

# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park  
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

**2:30 PM, Thursday, April 20, 2017**  
**San Mateo County Transit District Office<sup>1</sup>**  
**1250 San Carlos Avenue, 2<sup>nd</sup> Floor Auditorium**  
**San Carlos, California**

### **STORMWATER (NPDES) COMMITTEE AGENDA**

- |   |         |              |
|---|---------|--------------|
| 1. Public comment on items not on the Agenda (presentations limited to three minutes).  | Breault | No materials |
| 2. Stormwater Issues from C/CAG Board meetings: <ul style="list-style-type: none"><li>• April – Annual Retreat</li></ul>  | Fabry   | No materials |
| 3. ACTION – Review and approve March 16 Stormwater Committee meeting minutes  | Fabry   | Pages 1-6    |
| 4. INFORMATION – Announcements on stormwater issues <ul style="list-style-type: none"><li>• Urban greening grants (EPA, CNRA, Coastal Conservancy)</li><li>• BASMAA Regional Roundtable: Sustainable Streets – March 28 kickoff</li><li>• March 28 meeting with Water Board staff regarding Reasonable Assurance Analysis</li><li>• April 5 EPA Stormwater Finance Forum</li><li>• FY 16/17 Annual Report items –<ul style="list-style-type: none"><li>○ 1) Alternative methodology to Permittee-specific pollutant load reductions for PCBs/Hg via GI and overall during permit term</li><li>○ 2) Exemption from C.12.f PCBs management during building demolition program</li></ul></li><li>• Other</li></ul> | Fabry   | Verbal       |
| 5. ACTION – Review and approve response letter to Regional Water Board regarding business inspection concerns   | Fabry   | Pages 7-12   |
| 6. INFORMATION – Review preliminary 2017-18 budget information for the Countywide Water Pollution Prevention Program  | Fabry   | Handouts     |
| 9. Regional Board Report  | Mumley  | No Materials |
| 10. Executive Director’s Report   | Wong    | No Materials |
| 11. Member Reports  | All     | No Materials |

---

<sup>1</sup> 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 Mima Guilles at 650 599-1406, five working days prior to the meeting date.

## **C/CAG AGENDA REPORT**

Date: April 20, 2017  
To: Stormwater Committee  
From: Matthew Fabry, Program Manager  
Subject: Review and approve Mar 16, 2017 Stormwater Committee meeting minutes  
(For further information or questions contact Matthew Fabry at 650 599-1419)

---

### **RECOMMENDATION**

Review and approve March 16, 2017 Stormwater Committee meeting minutes, as drafted.

### **ATTACHMENTS**

1. Draft March 16, 2017 Minutes

**STORMWATER COMMITTEE**  
**Regular Meeting**  
**Thursday, March 16, 2017**  
**2:30 p.m.**

**DRAFT 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 Manager), Reid Bogert (C/CAG Stormwater Program Specialist), Jon Konnan (EOA, Inc.), Azalea Mitch (Menlo Park), Michelle Daher (East Palo Alto), Heather Forshey and Patrick Ledesma (San Mateo County Environmental Health), Breann Liebermann (County Office of Sustainability), Erika Powell and Maggie Osbahr (County Department of Public Works), Richard Chiu (Daly City), Keegan Black (Brisbane), Grant Ligon (City of San Mateo), and Jennifer Lee (Burlingame). Chair Breault called the meeting to order at 2:31 p.m.

1. Public comment: None

2. C/CAG staff Matt Fabry provided an update on issues relevant to the Committee from the previous C/CAG Board meetings:

- February
  - The Board approved the appointments of Marty Hanneman, City Engineer, and Denice Hutten, Associate Engineer, to represent the Town of Atherton and the City of Half Moon Bay, respectively, on the Stormwater Committee.
  - The Board approved a resolution adopting the San Mateo County Stormwater Resource Plan.
- March
  - The Board approved a resolution authorizing a two-year agreement with the Bay Area Stormwater Management Agencies Association (BASMAA) in an amount not to exceed \$282,426 for implementing regional stormwater projects.
  - The Board approved the appointment of John Fuller, Public Works Director, to represent the City of Daly City on the Stormwater Committee.
  - The Board received a presentation on progress toward meeting trash load reduction requirements.

3. ACTION – The draft minutes from the January 19, 2017 Stormwater Committee meeting were unanimously approved as drafted (motion: Porter, second: Ocampo).

4. INFORMATION – Due to a lack of time, Fabry announced he will provide information via email only on the following stormwater issues:

- California Natural Resources Agency Urban Greening Grant
- San Francisco Bay Regional Water Quality Control Board (Regional Water Board) Trash Informational Item

- Upcoming Duly Authorized Representative Approvals Needed
- April 5 Stormwater Finance Forum Hosted by U.S. EPA

5. INFORMATION (Note: This item was moved to the end of the agenda, following Item 8) – Fabry and Jon Konnan (EOA, Inc.) provided a presentation on preliminary PCBs load reduction quantification over the term of the reissued Municipal Regional Permit (MRP) and an associated monitoring program. Konnan began by reviewing the MRP requirements for overall reductions in PCBs by the end of the permit term (2020) and at an interim point (June 30, 2018), and the portions of the load reductions for PCBs and mercury required to be achieved via Green Infrastructure (GI). The overall load reductions may be met on a regional basis (i.e., all MRP Permittees). If the requirements are not met collectively across the region, then responsibility falls to the county level, with a share of the regional requirement proportioned to each county by population (default method in the MRP). Similarly, if the requirements are not met collectively on a countywide basis, then responsibility falls to the Permittee level, again proportioned to each Permittee by population (default method).

EOA has been working with C/CAG member agencies to develop an inventory of all GI implemented in San Mateo County to-date and projected through the end of the permit term. The bulk of the GI is Low Impact Development (LID) measures implemented per MRP Provision C.3 requirements for new developments and redevelopments. EOA then estimated the associated load reductions using the Interim Accounting Methodology. The MRP anticipated use of this Interim Accounting Methodology during this permit term in advance of Permittees developing more robust load reduction accounting and tracking methodologies as part of the required Reasonable Assurance Analysis (RAA).

The load reductions realized by GI in San Mateo County are projected to fall short of the County's share of the overall PCBs requirements. If the responsibility were to fall to individual Permittees and was calculated as proportional to population, than some agencies would meet the PCBs reductions while others would not. The load reductions for PCBs and mercury required to be achieved via GI are projected to be met on a countywide basis. Whether or not individual Permittees reach their share therefore becomes moot in that case.

EOA has also been working to identify other potential load reduction opportunities, including identification of potential source properties that could be cleaned up or referred for cleanup to appropriate regulatory agencies. Konnan reviewed a list of potential source properties and calculated credits. These properties could potentially close the shortfall described above but there is a large amount of uncertainty at this time about which properties will ultimately lead to load reduction credits and the magnitude of the credit for each property. EOA is currently working to reduce this uncertainty as much as possible over the next few months. Konnan noted that if the potential source properties do not close the gap for San Mateo County then it would be very challenging to meet the countywide PCBs load reductions requirements given the high costs of GI and other controls. It is also possible that other counties could make up for the shortfall but we can't plan on that happening.

EOA has also been conducting an ongoing field monitoring program to provide additional information about some of the known potential source properties and to help identify additional catchments and source properties with elevated mercury and/or PCBs. EOA has identified "catchments of interest" via a desktop screening process to inform planning the monitoring program. Konnan showed a map summarizing the status of each catchment of interest in relation to the monitoring results (i.e., hot, warm, cold, not yet sampled, or currently under investigation).

6. ACTION – Fabry briefed the committee on the recent effort to develop modeling assumptions for GI as part of developing a RAA. The MRP requires Permittees to develop a RAA that demonstrates that implementing their GI Plans will achieve specified mercury and PCBs load reductions by the end of the permit term and 2040. Paradigm Environmental will model numerous GI implementation scenarios to establish the most cost-effective combination of controls that will achieve San Mateo County’s share of the mandated load reductions. This requires developing modeling assumptions regarding volume reductions and costs of various GI options (i.e., stormwater capture, infiltration, and/or treatment). Paradigm Environmental developed a memorandum describing proposed assumptions and provided an overview at the January Stormwater Committee meeting. C/CAG staff distributed the memorandum electronically to all member agencies on January 31 with comments requested by February 10. Paradigm prepared a table summarizing the comments and responses and a version of the memorandum revised accordingly (the table and revised memorandum were attached to the agenda package for today’s meeting). The Committee unanimously approved finalizing the revised memorandum (motion: Walter, second: Willis).

7. DISCUSSION – Heather Forshey, Director of the San Mateo County Environmental Health Services Division (Division), provided information about the status of the stormwater compliance industrial and commercial business inspection program. For about 20 years the Division has been providing inspection services for compliance with Provision C.4 of the MRP, under individual Memoranda of Agreement (MOA) with 17 of the cities in San Mateo County. The Division recently began evaluating its ability to continue performing stormwater inspections on behalf of cities in light of the requirements and recommendations outlined in both the MRP (reissued in 2015) and the 2016 Notice of Violation (NOV) issued by the Regional Water Board. The Division has been working with C/CAG and city staff and consultants to revise the program to be in full compliance with Water Board requirements. However, the fees received from businesses no longer cover the amount of work required to implement the program requirements, and the Division lacks the staffing levels needed to ensure full compliance with the mandates outlined in the MRP and 2016 NOV. The Division is therefore considering terminating the MOAs with the cities by the end of the calendar year.

Committee members noted that the discussion should continue and include city managers and the county manager. A variety of options and possible next steps were discussed, including working with the Division to look for ways to make the current program viable. It was also requested that C/CAG staff look into the possibility of C/CAG taking over the program. Forshey assured the Committee that the Division would continue to provide assistance through any transition.

8. ACTION (Note: this item was taken before Item 7) – Fabry provided background to the Committee on the January 30, 2017 letter from the Regional Water Board to 18 cities in San Mateo County and the San Mateo County Water Pollution Prevention Program (SMCWPPP) Program Manager. The letter described issues identified during the Regional Water Board staff inspection to assess the municipalities’ compliance with the industrial and commercial business inspection requirements of the MRP and requested a response by March 30, 2017.

Following a productive meeting that included representatives from the County, various cities, and C/CAG staff and consultants, C/CAG staff prepared a draft response letter. The letter states that the cities will be revising their individual Business Inspection Plans (BIPs) and Enforcement Response Plans (ERPs) by June 30, 2017, based on new SMCWPPP templates designed to be consistent with the County’s recently revised BIP and ERP. In addition, the cities plan to execute new MOAs with the County

by June 30, 2017. The new MOAs will provide clarification about the roles and responsibilities of the County and the cities to ensure that all facilities requiring C.4 inspections are inspected. Fabry then summarized in greater detail the specific actions that the response letter states would be taken in response to each MRP compliance issue identified in the January 30, 2017 letter.

The Committee initially unanimously approved finalizing and submitting the response letter (motion: Murtuza, second: Ocampo). However, upon further discussion the Committee decided additional time was needed to develop an appropriate response in light of the new information from the Division (see Item No. 7 above) and directed Fabry to request a time extension from Regional Water Board staff for submitting the response letter. If the extension is not granted then the response letter would be sent as is by March 30 (motion: Walter, second: Rose).

9. Regional Water Board Report: NONE.

10. Executive Director's Report: NONE.

11. Member Reports: NONE.

Chair Breault adjourned the meeting at 3:55 p.m.

DRAFT

2017 Stormwater Committee Roster			Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Agency	Representative	Position												
Atherton	Marty Hanneman	City Engineer												
Belmont	Afshin Oskoui	Public Works Director	X		X									
Brisbane	Randy Breault	Public Works Director/City Engineer	X		X									
Burlingame	Syed Murtuza	Public Works Director	X		X									
Colma	Brad Donohue	Director of Public Works and Planning	X	C										
Daly City	John Fuller	Public Works Director	O	A	X									
East Palo Alto	Kamal Fallaha	City Engineer		N	X									
Foster City	Jeff Moneda	Public Works Director	X	C	X									
Half Moon Bay	Denice Hutten	Associate Engineer		E										
Hillsborough	Paul Willis	Public Works Director	X	L	X									
Menlo Park	Justin Murphy	Public Works Director	X	E	X									
Millbrae	Ray Chan	Public Works Director		D										
Pacifica	Van Ocampo	Public Works Director/City Engineer												
Portola Valley	Howard Young	Public Works Director			X									
Redwood City	Saber Sarwary	Supervising Civil Engineer	X		X									
San Bruno	Jimmy Tan	City Engineer			X									
San Carlos	Jay Walter	Public Works Director	X		X									
San Mateo	Brad Underwood	Public Works Director												
South San Francisco	Eunejune Kim	Public Works Director	X											
Woodside	Sean Rose	Public Works Director	X		X									
San Mateo County	Jim Porter	Public Works Director	X		X									
Regional Water Quality Control Board	Tom Mumley	Assistant Executive Officer	O											

"X" - Committee Member Attended  
 "O" - Other Jurisdictional Representative Attended

## **C/CAG AGENDA REPORT**

Date: April 20, 2017  
To: Stormwater Committee  
From: Matthew Fabry, Program Manager  
Subject: Review and approve response letter to Regional Water Board regarding business inspection concerns

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

---

### **RECOMMENDATION**

Review and approve response letter to Regional Water Board regarding business inspection concerns.

### **BACKGROUND**

The Regional Water Board issued a compliance letter on January 30, 2017 to the 17 cities in San Mateo County with agreements with County Environmental Health (CEH) to conduct industrial and commercial inspections pursuant to the Municipal Regional Permit (MRP). The letter requested a response by March 30, 2017 addressing compliance concerns with respect to the cities' business inspection plans (BIPs), enforcement response plans (ERPs), and the agreements with the County to ensure all facilities requiring inspections are accounted for and enforcement response timeframes and processes are in compliance with the MRP. Due to CEH informing Committee members at the March 16 Stormwater Committee meeting that CEH would need to terminate stormwater inspection agreements with the cities by the end of the calendar year due to cost-recovery concerns, C/CAG, on behalf of the affected cities, requested a one month time extension to respond to the Regional Water Board.

The attached draft response letter addresses Regional Water Board concerns and attaches CEH's April 3 letter to affected cities regarding plans to terminate stormwater inspection agreements. The letter indicates cities will update their BIPs/ERPs by June 30, 2017, and work with CEH to evaluate options for maintaining MRP-compliant inspection programs for 2018 and beyond.

### **ATTACHMENTS**

Draft response letter to Regional Water Board

April 28, 2017

Bruce Wolfe, Executive Officer  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

**SUBJECT:** Response to *San Mateo County's Municipalities Agreement with the County of San Mateo to Conduct Industrial and Commercial Inspections Pursuant to the Municipal Stormwater Permit No. R2-2015-0049* Letter.

Mr. Wolfe:

On January 30, 2017, 18 cities in San Mateo County (County) and the San Mateo County Water Pollution Prevention Program (SMCWPPP) Program Manager received a letter describing the results of the Regional Water Board (Water Board) staff compliance inspection to assess the municipalities' compliance with the industrial and commercial inspection requirements of the municipal regional stormwater NPDES permit (MRP). As requested, this letter is the collective response to the issues identified in the Water Board letter and prepared on behalf of the following cities: Atherton, Belmont, Brisbane, Burlingame, Colma, East Palo Alto, Foster City, Half Moon Bay, Hillsborough, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, and Woodside (Cities). The City of San Mateo submitted its own response to the January 30, 2017 letter on March 20, 2017.

Subsequent to the Water Board's letter, the County of San Mateo Health System notified Cities at the March 16 C/CAG Stormwater Committee and subsequently via an April 3, 2017 letter (attached) of its intent to terminate stormwater inspection agreements with the 17 Cities on December 31, 2017 due to staffing and cost concerns. Cities are working with the County to evaluate options moving forward for maintaining MRP-compliant inspection programs and will update the Water Board as part of Annual Reporting in September 2017 on plans for 2018 and beyond. As indicated in the County's letter, Health System inspectors will continue implementing stormwater inspections per existing agreements through the remainder of the calendar year.

To address the Water Board's concerns, Cities will revise their individual Business Inspection Plans (BIPs) and Enforcement Response Plans (ERPs) by June 30, 2017. These revisions will be based on new SMCWPPP Templates designed to be consistent with the County's recently revised BIP and ERP that Water Board staff found in "substantial compliance with the MRP." Updates to these documents will address inspection activities performed by city staff as well as any contractors (County or otherwise). SMCWPPP hosted an April 25 meeting with Cities to go over the updated BIP and ERP templates and work with Cities to adapt them locally.

The following is a summary of specific actions that have been or will be taken in response to each MRP compliance issue identified in the January 30, 2017 letter:

**(a) All municipalities must ensure that their respective Agreements with the County are active and must understand what services the County will provide for MRP Provision C.4 and C.5.**

County staff verified all Cities have active Agreements with the County. The revised BIP and ERP templates include greater detail pertaining to timeframes and processes for referring cases from the County to City staff for further enforcement action, as described below.

**(b) The County's ERP list of municipalities must reflect the municipalities that have active Agreements with the County.**

On November 15, 2016 the County submitted a revised ERP and revised BIP to the Water Board. The list of municipalities that have active Agreements with the County was moved from the ERP to the BIP. The BIP submitted on November 15, 2016 contains the current list of municipalities with active Agreements with the County.

**(c) Record retention may be inadequate**

All stormwater files pertaining to the MRP must be kept for at least the permit term. The Water Board cites inconsistencies in the Agreement regarding how long the County will keep records. Given that the County Agreements are being terminated at the end of 2017, the BIP and ERP templates will be updated to reflect record retention will be, at a minimum, the term of the MRP, but preferably for the life of the business. Cities will work with the County to transfer all County inspection records upon termination of the Agreements.

**(d) The Agreements do not clearly define the scope of the County's responsibilities and when a case will be transferred to a municipality for additional follow-up.**

The existing Agreements will remain in effect for the remainder of 2017. Per the County's revised 2016 ERP, County inspectors will conduct one routine inspection and one follow-up inspection before referring facilities back to Cities for additional enforcement or follow-up. The Cities' BIPs and ERPs will be updated to specify that any contract inspectors will conduct one routine inspection at a facility and one follow-up inspection, if needed. If the facility has not implemented corrective actions by the follow-up inspection, contractors will refer the facility to the Cities with a goal of within one business day but no longer than five business days.

**(e) The time it takes the County to refer a business to the municipality may be too long.**

The Cities' ERPs will specify that follow-up inspections are conducted within ten business days, or before the next rain event. Per the County's 2016 ERP, its inspectors will conduct a follow-up inspection and if the facility remains out of compliance, the County will refer the facility to the Cities within one business day but no longer than five business days. The Cities' ERPs will specify that if there is an active discharge found during an inspection and a contract inspector is unable to identify the source, the contract inspector will refer the facility to the City immediately following the inspection.

**(f) Stormwater inspection files may be inaccurate and/or incomplete.**

The Water Board's letter notes the County's new field electronic inspection forms should "make it easier for the inspectors to fill out the inspection forms completely and accurately." The County's November 15, 2016 Response letter details the steps they have taken to ensure inspectors completely and accurately fill out inspection forms including revising the inspection form and training inspectors on how to fill out the inspection forms on October 27, 2016 for Consumer Protection Division inspectors and on November 2,



2016 for Hazardous Materials Division inspectors. In addition, all County inspectors received additional training on the electronic field forms on January 12, 2017.

SMCWPPP will continue to provide training every two years to industrial and commercial business inspectors from the County and Cities. These trainings will include the importance of accurate and complete documentation, as well as use of the standard SMCWPPP inspection form, which will be updated, as needed, to reflect the change from County inspectors after 2017.

**(g) The County's response to complaints may be inadequate.**

The Water Board letter references MRP Provision C.4.c, however, we assume the intent was to reference Provision C.5.c that requires reactive inspections in response to spill, dumping, and complaint reports. Cities ERPs will be updated to indicate complaints will be investigated with a goal of within 24 hours of receipt.

**(h) Business Inspection Plans may be in non-compliance – municipalities must identify how they will ensure facilities not inspected by the County but requiring stormwater inspections will be inspected.**

Cities will revise their BIPs to clearly identify how they will ensure all facilities needing inspection are identified and inspected by city or contract inspectors. Cities will continue to coordinate with County Health staff to identify businesses requiring inspection, including food facilities and those holding hazardous materials business plan permits. These facilities will continue to be inspected by County Health staff through the remainder of 2017. BIPs will clearly identify which facilities, if any, will be inspected via contract inspectors going forward. SMCWPPP will continue to regularly train Cities on MRP business inspection requirements, including approaches for identifying all relevant businesses. Updated BIPs will also include a process for Cities to identify new facilities that may require inspections.

If you have any questions or comments, please contact me at [mfabry@smcgov.org](mailto:mfabry@smcgov.org) or (650) 599-1419.

Sincerely,

A handwritten signature in cursive script that reads "Matthew Fabry".

Matthew Fabry, P.E.  
Manager, Countywide Water Pollution Prevention Program

Attachment: April 3, 2017 Letter from County Health to Cities

Cc: C/CAG Stormwater Committee  
C/CAG NPDES Technical Advisory Committee  
C/CAG CII Subcommittee  
Dr. Thomas Mumley, Assistant Executive Officer, Regional Water Board  
Keith Lichten, Regional Water Board  
Dale Bowyer, Regional Water Board  
Selina Louie, Regional Water Board

*Sent via email: no hard copy to follow*

April 3, 2017

Mr. George Rodericks, City Manager, Atherton, [grodericks@ci.atherton.ca.us](mailto:grodericks@ci.atherton.ca.us)  
Mr. Greg Scoles, City Manager, Belmont, [cmanager@belmont.gov](mailto:cmanager@belmont.gov)  
Mr. Clay Holstine, City Manager, Brisbane, [clayh@ci.brisbane.ca.us](mailto:clayh@ci.brisbane.ca.us)  
Ms. Lisa Goldman, City Manager, Burlingame, [lgoldman@burlingame.org](mailto:lgoldman@burlingame.org)  
Mr. Sean Rabe, City Manager, Colma, [sean.rabe@colma.ca.gov](mailto:sean.rabe@colma.ca.gov)  
Mr. Carlos Martinez, City Manager, East Palo Alto, [cmoffice@cityofepa.org](mailto:cmoffice@cityofepa.org)  
Mr. Kevin Miller, City Manager, Foster City, [manager@fostercity.org](mailto:manager@fostercity.org)  
Ms. Magda Gonzalez, City Manager, Half Moon Bay, [mgonzalez@hmbcity.com](mailto:mgonzalez@hmbcity.com)  
Ms. Kathy Leroux, City Manager, Hillsborough, [kleroux@hillsborough.net](mailto:kleroux@hillsborough.net)  
Mr. Alex McIntyre, City Manager, Menlo Park, [admccintyre@menlopark.org](mailto:admccintyre@menlopark.org)  
Ms. Marcia Raines, City Manager, Millbrae, [mraines@ci.millbrae.ca.us](mailto:mraines@ci.millbrae.ca.us)  
Ms. Lorie Tinfow, City Manager, Pacifica, [ltinfow@ci.pacifica.ca.us](mailto:ltinfow@ci.pacifica.ca.us)  
Mr. Jeremy Dennis, Town Manager, Portola Valley, [jdennis@portolavalley.net](mailto:jdennis@portolavalley.net)  
Ms. Melissa Stevenson Diaz, City Manager, Redwood City, [mdiaz@redwoodcity.org](mailto:mdiaz@redwoodcity.org)  
Ms. Connie Jackson, City Manager, San Bruno, [cjackson@sanbruno.ca.gov](mailto:cjackson@sanbruno.ca.gov)  
Mr. Jeff Maltbie, City Manager, San Carlos, [jmaltbie@cityofsancarlos.org](mailto:jmaltbie@cityofsancarlos.org)  
Mr. Kevin Bryant, Town Manager, Woodside, [kbryant@woodsidetown.org](mailto:kbryant@woodsidetown.org)  
Mr. Matthew Fabry, Program Manager, San Mateo County Pollution Prevention Program,  
[mfabry@smcgov.org](mailto:mfabry@smcgov.org)

**SUBJECT: San Mateo County's Municipalities Agreement with the County of San Mateo to Conduct Industrial and Commercial Inspections Pursuant to the Municipal Stormwater Permit No. R2-2015-0049**

As you are aware, the County Environmental Health Services Division (Division) has provided inspection services to comply with Provision C.4 of the National Pollutant Discharge Elimination System Permit (NPDES Permit No. CAS6120008), commonly referred to as the Municipal Regional Stormwater permit (MRP), under individual MOAs with 17 of the cities in the County of San Mateo.

During the course of the Division's regular 2-year budget preparations, the Stormwater inspection Program was reviewed for adequacy of staffing and funding. The Division also reviewed the requirements and recommendations outlined in both the 2015 MRP and the 2016 Notice of Violation issued by the Regional Water Quality Control Board. It has become apparent that the Division cannot continue to run this program under the existing framework. In 1996, the Division agreed to incorporate brief stormwater observations into other, existing operational inspection programs. Over the last 20+ years, the program has evolved from a few brief observations, to what is essentially a "stand alone" inspection program now. The Division has been using existing



## CITY / COUNTY STORMWATER INSPECTION AGREEMENT STATUS

staff in inspection programs with their own inspection mandates in an effort to keep staffing demands for this program at a minimum. Adequate staffing is critical to meet the programmatic expectations outlined by the Water Board, including formalized reporting and follow-up timelines set forth in the MRP, formalized inspection and reinspection protocols outlined in the MRP, and a requirement to expand the program's inventory.

The Division has prided itself in providing this inspection service to the cities over the last 20 years, but we are in an untenable position. The fees we receive from businesses no longer cover the amount of work required to implement the program requirements, and the staffing levels required to ensure full compliance with the mandates outlined in the MRP and 2016 NOV are also not adequate.

The Division has been working with C/CAG and city staff to revise the program to be in full compliance with Water Board requirements; however, standards applied by the Water Board will not be met with available staffing. Workloads for existing staff currently assigned to provide this service have been strained by the increased staff time called for in this program. Given limited resources, these staff must be redirected to focus on the Division's core mandated work. We have estimated the staffing level needed to meet all requirements of this program for the 17 cities is approximately four and one half (4.5) FTEs, at a cost of approximately \$802,000. Not only is the cost of implementing existing MOAs not fully recovered through fees charged to businesses (estimated FY 17-18 revenue: \$238,246), the Division does not have staffing available to perform work outlined in inspection MOAs with cities.

Therefore, the Division has no choice but to terminate the MOAs in effect with the cities December 31, 2017. Of course, cities may terminate the agreement before this date. We recognize the impact of this decision on your existing program. We are committed to continuing to provide assistance through the transition. We are prepared to work with cities to consider alternatives to the current framework and provide suggestions as cities consider various approaches to ensuring compliance with C4 inspections outlined in your approved MRP. Staff has researched some alternatives that may work for some cities. We will continue to perform required inspections of existing inventory until the termination of the MOA, and we will do everything possible to ensure a smooth transition.

Sincerely,

Heather Forshey

Digitally signed by Heather Forshey  
DN: cn=Heather Forshey, o=County of San  
Mateo, ou=Environmental Health Services,  
email=hforshey@smcgov.org, c=US  
Date: 2017.04.03 16:13:21 -07'00'

Heather Forshey, Director  
Environmental Health Services Division

cc: John Maltbie, County Manager  
Louise Rogers, Chief, San Mateo County Health System  
Matthew Fabry, Manager, Countywide Water Pollution Prevention Program