

**STORMWATER COMMITTEE**  
**Regular Meeting**  
**Thursday, June 18, 2015**  
**2:30 p.m.**

**Meeting Minutes**

The Stormwater Committee met in the SamTrans Offices, 1250 San Carlos Avenue, San Carlos, CA, 2<sup>nd</sup> 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.), John Fuller (Daly City), Michelle Daher (East Palo Alto), and Jerry Bradshaw (SCI Consulting Group). Chair Breault called the meeting to order at 2:32 p.m.

1. Public comment: None

2. C/CAG staff Matt Fabry provided an update on issues relevant to the Committee from the May and June C/CAG Board meetings. In May, C/CAG amended its funding agreement with the Bay Area Water Supply and Conservation Agency, extending the term through June 30, 2016 at an additional cost not-to-exceed \$25,000 for rain barrel rebates in San Mateo County. Fabry noted there is still an opportunity for additional agencies to sign up with this program and that incentivizing rain barrel installations may encourage residents to implement other water conservation measures. In June, C/CAG amended its funding agreements with:

- SCI Consulting Group, extending the term through June 30, 2016 at no additional cost to enable continued technical support for a potential countywide stormwater funding initiative.
- EOA, extending the contract through September 30, 2015 at no additional cost for technical support to the countywide stormwater program, including continued support with the stormwater permit reissuance and upcoming annual reporting.
- San Mateo County's Division of Environmental Health, extending the contract through October 31, 2015 at a cost not-to-exceed \$106K to implement critical public education and outreach activities in accordance with the stormwater Municipal Regional Permit (MRP) (e.g., Coastal Cleanup Day, car wash rebate program, cigarette butt litter campaign, and pesticide-related point-of-purchase programs in stores).

In June the C/CAG Board also received a presentation from Regional Water Board staff Tom Mumley (Assistant Executive Officer) on high priority provisions in the Tentative Order of the MRP.

3. ACTION – The draft minutes from the April 16, 2015 Stormwater Committee meeting were approved unanimously. (Motion: Walter, Second: Murtuza).

4. ACTION – C/CAG staff Fabry provided an update on the draft revised MRP and solicited recommendations from the Committee regarding written comments and oral testimony. Fabry noted that Regional Water Board staff released a formal MRP Tentative Order on May 8, opening the 60-day public review period. Two hearings were scheduled on the Tentative Order, the first of which occurred on June 10 and covered all provisions except trash. Due to a lack of a quorum at the June 10 hearing, a three person subcommittee or Regional Water Board members was formed to take testimony, which focused on PCBs/mercury and Green Infrastructure. The second hearing will be on July 8. It appears that no topics were continued from the June 10 hearing and the July 8 hearing will focus on trash only.

Written comments on the Tentative Order are due July 10. Fabry referred to two draft comment letters that were handouts and emailed to the Committee: a 27-page letter from SMCWPPP and a model letter for Permittees to use as they see fit. The model letter focuses on the three high priority topics, (1) new/redevelopment and Green Infrastructure, (2) trash load reduction, and (3) PCBs/mercury controls, and should be tailored as possible by Permittees to emphasize local issues and examples. This Committee's ad-hoc Permit Implementation Workgroup recommends that local agencies submit the model letter with council resolutions signed by their mayor, even if submitted later than the July 10 deadline. Fabry requested any feedback on the SMCWPPP comment letter within two weeks. Fabry noted that the Bay Area Stormwater Management Agencies Association (BASMAA) will also submit a comment letter focusing on broad, high level issues. Fabry also noted the next regional MRP 2.0 Steering Committee meeting is scheduled for July 2 and attendees typically include Regional Water Board staff and members of this Committee's ad-hoc Permit Implementation Workgroup.

Chair Breault summarized concerns regarding numeric limits for PCBs, assumptions being made regarding the rates of redevelopment and demolition to justify the limits, the role of NGOs with potential related enforcement, and local agency administration of programs to manage PCBs in building materials during demolition. Breault strongly recommended that agencies obtain council resolutions supporting the comment letters on these concerns. Vice Chair Walter recommended that Committee members or other representatives from their agencies consider attending the July 8 hearing to hear testimony from other counties and feedback from the Regional Water Board on all parts of the permit. The Committee then discussed a few specific concerns with the Tentative Order. Committee member Porter noted that in general Regional Water Board staff has not addressed many local agency concerns and therefore it would be good to send elected officials to the July hearing. Fabry noted the permit is expected to be adopted at a hearing on October 14 and would go into effect shortly thereafter.

5. ACTION – C/CAG staff Fabry provided an update on the potential countywide stormwater funding initiative and solicited recommendations from the Committee regarding next steps. Fabry noted the initiative was previously put on hold pending enabling legislation and further development of the reissued MRP – the former was addressed by AB 2170 and the latter is evolving with the Tentative Order. Fabry also noted that the level of support appears to vary among San Mateo County municipal agencies, some of which have their own potentially competing initiatives. The ad-hoc Funding Initiative Steering Committee (Breault, Oskoui, Porter, Taylor, and former Committee Member Larry Patterson) met on April 22, 2015 and reviewed efforts to-date. It was noted that the Funding Needs Analysis did not include costs for Green Infrastructure planning and would need updating but there was not sufficient new information available at that time in the administrative draft of the MRP to update PCBs control or other projected costs. Fabry referred to a memorandum from SCI that was a handout and outlines a process to move forward. About a five-month process would be required after the C/CAG Board made the decision to go forward. Thus the soonest that a property-related fee could be attempted would likely be spring 2016. There are other known or anticipated ballot measures later in 2016, including the presidential primaries and general election. The Steering Committee also discussed potentially carving out some of the long-term PCB costs and focusing more on the short-term (e.g., 10 – 15 years) need to reduce the gap between what the public is willing to support and anticipated need. The opinion research results (mail ballot and phone survey) remain valid but it may be beneficial to test other messages (e.g., support for building new Green Infrastructure as future stormwater permits will likely require). Fabry discussed other factors that might impact the initiative such as the proposed new countywide water management agency and Proposition 218 reform.

The Committee generally recognized that political support for a new countywide water management agency might de-prioritize a stormwater initiative. Fabry noted that C/CAG has met with a few larger cities but lacks a sense of buy-in to moving forward with the funding initiative. In general there is a need to gauge the level of political support from local agencies and whether each agency would back the initiative. One idea is to try to develop and get agencies to sign on to a Memorandum of Understanding that would commit the agencies to work together to solve stormwater funding issues.

The general recommendation from the Funding Initiative Steering Committee was to continue moving forward because the need remains. In general, Stormwater Committee members noted significant political issues and were not prepared at this time to provide recommendations on behalf of their agencies for next steps. C/CAG Executive Director Wong indicated that since this is an action item she would bring some language to a future meeting for the Committee to consider.

6. ACTION – C/CAG staff Fabry briefed the Committee on the San Mateo County Grand Jury Report released June 4 entitled “Flooding Ahead: Planning for Sea Level Rise” and requested feedback from the Committee to help inform C/CAG’s response to the Grand Jury report. The report indicates San Mateo County is at severe risk for sea level rise. There is not currently a coordinated approach to address existing flooding problems and agencies are not prepared for the added challenge of sea level rise. The Grand Jury recommends a single organization undertake sea level rise planning on a countywide basis. The report briefly explores four different options for this new organization, including expansion of C/CAG’s role and responsibilities. C/CAG is required to respond to the report within 90 days, including in regard to the recommendation that the proposed single organization address the following four areas:

1. sea level rise,
2. existing flood control issues,
3. stormwater management (currently a C/CAG program), and
4. groundwater management.

Committee member Porter noted that the Santa Clara Valley Water District has been successful at implementing regional projects and has staff with appropriate expertise. Porter stated there is a true need for a regional agency to address sea level rise and existing flood control issues, whether it be the County or C/CAG. He indicated the County is ready and able to start addressing these issues, but will need additional staff. Committee members noted that the Grand Jury report does not provide any evidence there are problems with the stormwater program being under C/CAG and generally agreed that the stormwater program should stay where it is at this time rather than being moved to a potential new water management agency.

7. Regional Board Report: NONE

8. Executive Director’s Report: NONE

9. Member Reports: NONE

Since Chair Breault had to leave the meeting early, Vice-chair Walter adjourned the meeting at 3:30 p.m.