

STORMWATER COMMITTEE
Regular Meeting
Thursday, March 16, 2017
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 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.