

STORMWATER COMMITTEE
Regular Meeting
Thursday, April 16, 2015
2:30 p.m.

Meeting Minutes

The Stormwater Committee met in the SamTrans Offices, 1250 San Carlos Avenue, San Carlos, CA, 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.), and John Fuller (Daly City). Chair Breault called the meeting to order at 2:40 p.m.

1. Public comment: None

2. Issues from C/CAG Board: None

3. ACTION – The draft minutes from the February 19, 2015 Stormwater Committee meeting were approved unanimously. (Motion: Donohue, Second: Underwood).

4. PRESENTATION – Geoff Brosseau, Executive Director of the California Stormwater Quality Association (CASQA), gave the Stormwater Committee an annual update on CASQA's ongoing activities, member benefits, accomplishments, and future plans/vision. Geoff noted that C/CAG is a CASQA member through the countywide stormwater program. Geoff gave a brief overview of CASQA's new strategic vision. As CASQA members, C/CAG's member agencies are entitled to various benefits, including statewide representation via comment letters and testimony on regulatory issues of concern (e.g., trash amendments, industrial general permit, receiving water limitations) and access to CASQA work products and news updates. CASQA's new stormwater program effectiveness assessment portal emphasizes parameters other than discharge quality, such as behavior change and pollutant load reduction. Addressing brake pads as a source of copper has been a long-term success story for CASQA. CASQA's 10th annual conference in Orange County had about 750 participants and the 11th annual conference will be in Monterey, October 19 – 21. CASQA's future plans include developing a training program for the industrial general permit and continuing to assist with development of stormwater financing legislation. Geoff noted that CASQA.org has for more information on CASQA's strategic vision, meetings, trainings, associated schedules, portals, online BMP handbooks, and other items.

5. INFORMATION – C/CAG staff Matt Fabry provided the Committee with an update on ongoing discussions with Regional Water Board (RWB) staff regarding the Administrative Draft released in February for a reissued Municipal Regional Permit (MRP). Bay Area stormwater program and Permittee staff continued working with RWB staff via various workgroups and collaborated regionally to provide RWB staff consolidated comments on the Administrative Draft in March, which primarily took the form of redline/strikeout versions of the draft permit provisions. The highest priority concerns identified focused on provisions for 1) New/Redevelopment and Green Infrastructure, 2) Trash Load Reduction, and 3) Mercury and Polychlorinated Biphenyls (PCBs) Controls. At a regional MRP 2.0 Steering Committee meeting on April 2, stormwater program staff presented these priority issues and RWB staff responded, as summarized below.

Key concerns for New/Redevelopment and Green Infrastructure include:

1. Green Infrastructure (GI) – required level of effort and time frames for MRP 2.0 compliance, for both GI plans (framework due June 2016) and early implementation. RWB staff agreed that the level of effort specified in GI plans should vary among agencies and will work with municipal staff to understand what type of early buy-in (i.e., by June 2016) is possible from each agency for its GI plan (e.g., given the typical city council process).
2. LID Definition – giving bioretention equal status to other LID measures and eliminating feasibility analysis. RWB staff appears to have agreed to this, contingent upon good GI planning, and with a few details to be worked out.
3. Hydromodification – consolidation of requirements and allowance of an alternative sizing approach (direct simulation of erosion potential) to meet the existing HM standard. RWB staff is open to considering alternative approaches.
4. O&M Verification of Pervious Pavement – limit to installations on Regulated Projects approved after Permit effective date and above a certain size threshold for certain uses. RWB staff is OK with this only applying to projects approved under MRP 2.0 but still considering what size threshold if any may be appropriate.

Key concerns for Trash Load Reduction include:

1. Frequency and timing of compliance dates (including 2022 "no adverse effect" date). RWB staff is willing to eliminate the 2016 compliance date but maintain it as a reporting check-in (i.e., "dress rehearsal") before the 2017 compliance date. RWB staff is not willing to go before their Board at this time and ask for the 2022 date to be extended to 2025.
2. Geographical extent and frequency of on-land trash assessments. RWB staff willing to continue discussing this but cautioned that if a Permittee claims that certain actions are working but has done insufficient assessment it may be vulnerable to enforcement.
3. Accounting for source control benefits and creek/shoreline cleanup actions. RWB staff is open to continued discussion.
4. Intent/purpose of receiving water observations. RWB staff agrees that receiving water observations will not be a compliance point.

Key concerns for Mercury/PCBs Controls include

1. Approach to compliance: BMP-based vs. load reduction requirement or a hybrid, and linkage to GI provisions in C.3. Permittees need a clear and feasible pathway to compliance. The administrative draft's approach of requiring a load reduction and then developing an accounting system early in the permit term to credit BMPs requires a leap of faith unacceptable to local agencies. RWB staff continues to support making the compliance point achievement of a load reduction number rather than implementation of BMP programs.
2. Accounting – can we agree on the scope and assumed interim benefits of major BMP programs before the permit is adopted? Stormwater staff has been working with RWB staff to try to develop an accounting system that could be incorporated into the permit. Compliance would not be based on achieving a load reduction but instead would be based on implementing BMP programs designed to reach a load reduction target or action level. The target would be informed by what the BMP programs could achieve based on the upfront agreed upon accounting system.
3. Management of PCBs in building materials during demolition – what is the best approach and over what time frame? RWB staff believes that this type of BMP program should be administered at the local level, since local agencies already regulate demolition. Although there are high levels of PCBs in caulks/sealants in certain buildings, it is uncertain whether the PCBs are released to the environment during demolition. Committee members expressed concern at

committing resources before we are sure whether there is a problem, but acknowledged that other issues (potential human exposure at the site, disposal) suggest that a program to manage building materials during demolition could be beneficial, if developed in the right way (e.g., statewide program analogous to asbestos abatement). Geoff Brosseau agreed that this is an appropriate issue for CASQA to consider on a statewide basis and agreed to raise it.

Committee members raised various questions and concerns regarding the priority issues. Matt Fabry noted that a Tentative Order of the permit is scheduled for release in May, which will provide an opportunity for further comment.

6. Regional Board Report: NONE

7. Executive Director's Report – C/CAG staff Sandy Wong reported that C/CAG staff recently visited Sacramento to meet with the San Mateo delegation and highlight local agency concerns related to stormwater and transportation issues. Staff emphasized the need to integrate planning and funding for Green Streets and Complete Streets.

8. Member Reports: Committee member Porter gave a brief update on the County's proposal to create a new Water Management Agency, and summarized feedback from a recent presentation to C/CAG's Resource Management and Climate Protection Committee. He indicated that Supervisor Pine would be presenting to the C/CAG Board on May 14 on this issue, and then they would likely start making presentations to all 20 city/town councils.

Chair Breault adjourned the meeting at 3:40 p.m.