

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

2:30 PM, Thursday, February 19, 2015
San Mateo County Transit District Office¹
1250 San Carlos Avenue, 4th Floor Dining Room
San Carlos, California
NOTE REVISED LOCATION

STORMWATER (NPDES) COMMITTEE AGENDA

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| 1. Public comment on items not on the Agenda (presentations limited to three minutes). | Breault | No materials |
| 2. Issues from C/CAG Board (November 2014 & January 2015): <ul style="list-style-type: none">(November) Action – Review and approve the appointment of Brad Underwood from the City of San Mateo to the Congestion Management Program Technical Advisory Committee (CMP TAC) and the Stormwater Committee (Approved)(January) Action - Receive a copy of Amendment No. 1 to the agreement with SCI Consulting Group, Inc., extending the term through June 30, 2015 at no additional cost, as executed by the Executive Director consistent with the C/CAG Procurement Policy (Approved)(January) Action - Review and approval of Resolution 14-57 authorizing the C/CAG Chair to execute Amendment No. 9 to the agreement with Eisenberg, Olivieri, and Associates, extending the contract through June 30, 2015 at an additional cost not to exceed \$789,773 to continue providing technical compliance assistance to member agencies in accordance with requirements of the Municipal Regional Permit. (Approved) | Fabry | No materials |
| 3. ACTION – Review and approve October 16, 2014 Stormwater Committee meeting minutes | Fabry | Pages 1-8 |
| 4. ACTION – Review and approve the 2015 calendar of Committee meetings | Fabry | Page 9 |
| 5. DISCUSSION – Receive presentation on the Administrative Draft of a revised Municipal Regional Permit | Lichten | Page 10-27 |
| 6. DISCUSSION – Receive presentation on potential new San Mateo County water district | Porter | Pages 28-35 |
| 7. INFORMATION – Receive update on Statewide Drinking Water System General Permit | Fabry | Page 36-37 |
| 8. INFORMATION – Receive update on stormwater-related legislative issues | Fabry | Pages 38-39 |
| 9. Regional Board Report | Mumley | No Materials |
| 10. Executive Director’s Report | Wong | No Materials |
| 11. Member Reports | All | No Materials |

¹ For public transit access use SamTrans Bus lines 390, 391, 292, KX, PX, RX, or take CalTrain to the San Carlos Station and walk two blocks up San Carlos Avenue. Driving directions: From Route 101 take the Holly Street (west) exit. Two blocks past El Camino Real go left on Walnut. The entrance to the parking lot is at the end of the block on the left, immediately before the ramp that goes under the building. Enter the parking lot by driving between the buildings and making a left into the elevated lot. Follow the signs up to the levels for public parking. Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Nancy Blair at 650 599-1406, five working days prior to the meeting date.

C/CAG AGENDA REPORT

Date: February 19, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Review and approve October 16, 2014 Stormwater Committee meeting minutes

(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Review and approve October 16, 2014 Stormwater Committee meeting minutes as drafted.

ATTACHMENTS

1. Draft October 16, 2014 Minutes

STORMWATER COMMITTEE
Regular Meeting
Thursday, October 16, 2014
1:15 p.m.

DRAFT Meeting Minutes

The Stormwater Committee met in the SamTrans Offices, 1250 San Carlos Avenue, San Carlos, 2nd Floor Auditorium. Attendance at the meeting is shown on the attached roster. In addition to the Committee members, also in attendance were Sandy Wong (C/CAG Executive Director), Matt Fabry (C/CAG Program Coordinator), Jon Konnan (EOA, Inc.), Ken Chin and Sarah Scheidt (City of San Mateo), Michelle Daher (City of East Palo Alto), Dave Bishop (Town of Colma), Jim Eggemeyer, Patrick Ledesma, and Michael Huynh (County of San Mateo), Ray Towne (City of Foster City), and John Fuller (Daly City). Chair Breault called the meeting to order at 1:15 p.m.

1. Public comment: None

2. Issues from C/CAG Board – August, September, and October 2014: Staff member Fabry gave a brief overview covering the last three Board meetings:

- August – approved acceptance of “Revenue Measure Feasibility Study – Survey Report” documenting public opinion research for a potential countywide stormwater funding initiative. Also approved the appointments of Saber Sarwary, Chip Taylor, and Jesse Quirion to represent the Cities of Redwood City, Millbrae, and Menlo Park, respectively, on the Stormwater Committee.
- September – approved executing a funding agreement with the Bay Area Water Supply and Conservation Agency in an amount not to exceed \$25,000 for a pilot countywide rain barrel rebate program. Fabry noted that some of the agencies present today are participating and providing matching funds.
- October – approved extending the contract with San Mateo County's Division of Environmental Health through June 30, 2015 at a cost not to exceed \$162,020 to continue implementing public education and outreach activities in accordance with the Municipal Regional Permit (MRP). Fabry noted that C/CAG staff also plan to request an extension to the same date for EOA.

3. Approval of Minutes: The draft minutes from the July 17, 2014 meeting were approved unanimously. (Motion: Oskoui, Second: Walter)

4. INFORMATION – Receive a presentation on Regional Water Board (RWB) staff's proposed framework for the second term of the MRP. Committee Member Dr. Thomas Mumley, Assistant Executive Officer of the RWB, provided the presentation. The MRP went into effect on December 1, 2009. As a National Pollutant Discharge Elimination System (NPDES) permit, it has a five-year term and expires on November 30, 2014. RWB staff plans to release a draft reissued MRP (MRP 2.0) Tentative Order in February 2015 with the intent that it be adopted in time to go into effect on July 1, 2015. A brief summary of each slide in the presentation follows:

- Slide 1: Title Slide – Dr. Mumley emphasized the need to get the permit right even though the reissuance might be late. The Steering Committee and workgroups have been working hard for over a year on reissuance and his staff is ready to put words on paper, but the devil is in the details. Today's presentation focuses on the big picture reissuance issues with cost challenges.

- Slide 2: MRP 2.0 Goals – Permittees shouldn't be asking the question "what is the minimum I can do to get by" – shows you don't have the right attitude and that approach would lead to prescriptive requirements. The permit needs prescriptiveness of details that allows for enforcement but flexibility to avoid constraining good actors – needs to strike a balance. Three platforms for collaboration encouraged during MRP 1.0: region-wide, countywide, and local agency. This will continue and we need even greater collaboration with entities outside the stormwater world for implementing a Green Infrastructure (GI) vision, e.g., collaboration with transportation and climate change abatement efforts. Also need collaboration between Permittees and RWB staff – we need to improve communication. MRP 2.0 will eliminate certain requirements with limited benefits – these are mainly tweaks but will remove some nuisances and save some resources, though not major dollars.

- Slide 3: Permit Elements – Dr. Mumley made the following comments about various elements of the reissued permit:
 - New/Redevelopment, Trash, and PCBs/Mercury – these are areas that will have major resource implications.
 - Municipal Operations – not much change anticipated, but rolling back pump station monitoring.
 - Illicit Discharge Elimination – no major changes.
 - Allowed Non-stormwater – potable water related requirements will need to be consistent with the state permit under development, which will include a numeric effluent limit for chlorine but should be slightly less costly to implement than MRP 1.0.
 - Industrial/Commercial Controls – no major changes.
 - Monitoring – working with stormwater program staff to make sure we are answering questions and informing management actions including verifying that they are working. Making some meaningful changes in MRP 2.0 including adding flexibility. Reasonable use of resources is also a consideration.
 - Public Outreach – from day one it has been important to inform and engage the public. When MRP 1.0 requirements were developed asked Permittees what do you want us to require? Best measure of success is whether the public supports your municipal stormwater program. There is value to having specific outreach targets, such as trash and pesticides.
 - Pesticides – no major changes.

- Slide 4: New and Redevelopment – Permittee representatives have said from day one the pain is not worth the gain to lower the regulated project threshold to 5,000 square feet. Leveraging GI is a preferred path of compliance. Road reconstruction – gave a pass during MRP 1.0 due to challenges in exchange for 10 green street pilot projects. These pilots demonstrated green streets can happen and they are the right thing to do. A lot of action on roads regarding pollutants. MRP 2.0 will encourage GI as preferred pathway by providing exceptions to 1) the 5,000 square feet threshold and 2) road reconstruction treatment requirements when a GI plan is prepared. The intent is that a robust GI planning process will lead to better cumulative benefits than piecemeal approaches such as lowering the threshold.

- Slide 5: New and Redevelopment (cont.) – Four changes expected for MRP 2.0 that are somewhat above and beyond but should not require huge resources are as follows: 1) LID system inspections at time of installation rather than within 45 days, 2) O&M enforcement

response plan required, 3) include pervious pavement/pavers design specs and O&M requirements, 4) require recurring inspection of pervious pavement/pavers.

- Slide 6: Trash Load Reduction – This is a priority issue that will be costly. The original approach was to require percent reductions compared to baseline trash loads. However, it has proven to be very difficult to quantify the baseline since there is high uncertainty and variability among municipalities. The expected alternative approach will include requiring a 70% reduction (possibly by July 2019) based on areal percent of trash management areas managed with full trash capture or observation-verified equivalents. RWB staff continues to say that any community that has large challenges should talk to them (e.g., Richmond, Oakland, and San Jose). The proposed statewide trash policy under development in Sacramento is being revised in response to comments but major changes are not anticipated and it should mainly endorse the Bay Area approach.
- Slide 7: Trash Load Reduction (cont.) – MRP 2.0 may require a mandatory minimum amount of trash full capture, possibly tied to bad actors. GI should count as full capture – this needs to be worked out. Hot spot cleanups will be sustained.
- Slide 8: PCBs Total Maximum Daily Load (TMDL) Urban Runoff Requirements – TMDL’s 20-year phased approach to reduce total urban runoff PCB loading to the Bay from estimated 20 kg/year to the Bay Area-wide allocation of 2 kg/year is: 1. Desktop Work → 2. Pilot Work (MRP 1.0) → 3. Focused Implementation (MRP 2.0) → 4. Full Implementation. The regional allocations presented in TMDL are currently not in play. Committee Member Sharma asked will PG&E be engaged? Dr. Mumley says yes they have been and RWB staff is reasonably OK with their self-management, but if Permittees find PG&E sources they can turn over to RWB staff. USEPA is trying to find and cleanup sources in East Bay.
- Slide 9: PCBs Control – Focused implementation framework: X% reduction in Y watersheds for cumulative benefit of Z kg/year load reduction. X has to be measurable, starting level for Z is 5 kg/year total (Bay Area-wide) but may be adjusted up or down based on implementation timing. In general, RWB staff is struggling with how prescriptive to make the MRP 2.0 PCBs control requirements.
- Slide 10: Focused Implementation in Two Types of Watersheds – 1) High PCBs watersheds with old industrial land uses mainly near Bay margins where controls are most cost-effective, and 2) moderate PCBs watersheds with mixed land uses, most old urban areas fall into this category.
- Slide 11: PCBs Controls – During the MRP 2.0 permit term will push for more action to attain total load reduction of 2 kg/year PCBs (Bay Area-wide) in high PCBs watersheds. Commitment to implementation actions could result in more time for Permittees - hard commitment means infrastructure change. Chair Breault asked – how much time? Dr. Mumley notes that GI implementation will take decades – 30 to 50 years could be realistic. We need to “get the train going” and maybe it will speed up or maybe more barriers will be found.
- Slide 12: PCBs Controls (cont.) –MRP 2.0 to require robust GI plans developed within permit term with reasonable assurance of attaining total load reduction of 3 kg/year PCBs (Bay Area-wide) in moderate PCBs watersheds. Begin implementation within permit term.

- Slide 13: PCBs Controls (cont.) – A program to manage PCBs in building materials is needed. A recent study estimated that Bay Area buildings constructed in the 1950s through 1970s contain 10,000 kg of PCBs, or about 5 kg per building in caulks and sealants. PCBs have frequently been found in schools. This is a tricky issue like asbestos. RWB staff wants to work with Permittees to figure out a smart way to address PCBs in building materials.
- Slide 14: Mercury TMDL Urban Runoff Requirements – TMDL requires 50% reduction in total urban runoff mercury loading to the Bay within 20 years, i.e., from estimated 160 kg/year to the Bay Area-wide allocation of 80 kg/year. More time may be granted with demonstration of best effort and a robust implementation plan.
- Slide 15: Mercury Controls – Robust GI plans within permit term that provide reasonable assurance of achieving reductions required by TMDL within realistic time. Need infrastructure changes to minimize directly connected impervious area. Begin implementation within permit term.
- Slide 16: Green Infrastructure – GI is a preferred approach that can help address a variety of issues such as roads, new and redevelopment, PCBs, mercury and trash.
- Slide 17: Green Infrastructure – Need political and management support and buy-in, e.g., from city councils. Integrate water quality with planning for complete streets, priority development areas, and aging infrastructure replacement. Seek public buy-in and need to avoid missed opportunities. Triple bottom line for benefits: social, environmental and economic (e.g., property values).
- Slide 18: MRP 2.0 Timeline – The desired MRP 2.0 reissuance schedule is as follows, though RWB staff is already challenged to meet this timeline.
 - Administrative draft permit – Fall 2014
 - Public notice draft permit – Winter 2015
 - RWB hearing(s) – Spring 2015
 - Effective date – July 1, 2015 (this is the most important date on this timeline)

After the presentation Committee Member Murtuza asked whether the permit reissuance includes a CEQA process. Dr. Mumley said no, NPDES permitting is exempt from CEQA. However, CEQA will be a factor as certain aspects of the permit are implemented. Committee Member Siebert noted the issue of farmers dragging dirt into communities and asked how that will be addressed. Dr. Mumley said that issue should be handled via community outreach through the current permit. Siebert also noted that when swimming pools are emptied the water is discharged to the sanitary sewer and asked could they alternatively test and then discharge to the storm drain? Dr. Mumley stated that should be possible but this approach is not desirable because just one improper handling could cause problems. Committee Member Walter asked about Caltrans' role in addressing stormwater in local jurisdictions. Dr. Mumley noted that the new Caltrans stormwater permit includes requirements for pollutants of concern such as trash and PCBs, but Caltrans is concerned about a piecemeal TMDL approach. Caltrans' stormwater permit requires about \$200M per year of work. Caltrans is open to working with municipalities, though some pots of money are more amenable to this than others. Local agencies could seek to expand on their maintenance agreements frameworks with Caltrans and should not be shy about asking for

Caltrans money. Committee Member Sharma noted that Notices of Violation (NOVs) are not the norm for regulatory agencies and suggested changing the terminology to facilitate Permittees and RWB staff working together.

5. INFORMATION – City staff Kenneth Chin provided a presentation on the City of San Mateo’s Sustainable Streets Plan. The plan is under development and integrates Complete Streets and Green Streets elements. The plan has been presented at the MRP 2.0 Steering Committee and has been touted by RWB staff as an example of the type of green infrastructure master planning efforts they would like to see municipalities undertake under MRP 2.0. The presentation detailed the basic elements of the plan, including transferable elements other jurisdictions could incorporate into their own efforts. Sustainable streets designs include examples of “win-wins” e.g., a bioretention curb extension may provide pedestrians with decreased crossing distances and improved visibility for traffic. The San Francisco Estuary Institute’s grant-funded “Green Plan-IT” project put all of the City’s GIS data into a model that outputs opportunity sites for green street projects. Green design elements for sustainable streets include rain gardens, vegetated swales, green gutters, tree wells, and permeable pavement. Street and sidewalk width is an important factor impacting design. The City’s plan will be published soon and eventually will have goals for percentages of runoff to be treated. Outreach materials are available on the City’s web site.

C/CAG staff member Fabry continued the presentation by discussing various big picture issues and questions related to GI and sustainable street planning. The vision includes a multi-decadal disconnection of impervious surfaces from storm drains via a gradual greening of the urban landscape. Fabry discussed the results of the “needs analysis” conducted as part of evaluating the viability of a countywide funding initiative. An integrated approach to GI (e.g., with transportation investments) that enables cost sharing based on multiple benefits is essential. Fabry discussed some of the potential associated funding mechanisms.

Committee Member Willis noted there are deferred infrastructure needs in his city and asked how do we avoid confusion with water quality funding? Fabry noted that it may be worth evaluating whether a sustainable/livable/walkable communities funding initiative would garner greater public support and/or increased revenue in comparison with a strict water quality initiative, and whether it could provide integrated funding for other infrastructure needs. Conflicts with other local initiatives could preclude going forward on the countywide level.

6. INFORMATION – Receive update on MRP reissuance. This agenda item was covered under previous agenda Item 4.

7. INFORMATION – C/CAG staff Fabry provided an update on the Potable Water Discharge Permit. In July 2014, RWB staff postponed until further notice its Board’s consideration of a tentative permit regulating discharges from drinking water systems under a NPDES permit. The postponement occurred because the State Water Resources Control Board (State Board) is considering a statewide NPDES permit regulating similar discharges. During the public review process the State Board issued a few iterations of a draft permit and solicited comments (C/CAG submitted a comment letter via the Countywide Water Pollution Prevention Program). The permit will be considered for adoption at their November 4, 2014 meeting. Overall, the latest version of the draft permit (10/1/14) is an improvement over the previous drafts. However, not all of the Countywide Program’s comments were addressed in this draft. Most

importantly, the numeric effluent limit for turbidity was removed but the draft permit still contains a numeric effluent limit for chlorine residual.¹

Chair Breault asked if municipal purveyors will be stuck with the chlorine effluent limit? Committee Member Mumley stated that requirements in the MRP will need to be consistent with the State Board's permit. He further noted that the chlorine effluent limit is a relatively high number (compared to the actual water quality standard) because it recognizes field instrument limitations and should not be an issue if discharges are managed properly.

8. INFORMATION – C/CAG staff Fabry provided an update on State legislation with relevance to stormwater. The State's two year legislative session recently ended with Governor Brown signing various bills into law, including bills with implications for C/CAG and stormwater management in general. Key bills signed by the governor include:

AB 1471 – Water Quality, Supply and Infrastructure Act of 2014. This bill is the proposed \$7.9 billion water bond on the November ballot. The proposed bond allocates \$200 million for multi-benefit stormwater management projects in Section 79747, but through the Integrated Regional Water Management Plan (IRWMP) process. There is also \$65 million allocated to the San Francisco Bay Region for IRWMP projects, and \$100 million to the State Coastal Conservancy for multi-benefit water quality, water supply, and watershed protection and restoration projects.

AB 2403 – (Rendon D) Local government: assessments, fees, and charges. This bill changed the definition of water in the Proposition 218 Omnibus Implementation Act, to clarify that water includes "water from any source." This means any stormwater projects that have a direct benefit to water supply are subject to the exemption from balloting under Proposition 218 for property-related fees for water supply, treatment, distribution, etc.

AB 2170 – Mullin (D) Joint powers authorities: common powers. This bill affirms that joint powers agencies have all powers common to their member agencies, including the power to levy a tax or fee. This bill will enable C/CAG to pursue a countywide funding initiative after January 1, 2015, if it so chooses. This bill was generic to all joint powers agencies, as opposed to AB 418 (Mullin) that was specific to C/CAG, which did not make it out of the Assembly.

SB 270 – Padilla (D) Solid waste: single-use carryout bags. This bill provided a statewide ban on single-use carryout bags, which has obvious implications for trash management throughout the state, although limited impact in San Mateo County where most jurisdictions already adopted single-use bag bans.

SB 985 – Pavley (D) Stormwater resource planning. This bill allows agencies to develop stormwater resource plans and specifies the issues that must be addressed within such a plan, and specifies that such plans shall be adopted into an approved IRWMP. It goes further to require that any agency seeking grant funds under an approved bond measure (such as the proposed November water bond) must develop a stormwater resource plan and have it adopted into the IRWMP. This has implications for agencies in the Bay Area that want to pursue stormwater funding under the November water bond, if approved by voters. This bill seems to reveal a disconnect between Regional Water Boards and other state agencies.

¹Post-meeting note: the permit, which included the chlorine residual effluent limit, was adopted at the November 4 State Board meeting.

9. RWB Report. An update on MRP reissuance was covered under previous agenda Item 4.

Committee Member Mumley also noted that risk reduction efforts for mercury and PCBs will be a sustained requirement. Municipal stormwater Permittees should continue to collaborate with publicly owned treatment works and industrial dischargers to the Bay on risk reduction outreach efforts.

10. Executive Director's Report: Sandy Wong, C/CAG Executive Director, noted that C/CAG's website has been updated, including making it more user-friendly. Three calls for projects are currently listed:

- Transportation Development Act
- Lifeline Transportation Program Cycle
- Priority Development Area Parking Policy Technical Assistance Program

11. Member Reports: NONE

Meeting was adjourned at 3:30 p.m.

DRAFT

C/CAG AGENDA REPORT

Date: February 19, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Review and approve the 2015 calendar of Committee meetings

(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Review and approve the 2015 calendar of Committee meetings.

BACKGROUND/DISCUSSION

The Stormwater Committee is scheduled to meet monthly at 2:30 PM on the third Thursday of the month, immediately following and at the same location as C/CAG's Congestion Management Technical Advisory Committee (CMP TAC). Similar to meetings in 2014, staff anticipates bimonthly meetings will likely be sufficient to address anticipated action items, but the monthly calendar provides flexibility to address issues on an as-needed basis and to coordinate, as feasible, with other meeting schedules such as the City/County Engineers Association and the CMP TAC. The following is the recommended calendar of meetings for 2015:

DATE
January 15, 2015 (Canceled)
February 19, 2015
March 19, 2015
April 16, 2015
May 21, 2015
June 18, 2015
July 16, 2015
August 20, 2015
September 17, 2015
October 15, 2015
November 19, 2015
December 17, 2015

C/CAG AGENDA REPORT

Date: February 19, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Receive presentation on the Administrative Draft of a revised Municipal Regional Permit

(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Receive presentation on the Administrative Draft of a revised Municipal Regional Permit.

BACKGROUND

Regional Water Board staff released an Administrative Draft of a revised Municipal Regional Permit (MRP), which expired at the end of November last year. The MRP is issued for five year terms. Water Board staff member Keith Lichten (Chief, Watershed Management Division) will provide the Committee an overview of key proposed revisions, focused on provisions regarding Trash Load Reduction, Mercury and Polychlorinated Biphenyls (PCBs) Controls, New and Redevelopment, and Green Infrastructure.

Committee Member Mumley provided a more detailed overview of these proposed revisions to the regional MRP 2.0 Steering Committee on February 5. Attached are notes from that meeting as well as a copy of his presentation slides.

ATTACHMENTS

1. MRP 2.0 Steering Committee Meeting Notes – February 5, 2015
2. Dr. Mumley Power Point Slides – February 5, 2015 MRP 2.0 Steering Committee

MRP 2.0 Steering Committee Meeting Notes
February 5, 2015, 1:00 to 3:30 pm
State Building, 1515 Clay St., Oakland CA, 2nd Floor Room 12

I. Opening

- Matt Fabry (SMCWPPP) opened the meeting and noted that the only agenda item was Tom Mumley's briefing on key elements (i.e., Trash, New and Redevelopment and POCs) of the internal MRP 2.0. Matt noted that as part of next steps we should consider holding a March 5 Steering Committee meeting.

II. Summary of Draft Key Requirements in MRP 2.0 – Dr. Tom Mumley (WB AEO)

- Tom Mumley distributed a copy of his presentation (attachment 1) and within the time allocated for the meeting he would only cover the key permit items mentioned by Matt. He also noted that he would further discuss the current WB staff schedule at the end of the talk but that it currently leads to a Fall 2015 adoption at earliest, and that WB staff will need to push to get this done.
- **Trash Load Reduction (C.10)**
 - WB Obligated to develop a compliance schedule – added interim milestones (e.g., 60%, 70% and 80% trash discharge reduction requirements in 2016, 2017 and 2019, respectively).
 - Compliance based on areal % Trash Management Areas (TMAs) converted to “low”.
 - Equation developed to provide more credit (weighted 12 to 4 to 1, generally based on relative ratios associated with range of trash generation rates) for reducing very high, high, and moderate TMAs to low; open to discussing these credit ratios.
 - Open to discussing how to allow for some credit where conversion not fully completed (such as very high to high or moderate) but depends on degree of verification provided to support credit request.
 - Overall, need to demonstrate outcomes by documenting actions in TMAs, including certified full trash capture, other trash control actions with verification via visual assessments, and receiving water observations. May consider some extrapolation of documentation from other areas with verification of comparability.
 - Working assumption is that requirements contained in MRP 1.0 and currently operational are to continue forward into MRP 2.0. If clarification is needed, let's discuss what to add. For example,
 - Required to maintain mandatory minimum hot spot cleanups, but allowed to move sites around based on documentation (e.g., old site is cleaned up for good or to better align with TMAs). No new sites required.
 - Required to maintain existing mandated level of full trash capture treatment. No new requirement for additional full trash capture, but existing must continue to be operated and maintained to remain in compliance with mandatory minimum.
 - Must maintain up-to-date Trash Load Reduction Plan, but not required to submit. WB staff may request to review plans (e.g., if a Permittee is not meeting desired outcomes).
 - Are not going to mandate source control ordinances, but will focus on outcomes. Any new ordinances should be documented as update to Plan and will figure out some form of credit.

- WB recognizes that other sources, such as homeless encampments, are challenging and staff wants to work with Permittees on solutions as well as how to provide some credit. Tom is open to provide flexibility within permit to address other sources and to provide some credit within bounds of available documentation. (Wants to capture concepts in Admin draft so that no new notices are required). **ACTION ITEM: Provide suggestions as part of further discussions.**
- Goal is to rely on use of maps and updated maps for reporting progress, summary of actions, accounting of progress toward % reductions, summaries of receiving water observations and hot spot cleanups. Noted that updated maps reflecting actions assessed and accounting progress towards reductions are best way to show progress for most important metrics. Envisioning that maps could eventually be interactive and allow for updated online viewing.
- Questions:
 - Napp Fukuda (San Jose) – how are we going to address homeless encampments in a way that avoids “mitigated non-compliance” judgment? Tom – open to integrating something into the formula to address this and other discharges not tied to TMAs (e.g., direct dumping into creeks). This is a good area for Permittees to provide feedback. Keith Lichten (WB) – intent of C.10 is to address MS4 discharges of trash; we may want to consider other approaches to “direct discharges”. Tom – we can’t mandate control of direct discharges through this permit but would like to allow for credit for addressing in a smart way to help avoid the need for developing TMDLs, which is in nobody’s interest. Dave Smith (EPA) – the more this permit deals with these other sources, the less municipalities will have to deal with the other sources under the state’s Trash Amendments.
 - Sharon Gosselin (Alameda County) – how will non-population based entities be addressed in the new permit? It helped to have this explicitly stated in MRP 1.0. Tom – If it is not clear in draft then will need to make clear that previous requirements that are being operated per MRP 1.0 carry forward into MRP 2.0. **ACTION ITEM: Provide feedback on how much detail to clarify intent.**
 - Tom Dalziel (CCCWP) – wants to make sure we set up a process to discuss the recent compliance evaluations and avoid misinterpretations going forward. Tom M – agrees we need to discuss this issue. Dan Cloak (CCCWP/ DCEC) – it is a reality that in some locations, the non-MS4 component of trash greatly exceeds the MS4 contribution. Permittees should not be penalized for this.
 - Melody Tovar (Sunnyvale) – need to identify process for discussing the handful of very tricky issues raised by this draft language. Wants to make sure Permittees will have this opportunity.
- **PCBs Reduction (C.12)**
 - Tom M. stated the administrative draft permit will require that short term actions (identify watersheds, control measures, and schedule) have cumulative benefits of 0.5 kg/year in years 1-2; 3 kg/year in the next 3 years (net result is 3 kg/yr Bay area wide out of the TMDL-required reduction of 18 kg/yr). Richard Looker (WB) stated these goals are based on actions being done during this permit term – do not include actions taken in the previous permit term unless those actions have not yet been realized or credited. The load reduction requirements are divided among the MRP counties according to the same proportions used to establish county-specific load allocations in the PCBs TMDL.
 - Richard Looker did a WB staff analysis that indicates the above load reductions should be feasible, which he said he would share. He encouraged us to help come up with an accounting scheme to meet these goals. The foundation should be the BMP load reduction benefit estimates

already submitted in the Integrated Monitoring Report prepared under MRP 1.0. We will need to provide a technical basis for assumptions of loads reduced by specific actions. Dan Cloak noted that many actions that could prevent PCBs from reaching the Bay are one-off and not repeatable, and quantification of the loads prevented from reaching the Bay by those actions would be speculative. He believes this will undermine the technical validity of an accounting scheme. Jon Konnan (SMCWPPP/EOA) noted that a collaborative analysis already presented by stormwater program staff documented that the proposed load reductions are unlikely to be feasible. We therefore had previously asked WB staff to provide us with any alternative analysis that would indicate otherwise. Jon reiterated that we would like Richard to share his analysis as soon as possible so that we can compare to our analysis and all try to get on the same page.

- Melody stated that given breathtaking resources that could be required to meet such goals, there is significant concern about accepting a goal and then figuring out later how we are going to meet the goal. Tom M. – recognizes that there will be angst with any number, but does not want to create requirements that are impossible to meet. Open to building in some flexibility and WB staff plans to include language in this provision along the lines of allowing for falling short of load reduction requirements if Permittees have demonstrated full implementation of controls to the best of their ability and that the goal is not achievable. Dave Smith – EPA is OK with this approach and will be looking for some balance between enforceable targets and flexibility for meeting them to the best of our abilities. Jon K. – will this type of language be in the administrative draft? Tom M. – no it won't, he doesn't want to put it out there too early and potentially have it shot down.
- Green Infrastructure Plans
 - Robust plans with “reasonable assurance” to attain 3 kg/yr by 2040 (25 years). “Reasonable assurance” comes from LA and San Diego permits. Tools available to demonstrate this – e.g., Green Plan-IT.
 - EPA is offering technical assistance – will sponsor a workshop on the reasonable assurance “toolbox” in a couple of months.
 - Begin implementation within permit term – 120 g/yr during final 3 years of permit to “prime the pump” (part of the 3 kg/yr goal), allocated by county. Sue Ma (WB) and Richard did analysis to derive this goal – the group asked if the analysis could be shared. Can take credit for GI projects constructed during MRP 1.0. Tom pointed out that IMRs reported on reductions achieved by C.3 projects. **ACTION ITEM: Request, review and provide feedback on WB staff analysis.**
 - Rinta Perkins (Walnut Creek) – asked for WB to consider allowing more time for Permittees to plan for implementation, get funding mechanisms in place, etc. Tom – this type of feedback (i.e., what is needed to turn “can't do” into “can do”) is helpful and appreciates the funding challenge and may be willing to adjust schedule.
 - Joe Calibrigo (City of Danville) – seems that given all the time we've put into this so far, it would make sense to have a sub-group to work with Tom and his staff rather than wait for individual agencies to submit comments. Tom – agreed; thinks more constructive to funnel comments through existing working groups.
- Plan for MRP 3.0 and beyond
 - Basin Plan allows reevaluation of TMDL load allocations at 10-year point. WB staff open to reconsidering TMDL allocations provided that best efforts are made toward goals in MRP 2.0.
- Legacy uses of PCBs
 - Manage PCBs in building demolition/renovation activities, Melody noted that there is significant uncertainty surrounding potential benefit from these types of controls so additional discussions are needed on credit and accounting approach. We need certainty

about credit for these actions before putting burden on construction industry. **ACTION ITEM: need to discuss options as part of POCs group.**

- Evaluation of PCBs in roadway caulk (e.g., sealant between joints). Roger Lee (Cupertino) – need to recognize shift in burden and potential benefits between various control actions.
- Fate and transport studies of PCBs in margins (ongoing effort and participation by Permittees via RMP).
- Risk reduction activities – not discussed but similar to previous.
- Question
 - Khalil Abu-Saba (AMEC) – what happened to referral process for contaminated properties? Tom – still an option for loads reduction but not called out as a specific requirement. **ACTION ITEM: need to discuss options as part of POCs group.**
- **Mercury Reduction (C.11)** – mirrors PCBs but WB staff recognizes less short-term opportunity for new actions to reduce loads. Long-term benefits to be realized via GI.
- **New and Redevelopment (C.3)**
 - Focus on GI
 - Maintain LID hierarchy
 - Not eliminating all grandfathering - eliminating exemption of legacy projects approved with no C.3 treatment that have not begun construction.
 - GI Plans
 - Plans will need to be Permittee-specific – how to make this requirement one size fits all?
 - Need early buy-in from governing bodies
 - Must include tools to make GI a routine practice (e.g., planning/prioritizing, standard specs, training/outreach, etc.)
 - Need to identify list of potential GI projects ASAP
 - Goal of no missed opportunities. Jill Bicknell (SCVURPPP/EOA) – need to be clear on what the criteria are for evaluating whether a project is feasible and therefore a “missed opportunity”.
 - Dan C. – Noted that BASMAA submitted GI language following a series of meetings with WB staff. Requested discussion with WB staff to understand their questions and how to use more of these ideas in the permit. Significant effort went into incorporating WB staff concerns, as well as how to incorporate GI into municipal Capital Improvement Project planning procedures. **ACTION ITEM: discuss with WB staff as part of follow-up with work group.**
 - Special Projects
 - Will still need to demonstrate infeasibility of LID on- or off-site
 - Goal is to phase out by end of permit term – the need for LID treatment reduction credit should go away if enough alternative compliance projects are in place. Dan C.– noted (1) the provisions are needed to allow pedestrian-friendly urban design in high-density areas; (2) no municipality has successfully implemented an in-lieu program under the existing alternative compliance provisions; (3) existing Special Projects provisions result in runoff from 98-99% of new and replaced impervious area being treated with LID (~1.3% non-LID based on two years of data), and (4) non-LID treatment still requires media filtration.
 - Other Issues
 - Inspect treatment, HM, and pervious paving systems at time of construction
 - Inspect pervious paving systems at Regulated Projects
 - Inspect pervious paving systems > 5,000 SF at non-regulated projects (not including single family homes)

- Use ERP for O&M inspections
- **Timeline (proposed)**
 - Admin draft – Feb 2015
 - Remaining sections “early next week”
 - Public notice draft – April 2015
 - WB hearing – May/June 2015 (may hold multiple hearings on various sections of the MRP)
 - Adoption hearing – Sep/Oct 2015
- **Process & Next Steps**
 - Tom M. noted that there is not a legal requirement for WB staff to provide an administrative draft or respond to any comments on such a draft. Comments are due March 9 but that does not mean the dialogue needs to stop at that date and we can continue working together to refine the permit language ahead of the publicly-noticed draft.
 - Joe Calibrigo – asked for time to have a small workgroup of 6-8 key representatives to meet with WB staff to go over the details of the provisions. Tom – need to have people at the table that are empowered to make decisions. Adam Olivieri (SCVURPPP/EOA) suggested the workgroup(s) focus on four topics: trash, PCBs, C3/GI, and other provisions (lump into one discussion). Also noted that disclaimer language allows some flexibility to working groups to reach a general consensus while still allowing Permittees to provide their input as part of process.
 - **ACTION ITEM: establish workgroup(s) to further discuss with WB staff four key topics. Next Steering Committee Meeting – afternoon of March 5, 2015, a few days before the March 9 due date for comments on the administrative draft permit.**

VI. Adjourn

Attachments:

- 1- Sign in sheet
- 2 - Dr. Mumley WB staff presentation



Municipal Regional Permit 2.0

Overview of Key Revisions

MRP 2.0
Steering Committee
February 5, 2015


Tom Mumley
Assistant Executive Officer
SF Bay Regional
Water Quality Control Board

Trash Load Reduction (C.10)


Milestones - Schedule

- 👉 60% by July 2016
- 👉 70% by July 2017
- 👉 80% by July 2019
- 👉 100% (no averse level) by July 2022

Based on areal-percent of trash management areas managed and converted to low trash generation with full trash capture or verified equivalents



Trash Load Reduction (C.10)



Trash Generation Area approach based on 2014 Trash Generation Area Maps

- 👉 %-reduction based on conversion of Very High, High, and Medium areas to Low
- 👉 Weighted benefit for conversion of Very High and High relative to Medium

$$\%A_{T-L} = 100 \times \frac{(12 * A_{VH-L} + 4 * A_{H-L} + A_{M-L})}{(A_{VH} + A_H + A_M)_{2009}}$$

Trash Load Reduction (C.10)

Demonstrate Outcomes

- 👉 Full trash capture systems
 - Document and certify required O&M
- 👉 Other trash control actions
 - Document implementation
 - Assessment of trash management areas
- 👉 Receiving waters observations

Trash Load Reduction (C.10)

- 👉 Maintain mandatory minimum trash hot spot cleanups
 - Allow new sites
- 👉 Maintain up-to-date Trash Load Reduction Plan

Trash Load Reduction (C.10)

- 👉 Reporting
 - Updated maps that reflect certified full trash capture systems and other actions assessed
 - Summary of actions
 - Accounting of progress toward %reduction requirements
 - Receiving water observation summaries
 - Trash hot spot cleanup summaries

PCBs Reduction (C.12)

Short-Term Load Reductions

- 👉 Identify watersheds
- 👉 Identify control measures and schedule
- 👉 Reduce loads by 0.5 kg in yrs 1 and 2
- 👉 Reduce loads by 3.0 kg in next 3 yrs
- 👉 Load reductions allocated by county

PCBs Reduction (C.12)

Assessment Methodology

- 👉 Loads reduced or avoided by specific actions
- 👉 Foundation = MRP 1.0 load reduction accounting system (Dec 2013)
- 👉 Use to demonstrate load reduction progress and to inform reasonable assurance of long term plans

PCBs Reduction (C.12)

Green Infrastructure Plans

- 👉 Robust plans within permit term
 - Reasonable assurance to attain reductions = 3 kg/yr by 2040
- 👉 Begin implementation within permit term
 - 120 g/yr during final 3 yrs of permit
 - Allocated by county

PCBs Reduction (C.12)

- 👉 Plan for MRP 3.0 and beyond
 - Pathway to achieve TMDL allocations
 - Submit before end of permit
- 👉 Manage PCBs-containing materials
 - During building demolition and renovation activities
- 👉 Evaluate PCBs in roadway caulk
- 👉 Fate and transport studies of PCBs in margins (via RMP)
- 👉 Risk Reduction

New and Redevelopment (C.3)



- 👉 Focus on green infrastructure
- 👉 Maintain LID hierarchy and demonstration of retention/reuse infeasibility to allow underdrains
- 👉 Eliminate exemption of legacy projects approved with no C.3 treatment that have not begun construction

New and Redevelopment (C.3)

Permittee Green Infrastructure Plan

- Goal: Gray to green, over time
- Plan must get early buy-in and commitment from Permittee's governing body
- Plan must include the tools needed to make GI part of everyday practice
 - Planning & prioritization approach (e.g., GreenPlanIT)
 - Approved standard specifications
 - Training and outreach
 - Implementation goals and measurement over time (e.g., for TMDLs, 'greened acreage')

New and Redevelopment (C.3)

👉 Green Infrastructure Plan (cont.)

- Plan should identify 'crosswalks' with related city planning processes & tasks to complete
 - e.g., complete streets, TOD, etc.
 - Identify opportunities and tasks to address funding issues (work with MTC on grant reqmts)
- Each Permittee to develop a list of potential GI projects that may be as alternative compliance projects
- No missed implementation opportunities during permit term

New and Redevelopment (C.3)



👉 Special Projects

- Require demonstration of infeasibility of LID on or offsite (alternative compliance), in-lieu fees, or combo
- Tie density criteria to gross density
- Allow mixed-use projects to use dwelling unit/acre or FAR criteria for credit
- Define FAR
- Reduce reporting to once per year
- Phase out by end of permit term

New and Redevelopment (C.3)

- 👉 Require inspections of pervious pavement and paver installations, treatment systems, and HM controls at time of installation
 - Rather than within 45 days
- 👉 Require recurring inspections of all pervious pavement and paver installations at Regulated Projects and alternative compliance sites
- 👉 Require recurring inspections of all pervious pavement and paver installations ≥ 5000 square feet at smaller non-Regulated Projects
- 👉 Require Enforcement Response Plan for O&M inspections

MRP 2.0 Timeline

- 👉 Admin draft permit - Feb 2015
- 👉 Public notice draft permit - April 2015
- 👉 Water Board hearing - May/June 2015
- 👉 Adoption hearing - Sep/Oct 2015

C/CAG AGENDA REPORT

Date: February 19, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Receive presentation on potential new San Mateo County water district
(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Receive presentation on potential new San Mateo County water district.

BACKGROUND

Committee member Porter has been tasked by the County Manager Maltbie and Supervisor Pine to draft a white paper on the potential for creating a new integrated water management district in San Mateo County, similar to the Santa Clara Valley Water District to the south, with the exception of potable water provision. The draft white paper is attached and Committee member Porter will provide an overview for Committee discussion.

ATTACHMENTS

1. Draft White Paper on Potential San Mateo County Water District

SAN MATEO COUNTY WATER MANAGEMENT AGENCY

White Paper – February 12, 2015

Purpose

San Mateo County is located in the San Francisco Bay Area on the peninsula south of the City and County of San Francisco and is surrounded by major water bodies on two sides. The western side of the County is defined by the Pacific Ocean and the eastern side abuts San Francisco Bay. Within the County's borders are 20 incorporated cities and a County-governed flood control district that (with the exceptions described below) separately manage the inter-related issues of flood control, clean water compliance, sea level rise, and groundwater management. Because these issues are connected by function and determined by geography – and not by jurisdictional boundaries – strategies to plan, fund, and implement their solutions should be multi-jurisdictional and supported by countywide funding. This document provides a summary discussion of the pressing issues surrounding water management in San Mateo County, and describes two approaches to the creation of a Countywide water management agency.

Flood Control:

While cities undertake flood protection projects within their own jurisdictions, the only coordinated effort is led by the County Flood Control District which (1) actively manages two flood control zones, Colma Creek and San Bruno Creek, and (2) is a member of a separate JPA that manages the San Francisquito Creek watershed. Notwithstanding the existence of the County Flood Control District, which in the case of San Bruno Creek does not have adequate resources to undertake major capital projects, there is no dedicated countywide funding source to fund the construction and maintenance of flood control infrastructure. Similar to the situation with clean water compliance activities, city flood protection projects are frequently funded out of the general fund, or this need is not met, as the demand for general funds far exceeds available revenue.

There are numerous existing flood control challenges facing San Mateo County. By way of example, these include:

- The Bay Front Canal in Redwood City which floods today even after minor storms. The Bay Front Canal accepts storm drainage water from portions of Redwood City, Menlo Park, unincorporated San Mateo (e.g. North Fair Oaks), Menlo Park, Atherton, and Woodside.
- Belmont Creek where current floods are problematic for multiple businesses. Cost estimates to remedy the problem are estimated to be at least \$17.0 million and would likely require contributions from four jurisdictions.

- Flooding caused by San Francisquito Creek where funding for a project to reduce flood risks in East Palo Alto and Palo Alto along a flood-prone reach of the creek east of U.S. Highway 101 was provided primarily by the State of California and the Santa Clara Valley Water District.
- Cupid Row Canal and the North Channel of San Bruno Creek located in the City of San Bruno which have minimum capacity to accommodate a major storm event.
- The many decades old problem with water flows through Butano Creek and Pescadero Marsh in the Pescadero area.

In addition, FEMA is now engaged in a detailed analysis of the San Mateo County bayshore which will result in revised flood insurance maps in 2016. These maps may substantially increase the number of San Mateo County residents and businesses that will be required to procure expensive flood insurance and will highlight the need for infrastructure investments to prevent flooding.

Clean Water Regulation Compliance:

Clean Water Act compliance through Municipal Regional Permits issued by the San Francisco Bay Regional Water Quality Control Board is currently overseen by the City/County Association of Governments (C/CAG), consisting of the 20 cities and the County, in conjunction with individual efforts undertaken by these jurisdictions. Individual jurisdictions are left to fund clean water activities primarily from available funds, which tend to be unrestricted or “general funds” that must compete with other priorities.

Sea Level Rise:

San Mateo County’s existing flooding challenges will be significantly compounded by sea level rise. According to a Pacific Institute study, San Mateo County has more property value at risk from sea level rise than any other county in the state. Strategies to respond to and manage sea level rise must be implemented if this region is to continue to be an economic engine for California. A number of initiatives are now underway to address this issue, including: the San Francisquito Creek JPA SAFER Bay project; the SFO/San Bruno Creek/Colma Creek Resiliency Study; a Coastal Conservancy funded sea level rise vulnerability assessment; and revisions to the Local Coastal Plan for Half Moon Bay reflecting sea level rise considerations. However, as with watersheds, sea level rise does not respect jurisdictional lines as rising seas may simply circumvent one jurisdiction’s actions and increase the risk facing its neighbors.

Groundwater Water Management:

The water supply for San Mateo County is primarily derived from the Sierras, a source that is significantly stressed due to the drought and is likely to be even less reliable in the future as a result of climate change. In response, communities are looking for new water resources, such as groundwater, to meet projected demands. Without adequate oversight and cooperation, over-pumping of groundwater could result in land subsidence and diminished emergency water supplies. It is also important to keep SF Bay and ocean water out of groundwater, which will be harder to do as sea level rise becomes more prevalent.

Creation of a Countywide Water Management Agency

Decisions on how to address flood control issues, clean water compliance, sea level rise, and groundwater management should be based on topography, geomorphology, and science rather than jurisdictional boundaries. Because in many cases waterways form county and city boundaries, the watersheds, floodplains, and groundwater basins created by those waterways include areas on both sides and thus in multiple jurisdictions. A fragmented approach to the management and funding of water-related needs runs counter to the way in which water travels through watersheds and groundwater basins. While it makes sense to manage these resources using a regional approach, there currently is no public entity that coordinates, manages, or funds storm water and groundwater projects on a countywide basis.

Creation of a single agency to manage these activities allows for:

- Alignment of inter-connected, water-related challenges with the proposed solutions.
- Development of concentrated expertise in the above-mentioned areas.
- Expanded funding capabilities to address the many issues that are currently beyond the capacity of individual jurisdictions to solve.
- Increasing competitiveness for grant funds through program and project readiness, and by articulating a countywide vision for overall water management.
- Alignment of political entities to achieve regionally significant projects in a timely fashion.

The State is encouraging regional approaches to these issues by providing funding and relaxing administrative constraints (e.g. Proposition. 1, recently enacted and emerging legislation, and efforts by the State Water Board and Caltrans). It is much less likely that jurisdictions individually will be able to take advantage of these opportunities. The time is right for jurisdictions in the County to move in a coordinated direction and take advantage of opportunities being presented by the State as an “early adopter.”

San Mateo County officials are proposing for the consideration of city and county leaders two options for a new countywide water management agency. Option 1 involves the formation of a new Joint Powers Authority (JPA) comprised of the County and all 20 cities. The JPA would have an independent Board of Directors and be funded by all participating agencies after initial start-up funding by the County to form the JPA. Option 2 involves leveraging the existing San Mateo County Flood Control District to utilize its existing countywide reach. The enhanced District (beyond its present subzones) would continue to be governed by the Board of Supervisors with administrative costs borne initially by the County until other revenue sources have been obtained. In addition, a new Management Advisory Committee -- consisting of representatives from the cities -- would be created to provide agency oversight and track projects to be implemented by the District. Whichever option is selected, it is critical that the agency be small and nimble, and leverage outside expertise to the greatest extent possible. Details of the two options are further explained below.

Option #1: A New Joint Powers Agency

The San Mateo County Water Management Agency as a JPA would be composed of the 20 cities and San Mateo County. The JPA would offer the flexibility to manage water-related concerns on a regional level without the need for new State legislation, while also providing the means for raising revenues on a countywide basis.

The new JPA would be independent of the cities and the County with its own staff, and would be governed by a five to seven member Board of Directors comprised of at least four elected representatives from the cities and least one member of the County Board of Supervisors. The JPA would work closely with the cities and the County and have countywide oversight responsibility for flood control issues, clean water compliance, sea level rise, and groundwater management

Under this option, the JPA would function in a similar manner to entities such as the San Mateo County Transportation Authority whereby the JPA would:

- Provide broad oversight of the water issues described above.
- Prepare a countywide flood control vulnerability assessment to define both current and future deficiencies (such a plan is now underway by the County with Coastal Conservancy funding).
- Establish a prioritized list of projects to address those deficiencies, with an emphasis on projects that cross jurisdictional boundaries.
- Evaluate funding strategies.
- Seek revenue from multiple sources, including contributions from the cities and the County, grant funds, bonds, benefit assessment districts, and revenue through various ballot measures in compliance with State law.

- Work cooperatively with local jurisdictions to plan, design, construct and maintain specific projects, either as the lead agency or as a partner.
- Evaluate establishment of a revolving fund similar to the State Revolving Fund to be used for project implementation.
- Assume responsibility for managing the Clean Water Program currently managed by C/CAG

Process for Establishing Water Management JPA

The following steps outline a process for establishing the JPA. Some steps would be performed concurrently.

1. Work with an ad hoc committee described below to seek approval of the JPA concept from the cities and the County.
2. Develop and execute a JPA agreement. The county would bear the start-up costs of the JPA and contributions from the member agencies would fund administrative staff. JPA staff would then seek additional revenue from grants and voter approved revenue measures to fund ongoing administrative activities and capital projects.
3. Leverage C/CAG's work to date on a clean water compliance funding strategy.
4. Use combined work products from the vulnerability assessment and clean water compliance studies to identify deficiencies, both in terms of infrastructure and funding.
5. Establish a phased staffing model for the JPA. Begin with an Executive Director and executive team, Project Managers, Biologist(s), and communications staff. County staff may be used on an interim basis until the JPA can retain independent staff.
6. Develop and implement a public outreach campaign.
7. Pursue a revenue measure to fund the JPA such as a parcel tax or service-related fee. If approved by the voters, the revenue stream could then be leveraged as debt service for a larger bond measure to fund capital improvements.
8. Evaluate staffing based on programs, projects, and revenues.
9. Implement projects and programs.

Option #2: Enhanced County Flood Control District

A second option would leverage the existing San Mateo County Flood Control District (District) that was established via the California Water Code [Cal. Water Code Appendix, Chapter 87]. The existing District is governed by the five members of the County Board of Supervisors and staffed by County Department of Public Works employees. The District's powers are currently limited to flood control activities in the four established watershed subzones: Colma Creek, San Bruno Creek, San

Francisquito Creek, and Ravenswood Slough. Revenue for activities within the subzones is generated by a small portion of the 1% property tax established prior to the passage of Proposition 13. Revenue generated within each subzone can only be used within the subzone and only for flood control related activities. Adding the responsibilities of clean water compliance, sea level rise planning, and groundwater management, and changing the District's name to San Mateo County Water Management Agency to reflect these changes, would occur through a modification to the enabling legislation at the State level. The County would immediately begin to pursue the modification with local elected State representatives.

The expanded District would pursue the same initiatives as described above for the JPA. A Management Advisory Committee would be established comprised of city managers to evaluate District operations and effectiveness, and report findings to the District

If this option were pursued, the District could be up and running immediately for flood control and certain clean water regulatory compliance purposes. The County would agree to fund the initial administrative expenses of the District at no cost to the 20 cities in the County until additional funding sources are obtained. Current County administrative resources would be used for contract administration and personnel services (payroll and other HR functions, etc.) District staff would then begin work on integrating the Clean Water Program into current operations, begin the planning of multi-jurisdictional capital projects, explore revenue measure and grants to fund projects, and conform the agency to the new State requirements regarding groundwater management agencies. Revenue for capital projects would be sought through a voter approved parcel tax or other property related fee.

Process for Enhancing the County Flood Control District

The following steps outline a process for leveraging the current Flood Control District structure. Some steps would be performed concurrently.

1. Work with an ad hoc committee described below to seek approval of the expanded District concept with the cities.
2. County adds District staff at County's expense. New staff would increase the operational capacity of the new agency to conduct the water management related activities described above.
3. Pursue legislation to modify the California Water Code Appendix, Chapter 87 to expand the functions of the District.
4. Establish a Management Oversight Committee.

5. Transfer Clean Water Program responsibilities from C/CAG to the District, including its one staff member, and associated revenue currently used for this purpose.
6. Leverage C/CAG's work to date on a clean water compliance funding strategy.
7. Use combined work products from the vulnerability assessment and clean water compliance studies to identify deficiencies, both in terms of infrastructure and funding.
8. Develop and implement a public outreach campaign.
9. Pursue a revenue measure to fund the District such as a parcel tax or service-related fee. If approved by the voters, the revenue stream could then be leveraged as debt service for a larger bond measure to fund capital improvements.
10. Increase staffing based on revenues.
11. Implement projects and programs

Next Steps

An ad hoc committee has been established among the affected jurisdictions to develop the form and function of this new agency and help guide the formation process. Current committee members include a small group of city managers, the County Director of Public Works, and a representative from the Office of Congresswoman Jackie Speier and the Office of Supervisor Dave Pine as those offices have been investigating cross jurisdictional solutions to both current flooding and future sea level rise issues.

Outstanding Issues

- Decision on governance structure.
- Draft of JPA document (if applicable).
- Expand powers of County Flood Control District (if applicable).
- Develop a "Business Plan" outlining, among other things, revenue needs, revenue sources, and a schedule for obtaining revenue.
- Annual costs or "dues" from cities and County for JPA operations (if applicable).
- Details of distributing funding back to cities and County for storm water management and clean water regulatory compliance.

C/CAG AGENDA REPORT

Date: February 19, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Receive update on Statewide Drinking Water System General Permit

(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Receive update on Statewide Drinking Water System General Permit and upcoming training workshop.

BACKGROUND

The State Drinking Water System General Permit was adopted in November 2014 and becomes effective February 25th. The General Permit is now available on the State Board's website: http://www.swrcb.ca.gov/water_issues/programs/npdes/drinkingwatersystems.shtml. By September 1, 2015, drinking water purveyors must file a Notice of Non-Applicability (NONA) or a Notice of Intent (NOI) to be covered under the General Permit. East Bay Municipal Utility District and the San Francisco Public Utilities Commission are sponsoring a General Permit Implementation Workshop on March 6th in Oakland at 9am. See the attached flyer for more details.

San Mateo municipalities that are water utilities may want to send staff to this Workshop to learn more about the notification, monitoring, record keeping, and reporting requirements. In the recently released Administrative Draft for reissuing the Municipal Regional Permit (MRP), Provision C.15.b.iii Potable Water System Discharges has been deleted. However, if the reissued MRP includes a planned potable water discharge provision, it will likely incorporate similar requirements as the State General Permit. When the MRP is reissued, C/CAG staff and consultants will provide guidance for San Mateo water utility agencies.

Municipalities that aren't water utilities may still benefit from sending staff to the Workshop in order to learn more about this General Permit. Private water utilities may be contacting municipalities for: 1) pre-notification of certain large planned discharges, 2) post-notification of certain non-compliant discharges, or 3) identifying storm drain systems and outfalls at nearby receiving waters.

ATTACHMENTS

1. Workshop Notice – General Permit Implementation Workshop



East Bay Municipal Utilities District

&



Services of the San Francisco Public Utilities Commission

Invite You to Attend:

Bay Area Regional Implementation Workshop
on the
STATEWIDE NPDES PERMIT FOR DISCHARGES FROM DRINKING WATER SYSTEMS

Come get your critical questions answered! Do you need pointers to design a representative monitoring program? Would you like clarity on roles & responsibilities? Perhaps you've been wondering what beneficial reuse means for your program!

Who Should Attend: Compliance Program Managers & Other Interested Stakeholders

Date: Friday, March 6, 2015

Time: 9:00 am to 12:30 pm

Location: EBMUD Administration Building, Boardroom

Address: 375 11th Street, Oakland, CA 94607

BART: At the 12th Street/City Center Station, Exit to 11th Street

Parking: Limited Paid Parking Is Available in Nearby Commercial Lots

AGENDA

9:00 am – 10:00 am Welcome

State Water Board Staff Presentation: Permit Highlights

10:00 am – 10:30 am Water Utility Staff Presentation: Operations & Practices Overview

10:30 am – 12:00 pm Panel Discussion with State Water Board, Regional Water Board, Water Utility System & Stormwater System Representatives

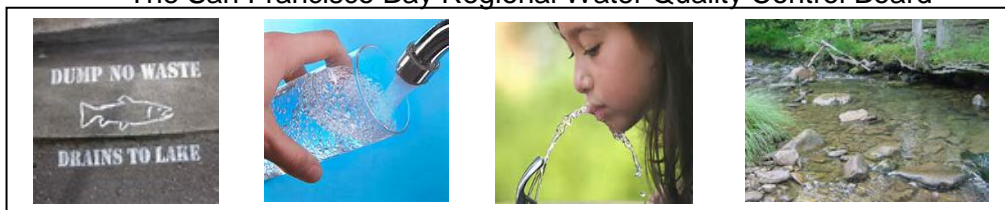
12:00 pm – 12:30 pm Questions & Closing

With Support From



The State Water Resources Control Board &

The San Francisco Bay Regional Water Quality Control Board



C/CAG AGENDA REPORT

Date: February 19, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Receive update on stormwater-related legislative issues

(For further information or questions contact Matthew Fabry at 599-1419)

RECOMMENDATION

Receive update on stormwater-related legislative issues

BACKGROUND

At the start of the 2015-16 legislative session, there are currently two stormwater-related legislative issues C/CAG staff and its advocacy team are involved with/tracking. First, Assemblymember Gordon has provided C/CAG a spot-bill for potential legislative revisions to last year's SB 985 regarding stormwater resource planning. Second, a coalition of organizations is actively seeking legislative remedies to the existing Proposition 218 treatment of stormwater with regard to property-related fees. Each of these issues is discussed in more detail in the following paragraphs, after which a brief update is provided on anticipated next steps in regard to AB 2170, which went into effect January 1 and clarified C/CAG's legal authority to pursue a countywide special tax or property-related fee.

SB985 – Stormwater Resource Planning

Senator Pavley's SB 985 was signed into law by Governor Brown last year and amended existing legislation that authorized, but did not require, agencies to develop Stormwater Resource Plans. In addition to various modifications to the standards such plans must meet, the Pavley's bill required that Stormwater Resource Plans be developed in order for an agency to receive grants for stormwater projects under any voter approved bond act after January 1, 2014. This means that any local agency that wants to compete for stormwater funding under the recent voter-approved water bond will have to develop a Stormwater Resource Plan and have it incorporate into the applicable Integrated Regional Water Management Plan. Many of the criteria that must be satisfied when developing a Stormwater Resource Plan focus on stormwater capture and use in augmenting water supply – developing plans that satisfy all the mandatory criteria, while potentially beneficial for long-term water management, is anticipated to be costly.

This requirement to develop a Stormwater Resource Plan is concerning to C/CAG staff given that the requirements and criteria associated with creating a Stormwater Resource Plan are separate from and unrelated to mandated requirements in municipal stormwater permits issued by the State and Regional Water Boards. Stormwater permits are focused on addressing water quality problems, not integrated stormwater management in the context of enhancing water supply. As such, C/CAG staff is working with its legislative advocacy team to evaluate the need for a legislative fix to ensure that local agencies seeking funding to implement mandated stormwater management projects are able to compete for

water bond funding without the additional significant hurdle of creating a stormwater resource plan. In addition to evaluating legislative remedies, C/CAG staff and the advocacy team are seeking administrative solutions that may achieve the same end result without the need for legislation. If a legislative solution is deemed appropriate, C/CAG staff will bring a recommendation to the Legislative Committee.

Proposition 218 Amendment

A coalition of organizations, including Heal the Bay, the California State Association of Counties, the League of California Cities, and the California Stormwater Quality Association, are working together to evaluate feasibility of proposing a constitutional amendment to provide the same status for stormwater as currently afforded water, sewer, and refuse collection in regard to establishing or raising property-related fees. Existing constitutional restrictions enacted under Proposition 218 in 1996 require both a protest hearing and a vote of the electorate or property owners in order to establish or increase a stormwater property-related fee. This additional hurdle has made it challenging, if not impossible, to secure sufficient funding to meet mandated requirements in municipal stormwater permits. Buoyed by the success last year in amending the definition of water in the Proposition 218 Omnibus Implementation Act to include water “from any source,” these organizations believe the timing is right to once again seek an ultimate solution to the funding problems that plague stormwater management agencies in California. As of the drafting of this agenda report, a bill has not been introduced, but C/CAG staff and the advocacy team will keep the Legislative Committee updated once legislation is proposed.

AB 2170 Next Steps

Last year, Governor Brown signed Assemblymember Mullin’s AB 2170 into law, clarifying that Joint Powers Authorities have the authority to levy a fee, assessment, or tax so long as those powers are specified in the joint powers agreement and all member agencies jointly hold that authority. These powers are still subject to all the relevant rules and restrictions specified in the State constitution.

C/CAG spent much of 2014 evaluating the feasibility of a countywide funding initiative for stormwater compliance activities and this legislation was essential to ensure C/CAG had legal authority to pursue such an initiative. AB 2170 went into effect on January 1, 2015 so C/CAG staff anticipates working with the C/CAG Board in the coming months to amend the existing joint powers agreement to specify authority to levy a fee, assessment, or tax. Regional Water Board staff is expected to release a preliminary draft of the new Municipal Regional Permit on February 5, which will enable C/CAG staff and member agencies to better evaluate cost implications for the next five years and revisit the overall need and timing for a potential countywide initiative. Next steps for a potential initiative include developing a draft expenditure plan, continuing community group outreach and education, revisiting the validity of previously performed opinion research, and preparing a revenue report that documents the proposed tax or fee structure and rates for various parcel classes.

ATTACHMENTS

None