

STORMWATER COMMITTEE
Regular Meeting
Thursday, August 20, 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), John Fuller (Daly City), Patrick Ledesma (San Mateo County), Michelle Daher (East Palo Alto), Kathryn Sheehan (CSG Consultants), and Jon Konnan (EOA, Inc.). Chair Breault called the meeting to order at 2:40 p.m.

1. Public comment: None

2. C/CAG staff Matt Fabry provided an update on issues relevant to the Committee from the July and August C/CAG Board meetings. There were no relevant issues from July. In August, based on the results of a Request for Qualifications (RFQ) process, C/CAG approved a resolution that authorizes the C/CAG Chair to execute three-year agreements with 10 firms to provide on-call consultant services to the Countywide Water Pollution Prevention Program, and further authorized the C/CAG Executive Director to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$2,300,000 for fiscal year 2015-16. Two consultants have provided these services in the past. The RFQ divided the services into seven categories, and the highest rated three consultants were identified for each category, except that five consultants were identified for the Green Infrastructure category. Next steps are for C/CAG staff to develop scopes of work, solicit proposals from the qualified consultants, and issue task orders.

3. ACTION – The draft minutes from the June 18, 2015 Stormwater Committee meeting were approved unanimously. (Motion: Murtuza, Second: Willis).

4. ACTION – C/CAG staff Fabry provided an update on the general categories of compliance activities required under the revised Municipal Regional Permit (MRP) and solicited recommendations from the Committee regarding initial prioritization of the categories with regard to providing C/CAG support during the next five year permit term. Fabry noted that the requirements that will be in the adopted permit are fairly well known at this time. In the past, sufficient funding was available for C/CAG to provide member agencies with all of their desired permit compliance assistance, but that may no longer be the case going forward. Thus, there is need to prioritize types of assistance. C/CAG staff began the process of seeking input on the permit activities for which member agencies desire C/CAG support at the July 21 NPDES Technical Advisory Committee meeting, and the discussion has continued at various subcommittee meetings. In general, member agencies have indicated a desire for C/CAG's support in the following broad categories, in order of MRP provision:

- Provision C.3: New Development and Redevelopment, including Green Infrastructure
- Provision C.7: Public Information and Outreach
- Provision C.8: Water Quality Monitoring
- Provision C.10: Trash Load Reduction

- Provision C.11/C.12: Mercury and PCB Controls

Member agencies also requested C/CAG provide ongoing education and training via regular subcommittee and committee meetings and periodic workshops. There is also a desire for continued support with regard to annual reporting.

C/CAG staff anticipates future support will be limited to annual revenue minus various ongoing administrative and permit support costs. C/CAG staff anticipates approximately \$1.7 million annually to be available for consultant support on MRP requirements. Fabry noted C/CAG has some additional reserve funds (\$600K) available for technical support in the current fiscal year that could carry over to future years. Fabry also noted that he is planning on hiring a staff to assist with management of the stormwater program; this is already budgeted for under administrative and permit support costs.

Fabry referred to tables in the agenda packet that A) summarize the general level of consultant resources that has been put towards seven general compliance assistance categories in recent fiscal years under the current MRP requirements and projected costs under MRP 2, and B) list the categories in order of priority (highest to lowest) based on C/CAG staff's preliminary recommendations. It was noted that the projected mercury/PCBs control costs under MRP 2 are not zero but instead are to be determined, and there already appears to be an annual shortfall and thus the need for prioritization, even without including these unknown mercury/PCBs control costs. Fabry reviewed the rationale for the recommended priorities and solicited feedback from the Committee. The Committee emphasized the importance of assistance with Annual Reporting (Category No. 7 or lowest priority in agenda packet table), and requested moving it up to No. 5. The Committee also agreed that certain aspects of Public Outreach are important to perform at the countywide level and should receive higher priority. Fabry noted that activities related to the potential countywide funding initiative are budgeted separately. The Committee discussed various possibilities for reducing costs in the future. Finally, the Committee asked staff to develop a proposal to more fairly divide up costs among member agencies for C/CAG's assistance with mercury and PCBs controls, since contributions of these pollutants to stormwater runoff discharges is presumed to vary widely among the agencies depending on extent of urbanization and especially old industrial land uses. The committee noted this will require solid justification and will be very challenging.

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 that staff efforts on the potential initiative have generally been on hold for the past year. To date, staff has undertaken the following efforts in support of a potential initiative:

- Funding Needs Analysis – completed a final draft, left as a draft to allow revision based on revised Municipal Regional Permit requirements, as needed.
- Funding Options Report – completed a final draft detailing the various options for funding stormwater-related work. Has not been adopted as a final work product yet by the C/CAG Board.
- Opinion Research – final report accepted by the C/CAG Board at the August 2014 meeting. Details results of phone and mail surveys.
- Action Plan – staff prepared a detailed outline of an Action Plan that would serve as the public document detailing how revenue from a successful measure would be utilized.
- Member Agency and Community Engagement – staff met with five member agencies (Brisbane,

Belmont, San Carlos, San Mateo County, and City of San Mateo) and several community groups.

Tasks that remain to be done for an initiative include:

- Finalizing the Funding Needs Analysis – need to verify assumptions made in preparing the document are consistent with permit requirements in the revised Municipal Regional Permit (e.g., add Green Infrastructure planning dollars, adjust mercury/PCBs control costs).
- Finalizing the Action Plan – convert outline into full document for Committee and C/CAG Board review and approval.
- Prepare a rate structure and Fee Report – this task has not yet been started, although preliminary estimates of revenue that would be generated from a successful initiative were based on the rate structure established by the Contra Costa County Clean Water Program in its 2012 initiative and would likely be the starting point for discussion on a San Mateo County rate structure.
- Potentially perform additional opinion research to gauge public support if enough time passes between an actual initiative and the previous polling, or to test new messages or focus areas, such as a Green Infrastructure / sustainability initiative vs. a clean water initiative.

Once all these tasks are completed and if the C/CAG Board approved moving forward with an initiative, it is approximately five months from Board decision to a tabulated election result. Fabry noted other factors that might impact the initiative such as other initiatives and Proposition 218 reform. Fabry noted staff is proposing two options for Committee review/discussion on moving forward with a potential initiative:

- Option 1: continue moving forward to complete tasks detailed above. Initiate a concerted outreach and education effort to inform city councils, community groups, and the public on the need for stormwater funding. With the amount of work still remaining, it is unlikely an initiative could be put before property owners before summer of 2016. Given the significant political focus in 2016 on primary and general elections, it may be prudent to plan for a balloting process no sooner than spring of 2017.
- Option 2: put any further efforts regarding an initiative on hold. Potentially revisit the need for an initiative once member agencies have had time to better quantify and understand the cost implications of the revised Municipal Regional Permit, or possibly when Green Infrastructure plans are completed (likely Year 4 of the new permit term) and can serve as the basis for an initiative (i.e., funding would be used to implement Green Infrastructure plans). The implication of this option is C/CAG and member agencies will be limited to existing revenue sources for much, if not all, of the next five-year permit term.

The Committee discussed an approach that would be a hybrid of Options 1 and 2, which would continue outreach, engagement, and messaging but put other aspects of the initiative on hold. Overall, the timeframe should remain within the MRP 2 permit term so that we are not in the same place when we reach the MRP 3 permit term.

6. Regional Board Report: NONE

7. Executive Director's Report: C/CAG Executive Director Sandy Wong announced that the C/CAG Board has formed an ad hoc committee to address the potential formation of a new countywide water management agency, an effort led by Supervisor Pine. The ad hoc committee developed a response to

the San Mateo County Grand Jury Report released June 4 entitled "Flooding Ahead: Planning for Sea Level Rise." The response was approved by the C/CAG Board last week and is available in the associated agenda package. The ad hoc committee will meet again in September and will invite Supervisor Pine.

8. Member Reports: NONE

Chair Breault adjourned the meeting at 3:30 p.m.