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## San Francisco Bay Regional Water Quality Control Board

### Municipal Regional NPDES Stormwater Permit (MRP) Reissuance 4 Workgroup Charter

#### 1. Purpose

The purpose of the Municipal Regional NPDES Stormwater Permit (MRP) Reissuance Workgroups (Workgroups) is to provide a structured, transparent, and collaborative forum for Permittees and Water Board staff to discuss, evaluate, and negotiate changes for the next iteration of the MRP, MRP 4. Water Board staff will use the outcome of Workgroup discussions to help develop the MRP 4 administrative draft.

Workgroup participants include Water Board staff and MRP Permittees and their designated representatives (Permittees). Workgroups are intended to be collaborative and advisory in nature; final permit decisions rest with the Water Board. Workgroup discussions will not be interpreted as constraining or limiting the power, authority, jurisdiction, and/or discretion of the Water Board or its staff.

The Workgroups are intended to:

- Encourage open communication and mutual respect among stakeholders
- Identify and document areas of agreement where consensus can be achieved
- Identify areas where additional information or discussion could lead to consensus and consider how that could fit into the reissuance process
- Establish a clear approach for identifying and documenting unresolved issues
- Support efficient use of staff time and resources for Permittees and Water Board staff

#### 2. Scope

A Workgroup will be formed for each provision that requires significant discussion and/or language changes (i.e., priority provisions). The Workgroups will identify and document areas of agreement and unresolved issues – areas of agreement will be incorporated into the administrative draft, and unresolved issues will be brought to the Board for consideration as part of the reissuance process.

The Workgroups will not address issues outside the scope of the priority provisions and MRP 4 unless all participants explicitly agree. For example, discussions around the current permit (MRP 3) will focus on lessons learned that should be incorporated into

MRP 4. Workgroups that identify cross cutting issues should document and bring them to the relevant workgroups or Steering Committee's attention.

### **3. Roles and Responsibilities**

Workgroup participants will actively and consistently participate in Workgroup meetings and promptly respond to Workgroup-related communications. The roles and responsibilities of Workgroup participants are as follows:

- Keith Lichten, Water Board Assistant Executive Officer: Provides oversight and affirms final agency positions.
- Rebecca Nordenholt, Project Manager: Coordinates the Workgroup process in coordination with the BAMSC Program Managers, manages timelines, and ensures documentation of Workgroup discussions, including resolved and unresolved issues, are recorded.
- Water Board staff, Permit Writer / Technical Lead: Develops permit conditions and evaluates technical input. Coordinates meeting dates, logistics, and sets agendas with the BAMSC Provision Leads. Facilitates meetings. Water Board Provision Leads:

#### **High Priority Provisions**

- C.3 – New Development and Redevelopment, Mel Johnson
- C.8 – Water Quality Monitoring, Ashraf Ali
- C.10 – Trash Load Reduction, Imtiaz-Ali Kalyan
- C.12 – PCBs, Ashraf Ali

#### **Medium Priority Provisions**

- C.5 – Illicit Discharge Detection and Elimination, Joe Monical
- C.11 – Mercury Controls, Ashraf Ali
- C.14 – Bacteria Control for Impaired Water Bodies, Mel Johnson
- C.15 – Exempted and Conditionally Exempted Discharges, Mel Johnson
- C.17 – Unsheltered Homelessness, Imtiaz-Ali Kalyan
- C.19 – East Contra Costa Permittees, Ashraf Ali
- C.20 – Cost Reporting, Joe Monical
- C.21 – Asset Management, Mel Johnson

#### **Low Priority Provisions**

- A, B, C.1, C.9, C.18, C.23 - C.27 – Rebecca Nordenholt
- C.2, C.4, C.6, C.7, C.16, C.22 – Joe Monical
- C.13 – Ashraf Ali

- BAMSC Provision Lead: Works with Water Board staff to develop agendas and coordinate Permittee representation at Workgroup meetings. BAMSC Provision Leads:
  - C.3 – New Development and Redevelopment, Daniel Matlock and Jill Bicknell
  - C.10 – Trash Load Reduction, Ben Livsey and Chris Sommers
  - C.12 – PCBs, Lisa Austin and Lisa Sabin
  - C.8 – Water Quality Monitoring, Bonnie de Berry and Kelly O'Hara
  - Medium Priority Provisions, **TBD**
  - Low Priority Provisions, Rinta Perkins and Sandy Mathews
  
- Notetaker, Water Board staff identified prior to the start of each meeting: Prepares and distributes draft and final meeting summaries and documentation (see Section 4).
- Countywide Stormwater Program Managers: Support process, e.g., by providing comments and coordinating Permittee comments and participation.
  
- Permittees: Provide comments, data, and proposed alternatives.

#### **4. Meeting Documentation**

A written draft meeting summary for each meeting will be distributed to participants within an agreed-upon timeframe (e.g., 2 weeks). Draft meeting summaries will include:

- Topics discussed
- Key points raised
- Areas of agreement and/or unresolved issues
- Action items and responsible parties

Comments from meeting participants will be requested by Water Board staff Leads. Comments will be provided by participants in a timely manner. Draft meeting summaries that address comments provided will be finalized at the next meeting.

##### **4.1 Agreement Identification and Documentation**

When agreement is reached, Water Board staff will prepare a summary documenting the discussion and agreement. The agreed-upon changes will be incorporated into the administrative draft of MRP 4.

#### **4.2. Unresolved Issue Identification and Documentation**

Unresolved issues arise when, despite reasonable efforts, Water Board staff and Permittees are unable to reach an agreement on material permit conditions, and further discussion is unlikely to resolve them.

The goal in recognizing an unresolved issue is to avoid unfruitful use of staff and Permittee time when additional change through the workgroup process is unlikely or not possible. Unresolved issues may result when, for example:

- Permittee and Water Board staff positions remain unchanged after multiple discussions.
- Modification would conflict with statutory or regulatory requirements.
- There is insufficient time to resolve the issue and meet permit reissuance deadlines.

Unresolved issues will be recognized in meeting summaries. Meeting summaries will document the different perspectives of each unresolved issue. These issues will be considered for internal elevation prior to Board review. Should they remain unresolved, they will be subject to Board review during the reissuance process.

#### **5. Schedule and Duration**

Each Workgroup will meet on a schedule agreed upon by the participants. In general, the schedules align with the Water Board reissuance timeline. This timeline may be revisited by the Water Board if additional time is needed to continue progress. The Workgroups will remain active until:

- The Workgroup determines that its objectives have been met, or
- Remaining issues are unresolved, and the Workgroup determines that additional meetings will not resolve the issue, or
- The Water Board issues an administrative draft of MRP 4. Workgroups may consider meeting after the draft has been issued to review language and continue discussion of issues.

#### **6. Success Criteria**

- Discussions are transparent, consistent, and appropriately documented.
- Staff time and resources for Permittees and the Water Board are used efficiently.