for Fire Departments and/or Permittees to address water quality concerns related to firefighting discharges.
C.17.b.iii - (3) Ongoing Implementation Practices	(d) As applicable, Permittees shall evaluate whether existing coordination between municipal staff and large industrial sites – such as IGP sites, gas plants, gas concentration facilities and chemical plants – is sufficient to mitigate emergency discharges of firefighting water and foam from those sites to storm drains and receiving waters within Permittees’ jurisdictions, and assess opportunities for improvement.	<p>Is there any demonstration that this is an issue? What is the definition of a “large” industrial site? Just because an IGP facility is large it doesn't mean it has any elevated fire danger or issues.</p> <p>The gas/chemical facilities identified generally have other regulatory programs (e.g., Spill Prevention, Control, and Countermeasure (SPCC) Plan, etc). The Hazardous Materials Business Plan program includes having an emergency response plan. Stormwater Programs should not be reviewing or requiring actions related to firefighting (i.e., actions for stormwater protection may be counter to fire fighting measures). Fire Departments already work with these facilities through the HMBP program. Delete this section.</p> <p>Stormwater municipal staff should not take on a role of determining fire response preparedness.</p>	Delete this subprovision.

Provision C.17 Exempted and Conditionally Exempted Discharges

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.17.b.iii - (3) Ongoing Implementation Practices	(e) By June 30, 2025, Permittees shall require all municipal staff that participate in the containment and cleanup of discharges associated with firefighting activity within their jurisdictions to attend at least one training on containment and cleanup BMPs and SOPs. Trainings may be region-wide, program wide, or Permittee-specific.	Cleanup of urban fires is not expected to be a potential source. Foam and/or water from firefighting activities has already been discharged. The cleanup is removal of debris and vacuuming/cleaning storm drain systems. Procedures are no different than any other illicit discharge cleanup (i.e. don't wash down, block storm drains for cleanup as needed).	Delete - no training required.
C.17.b.iii - (3) Ongoing Implementation Practices	(f) By June 30, 2025, Permittees shall require all contractors that are hired by private parties to participate in the containment and cleanup of discharges associated with firefighting activity on private property within their jurisdictions to attend at least one Permittee-sanctioned training on containment and cleanup BMPs and SOPs. Trainings may be region-wide, program-wide, or Permittee-specific.	This is an unrealistic, significant program to implement and enforce. Permittees would need to find all businesses that would operate within their jurisdiction and could possibly be hired by a private party, develop training, and advertise training. There is no enforcement mechanism to require private contractors to attend training.	Change to require that Permittees provide outreach material to private parties on proper cleanup and their responsibilities when hiring contractors.
C.17.b.iii - (3) Ongoing Implementation Practices	(g)(i) In the 2026 Annual Reports, Permittees shall report on any changes made to items listed in C.17.b.iii.(2)(a) pursuant to Provision C.17.b.iii.(3)(a), and on efforts towards C.17.b.iii.(3)(b)-(d).	Increase in reporting requirements. Overall, reporting requirements have increased, although WB staff and permittees had agreed on a goal to reduce reporting throughout the permit.	Delete reporting requirement.
C.17.b.iii - (3) Ongoing Implementation Practices	(g)(ii) In the 2026 Annual Reports, Permittees shall report on trainings conducted pursuant to C.17.b.iii.(3)(e), including the date(s) of training(s), topics covered, and the percentage of applicable municipal or contracted staff involved in containment and cleanup activities in attendance.	Increase in reporting requirements. Overall, reporting requirements have increased, although WB staff and permittees had agreed on a goal to reduce reporting throughout the permit.	Delete reporting requirement.

Provision C.17 Exempted and Conditionally Exempted Discharges

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.17.b.iii - (3) Ongoing Implementation Practices	(g)(iii) In the 2026 Annual Reports, Permittees shall report on trainings conducted pursuant to C.17.b.iii(3)(f), including the date(s) of training(s), topics covered, and the number of attendees.	Increase in reporting requirements. Overall, reporting requirements have increased, although WB staff and permittees had agreed on a goal to reduce reporting throughout the permit.	Delete reporting requirement.
C.17.b.iii - (4) Regional Coordination Tasks	(a) Permittees shall, at the regional level, identify and evaluate opportunities to reduce the impacts of emergency discharges to the MS4 associated with firefighting activity. (i) This may include coordination and information sharing with the California Department of Forestry and Fire Protection (Cal Fire), the California Department of Toxic Substances Control (DTSC), the U.S. Forest Service (USFS), the State and Regional Water Boards, permittees of other NPDES municipal stormwater permits, other state and federal agencies, and external workgroups (such as Petro-Chemical Mutual Aid), on BMPs, SOPs, and the least environmentally harmful firefighting foam alternatives.	Should provide flexibility to implement at the individual Permittee, countywide or regional level.	Provide flexibility to implement at the regional, countywide or individual Permittee level.
C.17.b.iii - (4) Regional Coordination Tasks	(b) Reporting – With the 2026 Annual Reports, Permittees shall collectively submit a single report detailing progress made on Provision C.17.b.iii.(4)(a).	There is currently no mechanism to have all MRP Permittees work collectively to submit a single report. This subprovision should be rewritten to provide an option for Permittees to work individually, Countywide or Regionwide.	Revise to "Permittees may collectively submit...."

Provision C.17 Exempted and Conditionally Exempted Discharges

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.17.b.iii - (5) Required BMPs	(a) The Permittees shall implement or require firefighting personnel acting within their jurisdictions to implement BMPs for emergency discharges. However, the BMPs should not interfere with immediate emergency response operations or impact public health and safety. BMPs may include, but are not limited to, the following: (i) Plugging of the storm drain collection system for temporary storage; (ii) Proper disposal of water according to jurisdictional requirements;	Over-regulation of firefighting activities during emergency situations. Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate.	Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate. Recommend replacing the specific requirements in the Admin Draft with language that would encourage participation in a stakeholder group that would discuss options for Fire Departments and/or Permittees to address water quality concerns related to firefighting discharges.
C.17.b.iii - (5) Required BMPs	(iii) Use of the least environmentally harmful firefighting foams;	Permittee ability to identify environmentally harmful foams and influence fire fighting operations is limited.	Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate. Recommend replacing the specific requirements in the Admin Draft with language that would encourage participation in a stakeholder group that would discuss options for Fire Departments and/or Permittees to address water quality concerns related to firefighting discharges.
C.17.b.iii - (5) Required BMPs	(iv) Limiting which fires are treated with firefighting foam;	This should not be a stormwater BMP. Which fires are treated with firefighting foam should be determined by Fire Departments based on their knowledge of the type of fire only and not water quality impacts. Since this is similar to the requirement in (v) suggest deleting	Delete from list of BMPs.
C.17.b.iii - (5) Required BMPs	(v) Ensuring the proper firefighting foam is used depending on the type of fire;	Adds requirements for Permittees regarding things over which they have no jurisdiction.	Delete from list of BMPs.

Provision C.17 Exempted and Conditionally Exempted Discharges

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.17.b.iii - (5) Required BMPs	(vi) Limiting the amount of firefighting foam used;	This should not be a stormwater BMP. How much foam is used should only be determined by Fire Department staff judgement in fighting the fire.	Delete from list of BMPs.
C.17.b.iii - (5) Required BMPs	(vii) Notifying the proper agencies and departments when firefighting foam is used;	What are the proper agencies and departments that need to be notified?	Delete from list of BMPs.
C.17.b.iii - (5) Required BMPs	(viii) Discouraging the use of firefighting foam when it discharges to receiving waters that have sensitive habitat, such as habitat for special-status species, including certain salmonids	The use of firefighting foam should be determined by Fire Departments based on their knowledge of the type of fire only and not water quality impacts. Since this is similar to the requirement in (v) suggest deleting	Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate. Recommend replacing the specific requirements in the Admin Draft with language that would encourage participation in a stakeholder group that would discuss options for Fire Departments and/or Permittees to address water quality concerns related to firefighting discharges.
C.17.b.iii - (6) Reporting Requirements	Whenever 5 or more gallons of firefighting foam concentrate is used during an emergency, that use shall be reported in the subsequent Annual Report. This reporting must include the specific foam used, available MSDS or equivalent information for that foam, the total amount of concentrate used, the total volume of runoff, and the point of discharge	This is a significant effort of data collection for an emergency response situation.	Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate. Recommend replacing the specific requirements in the Admin Draft with language that would encourage participation in a stakeholder group that would discuss options for Fire Departments and/or Permittees to address water quality concerns related to firefighting discharges.

Provision C.17 Exempted and Conditionally Exempted Discharges

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.17.b.iii - (6) Reporting Requirements	If an exemption allowed by Senate Bill 1044 is invoked, such that any amount of PFAS foam is used within a Permittee’s jurisdiction, the Permittee shall report that use in the subsequent Annual Report. At a minimum, such reporting must include the date of the discharge, the volume of PFAS foam discharged and whether a receiving water was impacted.	<p>This reporting is duplicative of the reporting to the State Fire Marshal under SB 1044. This requirement should be removed from the MRP and the RWB staff can obtain the required information from the State Fire Marshal. At a minimum the reporting requirements should match the SB 1044 reporting requirements to reduce the administrative burden of collecting slightly different information for two regulatory agencies.</p> <p>In addition, this section should specify "use of foam by municipal Fire Department".</p>	Delete reporting requirement.

Provision C.21 Cost Reporting

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
a. Task Description	New Provision. Each Permittee shall annually prepare and submit a fiscal analysis of the capital and operation and maintenance costs incurred to comply with this Order’s requirements listed in Provision C.21.b.(iv).	Cost reporting required via the State Auditor. Will require additional resources above MRP 2.0. Work Group worked with Water Board staff to craft language included in Admin Draft.	Add statement of purpose of this provision in Task Description and in Fact Sheet.
b. Implementation Level - i. Cost Reporting Framework	New Provision. The Permittees shall develop a cost reporting framework and methodology to perform the fiscal analysis. Permittees are encouraged to collaboratively develop the framework and methodology for purposes of efficiency, cost savings, and regionwide consistency and comparability. The framework shall consider identification of costs incurred solely to comply with this Order’s requirements as listed in Provision C.21.b.(iv) as compared to costs shared with other programs or regulatory requirements, provide meaningful data to assess costs of different program areas, and allow for comparability between Permittees.	Cost reporting required via the State Auditor. Will require additional resources above MRP 2.0. Work Group worked with Water Board staff to craft language to allow development of acceptable framework rather than conforming to unacceptable State Water Board format.	Revise incorrect subprovision reference and delete "allow for comparability between Permittees".
b. Implementation Level - ii. Sources of Funds	New Provision. The analysis shall include a description of the source of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds, and identify any funding resources shared on a regional or countywide basis. The analysis shall include the costs incurred to comply with this Permit, and an estimate of costs for the upcoming Permit year.	Cost reporting required via the State Auditor. Will require additional resources above MRP 2.0. Reporting of estimated future year costs expands scope of what was discussed with Work Group.	Exclude requirement to identify source of funds and reporting of estimated future year costs, as these are not required by federal regulations or to address State Auditor.

Provision C.21 Cost Reporting

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
b. Implementation Level - iv. Categorization of Reporting	New Provision. Requires reporting in specific categories.	Prescriptive categorization will likely constrain development of cost reporting framework.	Modify language to describe the typical categories but not constrain reporting into these categories. Add language indicating that "costs will be reported via these categories or categories proposed by Permittees and acceptable to the EO."
c. Reporting - i. Cost Reporting Framework	New Provision. Submit the cost reporting framework and methodology, acceptable to the Regional Water Board Executive Officer, by December 31, 2022.	Timeframe does not allow adequate time for development and vetting of framework.	Extend timeframe to complete framework and begin reporting. Recommend submittal of framework by July 1, 2023 (one year after permit effective date). Assumes EO approval by December 31, 2023 and implementation of tracking guidance between January - June 2024. Specify that tracking and reporting under new/approved framework begins in FY 2024/25, not 2023/24.
c. Reporting - ii. Fiscal Analysis	New Provision. Submit fiscal analyses annually according to the accepted cost reporting framework and methodology starting with the 2024 Annual Report.	Timeframe does not allow adequate time for developing and implementing tracking and reporting tools.	Modify to require submittal of fiscal analyses annually starting with the 2025 Annual Report.

Provision C.22 Asset Management

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.22.a Requirement for Asset Management (AM) Plan	Task Description – Each Permittee shall develop and implement an Asset Management Plan in order to ensure the satisfactory condition of all hard assets constructed during this and previous permit terms pursuant to Provisions C.3, New Development and Redevelopment, and C.10, Trash Load Reduction, and provisions addressing other pollutants of concern, including Provisions C.11 – C.14 and C.16.	This new provision is a significant and costly new effort that currently is not budgeted and would require quite a bit of coordination among departments, which use different systems for management of other assets. The definition of "hard assets" goes beyond GI and trash controls to include systems that address mercury, PCBs, copper, bacteria, and sediment control. The need and rationale for this level of effort is unclear.	Limit the scope of this provision to tracking maintenance and inspection of publicly-owned stormwater treatment and hydromodification management systems, including non-LID and GI/LID treatment systems and trash full capture systems, using existing tracking systems required under other provisions. Requirements in this provision should be consistent with, and not duplicate, requirements in C.10.b., C.10.g., C.3.h., and C.3.j.v.
C.22.b.i.(1) & (2) AM Plan Development	<p>Implementation Level – Each Permittee shall:</p> <p>i. Develop an Asset Management Plan by June 30, 2025, which, at a minimum, shall include the following:</p> <p>(1) A description of the asset categories to be included.</p> <p>(2) An inventory (or link to such an inventory) of existing hard assets – both public and private – built pursuant to the provisions cited in Provision C.22.a, including at a minimum all LID/GSI systems and trash capture devices. Permittees may inventory their public and private assets separately.</p>	Significant new effort to develop AM Plan by the end of Year 3 of the permit. The AM Plan should only apply to publicly-owned assets. Private assets are controlled through maintenance assurance mechanisms and O&M verification inspections already addressed by Provision C.3.h.	Change language from "public and private assets" to "publicly-owned assets" everywhere the phrase occurs.

Provision C.22 Asset Management

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.22.b.i.(3)(a) AM Plan O&M Plan	<p>(3) An Operation, Maintenance, Rehabilitation, and Replacement Plan (O&M Plan), to evaluate data obtained through asset assessment in order to inform a strategy for prioritizing and scheduling maintenance, rehabilitation, and replacement of inventoried assets, including:</p> <p>(a) A process for prioritizing and scheduling operation and maintenance activities.</p>	<p>Significant new effort to develop a OMR&R Plan. Should distinguish between this and a traditional O&M Plan for one site or GI facility. *This should only apply to publicly-owned assets, and reference C.3.h for O&M verification of privately-owned assets.</p>	<p>Change acronym for Operation, Maintenance, Rehabilitation, and Replacement Plan to "OMR&R Plan" throughout. Make clear that this provision applies only to publicly-owned assets and reference C.3.h. for O&M verification of privately-owned assets.</p>
C.22.b.i.(3)(b) AM Plan Evaluation Process	<p>(b) A process(es) for evaluating the current condition, and identifying the need for and carrying out, as appropriate, the rehabilitation and replacement of inventoried assets. Different processes may be established for public and private assets.</p>	<p>*Should only apply to publicly-owned assets.</p>	<p>Delete reference to private assets. Make clear that this provision applies only to publicly-owned assets and reference C.3.h. for O&M verification of privately-owned assets.</p>
	<p>The process(es) shall account for:</p> <p>(i)The minimum performance level(s), including an assessment of stormwater volume and pollutant load reduction, necessary to comply with the provisions, including applicable water quality- based effluent limitations and receiving water limitations.</p>	<p>This section is very problematic because facilities are built to design requirements stated in the permit and countywide guidebooks, and volume and pollutant load reduction are not measured for specific devices. The language related to meeting applicable WQBELs and RWLs is inappropriate and should be removed.</p>	<p>Revise language in this section to refer to a "condition assessment" that compares a "desired" condition (in which the facility meets design requirements and construction installation requirements and is well maintained) to the "current" condition. Remove the language "including applicable water quality-based effluent limitations and receiving water limitations".</p>
	<p>(ii) Current performance level with respect to condition and effectiveness. Permittees may implement a risk-based condition assessment, or comparable assessment method, to cost-effectively and -efficiently assess condition. Permittees shall base the effectiveness evaluation on factors such as design, capacity, quality, and intended function.</p>	<p>Similar issue to previous section - performance level should be based on meeting design requirements and receiving proper and regular maintenance. Unsure what is meant by "evaluation on factors such as...quality..."</p>	<p>Revise language to assess current condition and not effectiveness. Change the last sentence to read "Permittees may base the condition assessment on factors such as design, capacity, and intended function."</p>
	<p>(iii) Consequence of failure and likelihood of failure.</p>	<p>This subsection is unnecessary, as it is part of the risk-based condition assessment described in subsection (ii) above.</p>	<p>Delete subsection C.22.b.i.(3)(b)(iii).</p>

Provision C.22 Asset Management

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.22.b.i.(3)(c) AM Plan Cost Evaluation	(c) An evaluation or forecast of costs necessary for the implementation of (a)-(b) above, at least through the end of the current permit term. On an ongoing basis, the Permittees shall compare these projections with available funding sources to determine the best manner in which to fund the operation, maintenance, rehabilitation, and replacement of assets. This evaluation or forecasting may supplement Permittees' compliance with Provision C.21, Cost Reporting.	Again, this should refer only to costs related to <u>publicly-owned</u> hard assets. For cost reporting, costs related to O&M verification inspection programs should be quantified under C.3.h.	Clarify that this provision refers to costs related to publicly-owned hard assets.
C.22.b.i.(4) AM Plan Reporting Strategy	(4) Recommendations for a reporting strategy, which may have a nexus with the tracking systems referenced in Permittees' Green Infrastructure Plans, to include: (a) Municipality-specific reporting; (b) Assessment of the programmatic benefit from countywide or regional roll-up of collected information, in the current or subsequent permit terms.	No issues identified. Seems to allow use of existing cloud-based tracking systems (such as the SMCWPPP GI Tracking Tool) for (b). Additional resources will be needed to add trash full capture systems and other hard assets to this tool/database.	None at this time.
C.22.b.ii. - iv. Implementation and O&M Plan	ii. Begin implementation of the Asset Management Plan no later than July 1, 2025. iii. Reassess and update their O&M Plan on an as-needed basis, to address changing conditions and resources. iv. Provide the latest version of the O&M Plan to Water Board staff during inspections and audits, or otherwise upon request.	Starts the day after the AM Plan is due to be completed (beginning of Year 4 of the permit). Again, recommend changing the name of the O&M Plan to the OMR&R Plan.	Change "O&M Plan" to "OMR&R Plan"

Provision C.22 Asset Management

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.22.b.v. Climate Change Adaptation Report	v.Complete a Climate Change Adaptation Report to identify potential climate change-related threats to assets and appropriate adaptation strategies. The report shall assess existing, new, and increasing threats from climate change to the condition of Permittees’ inventoried assets over the next 50 years, and identify approaches that Permittees may implement to address those threats, such as the modification of design standards and countywide technical guidance documents.	This is a significant new requirement that will likely need to be completed at the countywide or regional level. Requirement is too broad and is inappropriate for a water quality permit. Looking at modification of design standards and reaching agreement regionally could also be a significant effort. Modification of design standards should be a statewide effort.	Delete requirement or reduce scope to focus on water quality issues and provide rationale for the need for this report. Allow flexibility for development of report at the State or regional level.
C.22.c.i. Reporting	i.The Permittees shall submit their Asset Management Plans with the 2024 Annual Reports.	Date is incorrect; should say "2025".	Change date to 2025.
C.22.c.ii.(1) Reporting	ii.The Permittees shall report on the implementation of their Asset Management Plans annually, starting with the 2026 Annual Reports, as follows: (1)Provide (or link to) an inventory of all assets accounted for in the Asset Management Plan. (a) Public and private assets may be maintained in separate inventories. (b) Different categories of assets (e.g., trash controls, LID/GSI controls, bacteria controls) may be maintained in separate inventories.	As stated earlier, the AM Plan should only apply to publicly-owned assets. Tracking and reporting of privately-owned assets is covered under C.3.h.	Delete all references to private assets (i.e., delete subsection C.22.c.ii.(1)(a)).

Provision C.22 Asset Management

Subprovision	Description of Change	Key Issues/Concerns	Response/Recommendation
C.22.c.ii.(2) Reporting	(2)At a minimum, for each asset in the inventory, provide the following: category or type of water quality control; relevant design information; tributary drainage area; location; condition based on periodic inspections either by municipal staff (for public assets) or by private parties and verified by municipal staff (for private assets); operation and maintenance need (for example, while most assets may require normal operation & maintenance, Permittees may identify a subset of assets in need of rehabilitation or replacement); whether public or private.	As stated earlier, the AM Plan should only apply to publicly-owned assets. Tracking and reporting of privately-owned assets is covered under C.3.h.	Change language to apply to publicly-owned assets only and report/maintain information about privately-owned assets under C.3.h.
C.22.c.iii. Reporting - Climate Change Adaptation Report	iii. The Permittees shall submit the Climate Change Adaptation Report described in Provision C.22.b.v with their 2027 Annual Reports. The Permittees may submit the Climate Change Adaptation Report(s) on an all-Permittee scale or countywide scale.	Report due in Year 5 of the permit. Significant effort that will likely be done on a countywide or regional scale, and probably should be done on a state-wide scale.	See comments under C.22.b.v.