

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 17, 2014
San Mateo County Transit District Office¹
1250 San Carlos Avenue, 2nd Floor Auditorium
San Carlos, California**

STORMWATER (NPDES) COMMITTEE AGENDA

- | | | |
|--|--------------|--------------|
| 1. Public comment on items not on the Agenda (presentations are customarily limited to 3 minutes). | Breault | No materials |
| 2. Issues from C/CAG Board (March 2014): <ul style="list-style-type: none">• Information – Receive Update on Potential Countywide Funding Initiative for Stormwater Compliance Activities. | Fabry | No materials |
| 3. ACTION – Approval of February 20, 2014 meeting minutes | Fabry | Pages 1-4 |
| 6. ACTION – Update on Potential Countywide Funding Initiative | Fabry/SCI | Page 5-7 |
| 7. INFORMATION – Implementation Planning for PCBs and Mercury | Fabry/Konnan | Pages 8-9 |
| 8. INFORMATION – Update on Municipal Regional Permit Reissuance | Fabry | Pages 10-39 |
| 9. INFORMATION – Update on Potential Changes to MRP Potable Water Discharge Permitting | Fabry/Konnan | Pages 40-41 |
| 10. INFORMATION – Preliminary Discussion of 14/15 Budget | Fabry | Page 42 |
| 11. Regional Board Report | Mumley | No Materials |
| 12. Executive Director’s Report | Wong | No Materials |
| 13. Member Reports | All | No Materials |

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2014 Stormwater Committee Roster			Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Agency	Representative	Position											
Atherton	Gordon Siebert	Public Works Director	X										
Belmont	Afshin Oskoui	Public Works Director	X										
Brisbane	Randy Breault	Public Works Director/City Engineer	X										
Burlingame	Syed Murtuza	Public Works Director	X										
Colma	Brad Donohue	Director of Public Works and Planning	X										
Daly City	Patrick Sweetland	Director of Water & Wastewater	O										
East Palo Alto	Kamal Fallaha	City Engineer											
Foster City	Brad Underwood	Director of Public Works	X										
Half Moon Bay	Mo Sharma	City Engineer	X										
Hillsborough	Paul Willis	Public Works Director	X										
Menlo Park	Charles Taylor	Public Works Director	X										
Millbrae	Khee Lim	City Engineer											
Pacifica	Van Ocampo	Public Works Director/City Engineer	X										
Portola Valley	Howard Young	Public Works Director											
Redwood City	Shobuz Ikbal	City Engineer/Engineering Manager											
San Bruno	Klara A. Fabry	Public Services Director	X										
San Carlos	Jay Walter	Public Works Director	X										
San Mateo	Ray Towne	Interim Public Works Director	X										
South San Francisco	Brian McMinn	Public Works Director	X										
Woodside	Paul Nagengast	Deputy Town Manager/Town Engineer	O										
San Mateo County	Jim Porter	Public Works Director	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 17, 2014
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Approval of February 20, 2014 meeting minutes

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

Recommendation

Approve February 20, 2014 Stormwater Committee meeting minutes as drafted.

Attachments

Draft February 20, 2014 Minutes

STORMWATER COMMITTEE
Regular Meeting
Thursday, February 20, 2013
2:30 p.m.

DRAFT Meeting Minutes

The Stormwater Committee met in the SamTrans Offices, 1250 San Carlos Avenue, San Carlos, 2nd Floor Auditorium. Attendance at the meeting was 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), Cynthia Royer (Daly City), Dong Nguyen (Woodside), and Jon Konnan (EOA, Inc.). Chair Breault called the meeting to order at 2:45 p.m.

1. **Public Comment:** None
2. **Issues from the last C/CAG Board meeting (Fabry):** Staff member Fabry indicated the C/CAG Board approved the appointment of Brian McMinn to replace Committee Member White, who retired.
3. **Approval of Minutes:** The Committee unanimously approved the draft minutes from the November 21, 2013 meeting. [Motion – Oskoui, second – Ocampo]
4. **Approval of 2014 Calendar of Meetings:** The Committee unanimously approved the monthly calendar of meetings for 2014, with the understanding that meetings would generally be held every other month, with the remainder being canceled if no Committee actions are necessary. [Motion – Ocampo, second – Underwood]
5. **Nominate and Elect Vice Chair:** Chair Breault opened the floor to nominations for a new Vice Chair and Committee Member Walter volunteered through self-nomination. The Committee voted unanimously to approve Walter as Vice Chair.
6. **Information – Presentation on Integrated Monitoring Report:** Fabry and Jon Konnan (EOA, Inc.) provided a presentation related to the upcoming draft Integrated Monitoring Report (IMR) required by the Municipal Regional Permit (MRP). The presentation focused on Parts A and C of the forthcoming IMR (Part B was discussed with the Committee in November), which detail water quality monitoring activities under MRP Provision C.8 and mercury and PCB load reduction opportunities, respectively.

For IMR part A, Konnan summarized the monitoring management questions, sampling locations, and results, including planned follow-up monitoring projects, as well as important issues to consider and preliminary costs and benefits regarding monitoring activities.

For IMR Part C, Konnan reviewed the Total Maximum Daily Load and associated load reduction drivers for the pilot studies performed in the Pulgas Creek Pump Station watershed in San Carlos and then summarized the load reduction opportunities described in the report, which focuses on three primary load reduction scenarios associated with high and moderate opportunity areas and diversion of stormwater to wastewater treatment plants. Konnan provided general costs and anticipated load reductions for each scenario, and closed with a summary of next steps with regard to review and finalization of the complete IMR submittal to the Regional Water Board by March 17.

Konnan also provided a handout summarizing a proposed three-track approach to generating additional information to inform the mercury and PCB requirements in the next five-year issuance of the MRP, including anticipated support from municipal staff in reviewing and ground-truthing land use areas included in mercury/PCB load reduction scenarios.

Committee members engaged staff in discussion of various questions, including concerns regarding the short turnaround period for review and comment, under-estimation of costs for stormwater diversions to treatment plants, and ability of treatment plants to accept additional flow in light of existing capacity issues.

7. **Regional Board Report (NOTE – this item taken out of order):** On behalf of Committee Member Mumley who was unable to attend, Regional Water Board staff member Dale Bowyer provided comments regarding the trash load reduction requirements in the MRP, including preliminary feedback on review of long-term trash load reduction plans submitted by permittees in early February with a concern that many permittees included relatively vague language regarding future development of assessment tools, the importance of documenting significant new measures in the September annual report to demonstrate compliance with the permit-mandated 40% trash load reduction by July 1, 2014, a planned meeting with permittees to discuss the trash reporting format, the importance of demonstrating through existing assessment tools that trash control measures are effective and that permittees shouldn't wait for "perfect" assessment tools to be developed, and recognizing that although it is challenging for permittees to make long-term financial commitments to trash load reduction, the fewer commitments permittees make the more likely the Regional Board will include more prescriptive requirements in the reissued MRP. Committee members engaged Bowyer in discussion on these issues, providing further detail on long-term resource limitations and asking the Regional Board to assist in finding additional funding.

8. **Information – Update on Potential Countywide Funding Initiative:** Fabry and Konnan provided a brief presentation regarding outstanding questions in regard to the Funding Needs Analysis associated with the potential countywide funding initiative for stormwater compliance activities. Due to time constraints, Chair Breault asked staff to

focus on issues requiring immediate Committee feedback and asking Committee members to work separately with staff on other outstanding issues. Staff requested feedback from the Committee regarding costs for trash control vs. municipal long-term trash reduction plans (Committee agreed needs analysis should continue using current assumptions for trash load reduction costs) and distribution of anticipated mercury/PCB costs (Committee suggested countywide vs. jurisdictional cost approaches for mercury/PCBs is a political/process issue and should be addressed separately).

9. **Information – Update on Municipal Regional Permit Reissuance:** Due to time constraints, staff member Fabry referred Committee members to the materials included in the agenda packet.
10. **Regional Board Report:** Reported above under item 7.
11. **Executive Director’s Report:** Executive Director Wong reiterated the need for municipal support letters for C/CAG’s funding initiative enabling legislation, AB 418.
12. **Member Reports:** None

Meeting was adjourned at 4:30 PM

C/CAG AGENDA REPORT

Date: April 17, 2014
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Update on Potential Countywide Funding Initiative

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

RECOMMENDATION

Receive written update and presentation on the potential countywide funding initiative for stormwater compliance activities. Consider conditional recommendation of approval by C/CAG Board of Task 1 and Task 2 reports at its May meeting, pending no significant comments by Committee members.

BACKGROUND/DISCUSSION

Since January of 2013, C/CAG has been working with a consultant team led by SCI Consulting Group to evaluate the feasibility of a countywide funding initiative to generate new, ongoing revenue for C/CAG and its member agencies to implement water pollution prevention programs consistent with the requirements of the Municipal Regional Stormwater Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board.

The following summarizes the current status of efforts conducted to-date:

- **Enabling Legislation:** would affirm C/CAG's authority as a joint powers agency to propose a countywide special tax or property-related fee for approval by voters or property owners. Assembly Bill 418 (Mullin), which was introduced as a gut-and-amend bill in January of this year, received 2/3 approval as an urgency bill in the Senate in late February and now moves back to the Assembly for concurrence. If approved by 2/3 of the Assembly, the bill will go to Governor Brown for signature, and if signed, go into effect immediately. This would allow C/CAG to potentially proceed with a property-related fee as early as late summer/fall of this year.
- **Funding Needs Analysis:** estimates costs to implement existing and anticipated future MRP requirements for both C/CAG and its member agencies. Preliminary funding needs were presented to the C/CAG Board in September 2013 and the needs analysis has gone through two rounds of review by C/CAG's Stormwater Committee. The final draft of the Funding Needs Analysis is attached. Staff anticipates presenting the final report to the C/CAG Board for adoption in May.
- **Funding Options Report:** details the various available options for funding the different compliance activities mandated in the MRP. This includes both balloted and non-balloted

approaches, as well as recommendations for potential ways existing efforts and funding sources could be restructured for greater effectiveness. Preliminary information on funding options was presented to the C/CAG Board in September 2013. C/CAG's Stormwater Committee is reviewing the report and staff anticipates presenting it to the C/CAG Board for adoption in May.

- Public Opinion Research: gauges support among both registered voters and property owners within San Mateo County for funding stormwater compliance activities. This includes completing 800 telephone surveys and mailing out 22,000 written surveys that test varying dollar amounts, positive and negative arguments, and potential ballot language. The phone survey was completed in summer of 2013 and the mail surveys were sent out in late March and will remain open for submittal until late April, with final results for both surveys presented to the C/CAG Board in May.
- Action Plan: details in plain language how funding under a successful initiative would be utilized, including general programmatic areas and related pollution prevention activities. This is being referenced as the "Countywide Water Pollution Prevention Plan" and will be used as an outward communication tool to translate the highly prescriptive and technical details of activities required by the MRP into terms understandable by the general public. Staff anticipates bringing the Action Plan to the C/CAG Board for adoption in May or June.
- Public Education and Outreach: includes implementing a plan to educate and engage C/CAG's member agencies, the public, and key stakeholders regarding the water quality concerns in San Mateo County and the need for additional funding to be able to fully address the problems. The consultant team has been authorized to initiate preliminary efforts under task, with the remainder to be implemented if a funding initiative is authorized by the C/CAG Board. Staff anticipates updating the C/CAG Board in May regarding activities implemented to-date.

The following summarizes anticipated next steps:

- Meetings with Member Agencies: includes C/CAG staff meeting with representatives from each member agency, including C/CAG Board members, city/town/county managers, and Stormwater Committee members (typically, the public works director). During these meetings, staff will present and seek feedback on each agency's financial needs, potential rate structure and magnitude, estimated potential revenue, opinion research results, key stakeholders for engagement, and overall process and timeline. This is expected to occur during April and May.
- Meetings with School Districts: includes C/CAG staff and consultants meeting with County Office of Education and school district staffs to discuss opportunities to minimize impacts of a potential countywide funding initiative on school districts (anticipated rate structure for a potential initiative is based on the amount of impervious surface on each parcel, so school districts can face significant tax or fee liability given the large amount of impervious surface on most school properties). These meetings are anticipated to take place in May and June.

- **Stakeholder Outreach:** includes continued outreach and engagement efforts with key stakeholders throughout the county, with a focus on educating the public on the priority water quality issues, progress achieved to-date by C/CAG and its member agencies, and the significant work still remaining to address these issues and why additional revenue is necessary. Engagement efforts are focused on local media relations, online tools such as the San Mateo Countywide Water Pollution Prevention Program website, e-newsletters, and social media, meetings with local groups and key community stakeholders, and strategic media ad buys and printed materials. These efforts have been ongoing since January and are being coordinated with existing outreach and engagement efforts by C/CAG’s Countywide Water Pollution Prevention Program and member agencies as mandated under the MRP.

The following summarizes other potential water-related initiatives in 2014:

- **State Water Bond:** There is already an approved \$11 billion water bond scheduled to be on the November ballot that was authorized via 2009 legislation. Currently, however, there are various revised versions of the water bond bill working their way through the legislature. With the current drought dominating the news, it appears likely there will be some form of water bond on the ballot in November, while the exact amount and focus of expenditures remains to be seen.
- **San Francisco Bay Restoration Authority:** The San Francisco Bay Restoration Authority (Authority) is proceeding with plans to place a nine-county Bay Area-wide special tax on the November ballot to implement the Authority’s mission to “raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline.” If authorized by the Authority, this initiative will include water quality/pollution prevention messaging that may complement C/CAG’s outreach efforts, but may also negatively impact support for a C/CAG initiative if C/CAG does not proceed until after November.

RECOMMENDATION

Staff will provide a presentation detailing the latest status on the Task 1 Funding Needs Analysis, Task 2 Funding Options Report, and other issues. Staff recommends the Committee consider conditionally recommending approval of these documents by the C/CAG Board at its May meeting pending no significant comments received by Committee members.

ATTACHMENTS

None

C/CAG AGENDA REPORT

Date: April 17, 2014
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Implementation Planning for PCBs and Mercury

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

SUMMARY

Receive an update on the process, schedule, and framework for gathering information over the next 15 months to inform PCB and mercury requirements in the reissued Bay Area municipal stormwater NPDES permit (i.e., MRP 2.0).

BACKGROUND/DISCUSSION

Total Maximum Daily Load (TMDL) water quality restoration plans for polychlorinated biphenyls (PCBs) and mercury in the San Francisco Bay indicate that a roughly 90% reduction in PCBs and 50% reduction in mercury in discharges from urban stormwater runoff to the Bay are needed to achieve water quality standards. Provisions C.11 and C.12 of the Municipal Regional Permit (MRP) require Permittees to implement pilot-scale control measures during the term of the MRP. Regional Water Board (RWB) staff expects municipal agencies to move from this pilot-scale work to “focused implementation” in the next NPDES permit (i.e., MRP 2.0). To better inform PCB and mercury implementation actions and associated load reduction goals that may be included in MRP 2.0 and meet RWB staff’s MRP reissuance schedule (release of draft permit for public comment in February 2015), RWB staff has requested the following from Permittees:

- **Pilot Watersheds** – develop plans for future focused implementation of control measures in current pilot watersheds, including the Pulgas Creek pump station watershed in San Carlos. Plans should show commitment to significant actions, be adequately robust, and include clear milestones that can be tracked (preliminary plan by June 2014, final by December 2014).
- **Additional High Opportunity Areas** – identify additional high opportunity areas (primarily within old industrial land uses) where focused control measure implementation could occur during MRP 2.0 (preliminary list by June 2014 and refined list by December 2014). Complete initial implementation planning for high opportunity areas by June 2015.
- **Moderate Opportunity Areas** – identify moderate opportunity areas (primarily within old industrial and other old urban land uses except residential) where additional POC load reductions could be achieved opportunistically as the land area is potentially redeveloped and retrofitted with Green Streets (preliminary list by June 2014 and refined list by December 2014). This redevelopment and Green Street retrofitting is anticipated to occur primarily for reasons other than PCB and mercury TMDL implementation. Green Street retrofit projects provide the opportunity for integration of POC load reductions with other drivers and funding

sources (e.g., transportation projects). Complete initial implementation planning for moderate opportunity areas by June 2015.

High and moderate opportunity areas will be identified using a process with similarities to that used recently for trash generation areas:

1. Preliminary source area maps will be developed using GIS data (e.g., old industrial land uses, pre-1978 facility construction).
2. Permittees will verify maps following a guidance document (e.g., field visits, Google Street View, local knowledge).
3. Urban sediments will be collected near source areas and analyzed for PCBs.
4. Opportunity area maps will be refined based on Permittee verification and sample results.

Table 1 (taken from IMR Part C) presents the results of a preliminary land use analysis for San Mateo County. Permittees with substantial old industrial acreage will likely be the most involved with the above tasks.

Table 1. Old industrial, old urban, and other land use areas for the portion of each San Mateo County Permittee that drains to San Francisco Bay.

Permittee	Permittee Area Draining to San Francisco Bay by Land Use Type ¹					Total Acres
	Old Industrial (Pre-1968) ²	Old Urban (Pre-1974) ³	Open Space ⁴	New Urban ⁵	Other ⁶	
Atherton	7	3,104	113	0	0	3,224
Belmont	44	2,196	611	67	0	2,917
Brisbane	233	537	952	55	0	1,777
Burlingame	271	2,328	124	57	0	2,780
Colma	9	242	974	0	0	1,225
Daly City	27	2,027	311	1	0	2,367
East Palo Alto	88	1,196	112	1	0	1,397
Foster City	10	1,335	205	780	0	2,331
Hillsborough	3	3,342	614	0	0	3,959
Menlo Park	212	3,490	480	125	0	4,307
Millbrae	48	1,746	260	0	25	2,080
Pacifica	0	12	28	0	0	39
Portola Valley	1	750	520	201	0	1,472
Redwood City	300	4,678	809	1216	1	7,004
San Bruno	49	2,666	622	1	1	3,340
San Carlos (excluding Pulgas Creek pump station drainage)	171	2,502	382	18	96	3,169
San Carlos (Pulgas Creek pump station drainage only)	155	105	0	0	0	260
San Mateo	182	6,608	562	280	0	7,632
San Mateo County	267	4,335	10,366	309	1884	17,162
South San Francisco	878	4,269	410	35	187	5,779
Woodside	6	3,014	2,143	249	0	5,412
Total	2,963	50,482	20,597	3,397	2,195	79,634

RECOMMENDATION

Establish a workgroup of staff from appropriate Permittees with substantial old industrial acreage to work with SMCWPPP Program staff in implementing the above process. As an initial step, Program staff will distribute a draft workplan to the workgroup.

C/CAG AGENDA REPORT

Date: April 17, 2014
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Update on Municipal Regional Permit Reissuance

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

SUMMARY

The following section and attached materials summarize current status of ongoing discussions with Regional Water Board staff regarding major issues to be addressed through the reissuance process.

BACKGROUND/DISCUSSION

The Municipal Regional Permit (MRP) went into effect on December 1, 2009. As a National Pollutant Discharge Elimination System (NPDES) permit, it has a five-year term and expires on November 30, 2014. Regional Board staff has indicated its intent to pursue timely reissuance of the permit. Permittees are required to submit an application for reissuance, called a Report of Waste Discharge (ROWD), by the beginning of June, 2014.

The MRP was designed to require a variety of technical reports near the end of the permit term that would inform or become part of the ROWD. This includes the Integrated Monitoring Report, due March 2014, that will detail the results of all of the Provision C.8 Water Quality Monitoring activities as well as the pilot study efforts to address Mercury and PCBs under Provisions C.11 and C.12, the Feasibility and Pilot Green Streets Reports required under Provision C.3 (previously discussed under a separate agenda item), municipal Long-Term Trash Reduction Plans due February 2014, and other permit provisions requiring more detailed reporting in the 2013 annual reports.

The BASMAA-convened Steering Committee of Regional Water Board staff, countywide program managers from the MRP area, and select Permittee representatives from each county regulated by the MRP continues to meet to discuss key issues. In February, the Steering Committee continued its discussion of mercury and PCBs, discussed existing Provision C.15 requirements for planned potable water discharges and state/regional efforts to create a new general permit for all water utilities (both public and private), and initiated discussion on Provision C.8 monitoring requirements. In March, the Steering Committee received updates on efforts related to Provision C.3, including discussion of a comprehensive white paper addressing the various requirements, C.8 monitoring work group, and local agency discussions of the proposed C.11/C.12 planning process for further delineating high, moderate, and low opportunity areas.

As an outgrowth of the September Steering Committee meeting, a Green Streets workgroup was formed and met for the first time on January 6 to discuss issues associated with the existing MRP requirements related to green streets and roadway reconstruction, with follow-up meetings on February 25 and March 25 discussing various approaches to facilitating long-term green infrastructure master planning and implementation.

Staff is working with its technical consultant, EOA Inc., other BASMAA program managers, BASMAA committees, and local subcommittees to vet positions on various permit issues to be incorporated into the ROWD on behalf of San Mateo County permittees. Staff will provide a spreadsheet at the meeting detailing the high, medium, and low priority issues associated with MRP reissuance, along with information regarding permittee and Regional Board staff positions on these issues that serves as the basis for the ROWD. Staff intends to bring the final draft ROWD to the Stormwater Committee in May, and submittal on behalf of each permittee through the Countywide Program will require authorization by each agency's duly authorized representatives.

ATTACHMENTS

February Steering Committee meeting minutes

January and February Green Streets Workgroup meeting minutes

MRP 2.0 Steering Committee Meeting Summary
February 6, 2014
1:00 – 3:30 p.m.
Water Board Offices, Oakland, 2nd Floor, Room 15

I. Review Agenda, Introductions and Announcements

Matt Fabry (BASMAA Chair, SMCWPPP) opened the meeting. Members introduced themselves and a sign-in sheet was passed around (Attachment 1). There were no changes to the agenda or announcements.

II. Summary of Progress on Action Items from Previous Meetings

Jill Bicknell (SCVURPPP/EOA, BASMAA Development Committee Chair) gave an update on the progress on C.3 issues at recent Development Committee meetings. The January meeting was attended by Tom Mumley (Water Board AEO) and the approach discussed was that C.3 requirements should be in the context of our vision for implementation of LID on a watershed scale over the coming years. For example, if we consider that we will have 1000's of LID facilities in a substantial portion of our watersheds within the next decade, we can better prioritize future efforts. In this context, the Development Committee is moving towards consensus with Water Board staff on many of the main C.3 issues. The Committee understands Board staff's need to compile technical backup and justification for a consensus position, and the Committee has committed to prepare a white paper that will provide material that could be used in permit findings. Issues for which the white paper will provide technical backup and justification:

- Maintaining current regulated project thresholds, and integrating and clarifying requirements for non-regulated projects;
- Continuing allowance for use of non-LID facilities on "special projects" with minor revisions.
- Making alternative compliance more flexible by revising allowances and incentives for off-site compliance.
- Dropping feasibility tests for infiltration and harvesting/use before selection of bioretention.
- Updating hydromodification requirements to include a simple methodology for determining the appropriate low flow criteria and making them regionally consistent.
- Updating O&M requirements to better support our vision of widespread LID implementation.

Discussion:

- Tom Mumley pointed out that we do have some challenges:
 - Regulated project threshold – he has heard our analysis and is open to our approach but still needs us to provide adequate justification for the record. Water Board staff has concerns that the Phase II permit contains a 5,000 sq. ft. threshold for all types of projects. We can't just say the cost outweighs the benefit; we have to show that our approach provides net benefit. We need to look at a system-wide approach rather than a new development/redevelopment approach. This might be one area that might lend itself to a two-tiered approach: If you don't want to commit to an integrated program, here are the minimum requirements.
 - Removing LID feasibility analysis – this will also be a challenge to defend.
- Tom Dalziel (CCCWP) – Region 2 has been leader in implementing LID and we should be able to lead the way.

- Kathy Cote (City of Fremont) – Indicated that this is a resource issue.
- Dan Cloak (CCCWP/DCEC) – There seems to be a presumption that the MRP will contain the most stringent requirements (from other permits) in each area of C.3. We need to look at an integrated approach to C.3 that makes sense for the Bay area.
- Tom Mumley – Basically we agree but we need to show high ground before we can claim high ground. NRDC did not activate its petition on MRP 1.0 but did activate a petition on the recently adopted Los Angeles permit.

Matt Fabry gave a brief summary of the Green Streets Work Group meeting on January 6 and the presentations made by Matt and Jill. The meeting summary and handouts were distributed to the Steering Committee. The next work group meeting is February 25 and topics will include retrofit banking, approaches to engaging transportation agencies, and the Prop 84 project “GreenPlan Bay Area”.

III. Continued Discussion on Pollutants of Concern – Mercury and PCBs Topics

A. Review Refinements to PCB/Hg MRP 2.0 Framework

Jon Konnan (SMCWPPP/EOA) explained the handout developed by the POC Work Group that describes an implementation approach for PCBs and mercury, which includes

- Schedule for near-term planning tasks (over the next 18 months) is developed in consideration of the following two tentative milestones:
 - Feb. 2015 – Tentative Order released for public comment (about a year from now)
 - July 1, 2015 – Tentative effective date for MRP 2.0
- Jon described three parallel implementation tracks summarized in the handout. The tracks are based on the level of contributions of PCB/mercury to the Bay:
 - Existing pilot watersheds
 - New high opportunity areas – within old industrial areas, higher pollutant yields, and BMPS most cost-effective, but unfortunately only small part of overall load to Bay.
 - Moderate opportunity areas – all old urban and some old industrial areas, moderate pollutant yields, and BMPS less cost-effective, but the majority of overall loading to Bay is from these areas so should be addressed opportunistically via integration with infrastructure improvements (e.g., green street retrofits, transportation projects).

Jon noted that BASMAA and Regional Water Board staff on the POC Work Group generally agree that the next steps shown in the 18-month schedule make sense but the schedule was requested by RWB staff and could be very challenging.

Discussion:

- Rinta Perkins (City of Walnut Creek) - Concerned that there is no cap on the number of new areas that may be required for implementation actions; there has to be a prioritization. Tom Mumley – We know where the high opportunities are located. We need to estimate based on the current knowledge we have and see how many areas we can implement control measures in with available resources. We need to work together to determine optimum numbers for overall watershed benefit.
- Jon Konnan – Indicated that we do not clearly know where the new high opportunity sites are located. We are already addressing the known hot spots in MRP 1.0.

- Khalil Abu-Saba (AMEC/CCCWP) – Stated that we are doing our due diligence to look for additional sites but we know that dealing with high opportunity sites will only solve a small part of the problem as defined by the TMDLs.
- Tom Mumley – It is a combination of focusing resources where there may be benefit, balanced with where are we actually able to do something. The latter will drive the prioritization.
- Khalil – Example: in Richmond, we identified 10 candidate sites based on desktop analysis, then through field sampling, identified two of the 10 that had relatively high concentrations of PCBs.
- Jon – The moderate opportunity areas track addresses the urban sites for which PCBs are more spread out in low concentrations with a long term watershed master planning process taking advantage of multiple drivers and funding sources (alignment with green streets master planning, transportation projects, etc.).
- Melody Tovar (City of Sunnyvale) – What are the benefits of what we’ve been doing already with LID? Khalil – EOA/Geosyntec did analysis of reductions from current green street projects and the calculated benefit was very small. Tom – Information on the benefits of C.3 required projects will need to be collected and analyzed, but acknowledges that the benefit is very likely to be very small. The question is, what is the Permittees’ real commitment to the long term?
- Chris Sommers (SCVURPPP/EOA) – Suggested that there is value in mapping opportunity areas and existing LID implementation. All control measures and associated benefits should be identified.
- Kathy Cote – How do the categories discussed at the last meeting (i.e., old industrial, old urban and new urban) fit into the new tracks? Jon/Tom – High opportunity areas are those old industrial areas with the highest levels of loading per unit area. Moderate opportunity areas are any old industrial and other old urban areas with moderate levels of loading per unit area. Roger Lee (City of Cupertino) – residential areas that are urban should be considered low opportunity. Tom and Khalil agreed.
- Melody – How does the referral process work? Khalil – Permit says hot spots can be referred to Water Board for enforcement. BASMAA helped define process for MS4s to submit referrals. This is also addressed in the IMR. Melody – Aren’t some of these sites covered by the Industrial General Permit? Chris – Yes, but the current IGP is fairly general and not industry or pollutant specific. Tom – Water Board staff are prepared to take action where appropriate, but need to find a “smoking gun” and responsible party. Chris – Based on our experience to-date, in the future there will likely be few opportunities to identify sources on properties, so it is likely that to reduce PCBs and mercury to the level identified in the TMDLs, moderate areas will need to be addressed. Tom – Other efforts like street sweeping are going to make very little difference. If we know that these efforts are not going to reduce 20 kg of PCBs, what is due diligence and the required level of commitment, and over what timeframe? We will get challenged as to why we are not doing it the Southern California way (with watershed management plans).
- Tom – comments on proposed Water Board staff schedule included in the handout:
 - Schedule reflects timeline needed to have effective date of July 1, 2015;
 - Anything with June 2015 date are initial requirements of MRP 2.0;
 - Permittees need to figure out what they need to do and to know in order to be able to respond to Tentative Order in February;
 - Consider how we specify things in the permit in order to agree on the concepts and intentions to the Permittees and other interests.

- Adam Olivieri (SCVURPPP/EOA) – We need to consider time, dollars, and targets. We need to look at whether these are the right targets for load reduction. Tom -- Agrees that we can adjust the targets to be more realistic. Jon – We can reevaluate the targets with better modeling and recent data. Adam – We should be looking at modifying the TMDL in parallel with other efforts as well as keeping a clear record of discussions and agreement on what needs modification and why – don't want to lose information. Tom – TMDL has a 10-year check point that coincides with the end of MRP 2.0. A substantial amount of RMP resources have been used to supplement Permittees' efforts in data collection – we need to consider sustainability.
- Tom – asked SC to respond to POC tasks and schedule. Matt – need to look at resources available now vs. putting future resources on the table. Tom Dalziel – thinks Contra Costa Permittees will have difficulty coming up with the resources in the next 6 months. Jim Scanlin (ACCWP) – what is “expected implementation plan content”? Tom hopes POC Work Group will define soon.
- Matt – would NRDC support the concept of shifting LID requirements of development projects to some place offsite in higher priority areas for removing POCs? Tom – this ties into what is expected in watershed master plans.

IV. Update on C.8 Water Quality Monitoring Workgroup

Chris Sommers (SCVURPPP/EOA) explained that the goal of the work group is to optimize use of resources and reduce costs of future monitoring efforts. At the first meeting on December 19, the work group discussed existing requirements and brainstormed which requirements could be improved or eliminated based on the value of the data being collected. Tomorrow's meeting will cover creek status monitoring. In a subsequent meeting, the work group will discuss monitoring projects and where to go with POC loads monitoring, including how to utilize these resources to assist Permittees in collecting data needed to identify high and moderate opportunity areas.

Discussion:

- Tom challenged the group to consider how they are using the data to manage stormwater programs. The group should challenge Water Board staff to say what information is lost by giving up an element of monitoring.

V. Initiate Discussion on C.15 Conditionally Exempted Discharges

- The Steering Committee reviewed the status of the proposed potable water discharge permit.
- Tom – Explained that there are not two efforts; there will either be a statewide permit or Region 2 permit but not both. There has been interest in a multi-region permit, but there are some issues with that, so Region 2 has been moving forward with its permit for potable water discharges. If a statewide permit is developed, it will be available for regions to use as they choose, including incorporating into MS4 permits. The fate of current MRP requirements is “to be determined”. They will have to be equivalent requirements. His preference is to put all under one general permit, but the disadvantage is putting so much into one permit. They are making substantial changes to make the provision practical and not have unintended consequences. One consideration – there will be one numeric effluent limit (NEL) for chlorine residual and would have to craft the MRP around this. One question is how to implement a chlorine residual NEL simply and accurately with field-level measurements. The chlorine residual NEL will be at a reasonably high level given the limitations in field measurement methodology.
- Melody – What is the timing for this?

- Tom – 3-6 months. If it is a Region 2 permit, they would probably send out a public notice within the month, to start a 3-month process for adoption. A statewide permit would add 3 months to the schedule. In Region 4, there is concern as to whether the permit would be consistent with the Ocean Plan. (The Region 4 permit allows all dischargers to be covered by the MS4 permit; the MRP only covers MS4s so other water purveyors are not currently covered by a permit). MS4s in the Bay area would be covered by the current MRP at least until it expired (and could be administratively extended). By December 1, we will know whether these requirements will be in the MRP or not, because MRP 1.0 will be administratively extended as needed at that time.
- Adam – We as Permittees need to make two arguments: 1) why MS4 Permittees want to keep the requirements in the MRP; and 2) the need to address technical arguments on the same timeframe with other non-MS4 water utility stakeholders.
- Randy Breault (Brisbane) – What will be opportunities for input on technical issues? Concerns about regulation of small discharges. Tom – Recognizes they need to do a better job of outreach and involving all stakeholders. In Region 2, they have formed a work group of mainly water districts but have not had broader participation.
- Matt – Why do we need additional regulation? We have not heard what is wrong with the current requirements.
- Dale Bowyer (Water Board) – Feels that MS4s have been regulated loosely, and doesn't want two sets of permits. Feels these are not stormwater discharges, these are "wastewater" discharges and toxic to creeks. This is a wastewater treatment effluent limit.
- Tom – There is no specific problem with current requirements. Bottom line is: are the right things being done at the right time? His intention is that the new requirements will not be more burdensome to Permittees than the current ones in the MRP – same BMPs, monitoring and reporting. They are going down the path of eliminating the short duration, low volume discharges.
- Adam – If you consider potable water releases similar to a wastewater NEL, will dischargers be subject to mandatory minimum penalties? Tom – yes. Geoff – Where would the NEL be enforced? Tom – To be determined. The permit could allow for the point of compliance to be the point of discharge to the receiving waters.

VI. Next Steps

- Action Items
 - At March 6th meeting, Permittees to respond to Water Board staff on tasks and schedule for defining PCB/mercury opportunity areas included in meeting hand out.
- Next meetings – The SC agreed on the following dates for future meetings (same time and place):
 - March 6
 - May 1
 - June 5 (instead of July 3)
- Topics for March 6 meeting:
 - Detailed discussion of progress on C.3 issues
 - Update on Green Streets Work Group
 - Update on C.8 Work Group
 - Continuing discussion on POCs – response of Permittees to schedule

- Initiate dialog on remaining MRP issues

Attachments:

- 1- Attendance Sheet and Agenda
- 2- MRP 2.0 POC Workgroup Mercury/PCBs Near-term Planning Tasks and Schedule

Draft AGENDA

MRP 2.0 Steering Committee (SC) Meeting

February 6, 2014

1:00 to 3:30 pm

Water Board Offices, Oakland, 2nd Floor Room 15

- 1:00 pm **I. Review Agenda, Introductions & Announcements**
Outcome – introduction of key MRP Permittee, Regional Water Board, and stormwater program representatives; any modifications to draft agenda; announcements.
- 1:15 pm **II. Summary of Progress on Action Items from Previous Meeting(s)**
Outcome – receive update from BASMAA Committee or work groups on action items, areas of agreement/disagreement, and next steps.
- A. C.3 Items – *Status of discussions with Water Board staff on regulated project thresholds, LID feasibility criteria, Special Projects, and treatment measure inspections, and report from Green Streets Work Group.*
- 1:45 pm **III. Continue Discussion on Pollutants of Concern – Mercury & PCBs Topics**
- A. Review Refinements to PCB/Hg MRP 2.0 Framework – *update on POC Work Group concepts for organizing MRP 2.0, remaining issues and information gaps.*
- B. Potential Next Steps – *update on suggestions and potential timeframes for implementation planning and data gathering.*
- Outcome – clarify expectations regarding roles of Programs and individual Permittees in gathering new data to inform MRP 2.0 and anticipated resources needed from Programs (e.g., staff for facilitation and desktop mapping and contractors for monitoring) and Permittees (e.g., staff resources to work with Program staff). Clarify anticipated schedule.*
- 2:30 pm **IV. Update on C.8 Water Quality Monitoring Workgroup**
Outcome – receive update on initial meeting of workgroup, summary of major concepts discussed, and next steps.
- 2:50 pm **V. Initiate Discussion on C.15 Conditionally Exempted Discharges**
Outcome – review status of proposed State Water Board Drinking Water Discharge Permit and Region 2 efforts and initiate discussion on relationship to requirements in C.15.
- 3:15 pm **VI. Next Steps**
- 3:30 pm **VII. Adjourn**

MRP 2.0 Steering Committee Attendance Sheet

Name	Agency	Email	11-Jul	5-Sep	7-Nov	6-Feb	6-Mar
Adam Olivieri	SCVURPPP	awo@eoainc.com	X	X	X	X	
Adele Ho	City of San Pablo	adeleh@sanpablo.gov	X	X	X		
Andrew Russell	Dublin	Andrew.russell@dublin.ca.gov	X	X		X	
Brad Underwood	Foster City	bunderwood@fostercity.org	X		X	X	
Chris Sommers	SCVURPPP (EOA)	csommers@eoainc.com	X	X		X	
Dale Bowyer	Water Board	dbowyer@waterborads.ca.gov	X	X	X	X	
Dan Cloak	CCCWP	dan@dancloak.com	X	X	X	X	
David Mathews	SCVWD	dmathews@valley.water.org				X	
Feliz Riesenber	City of Fairfield	friensenberg@fairfield.ca.gov	X			X	
Geoff Brosseau	BASMAA	geoff@brosseau.us	X	X	X	X	
Heather Ballenger	City of Walnut Creek	Ballenger@walnut-creek.org	X	X		X	
Jared Hart	City of San Jose	jared.hart@sanjoseca.gov			X	X	
Jay Walter	City of San Carlos	jwalter@cityofsancarlos.org		X			
Jill Bicknell	SCVURPPP (EOA)	jcbicknell@eoainc.com	X	X	X	X	
Jim Porter	San Mateo Co.	jporter@smcgov.org	X		X	X	
Jim Scanlin	ACCWP	jims@acpwa.org	X	X	X	X	
Joe Calabrigo	Town of Danville	calabrigo@danville.ca.gov	X	X	X	X	
Jon Konnan	SMCWPPP	jkonnan@eoainc.com	X		X	X	
Kathy Cote	City of Fremont	kcote@fremont.gov	X	X	X	X	
Kevin Cullen	FSURMP	Kcullen@fssd.com		X		X	
Khalil Abusaba	AMEC/CCCWP	khalil.abusaba@amec.com		X	X	X	
Lance Barnett	VSFCD	lbarnett@vsfcd.com	X				
Larry Patterson	City of San Mateo	lpatterson@cityofsanmateo.org	X	X	X		
Matt Fabry	SMCWPPP	mfabry@smcgov.org	X	X	X	X	
Melody Tovar	City of Sunnyvale	mtovar@sunnyvale.ca.gov	X	X	X	X	
Miki Tsubota	City of Brentwood	mtsubota@brentwoodca.gov	X	X	X		
Napp Fukuda	City of San Jose	napp.fukuda@sanjose.ca.gov	X	X		X	
Paul Willis	Town of Hillsborough	pwillis@hillsborough.net		X	X		
Randy Breault	City of Brisbane	rbreault@ci.brisbane.ca.us				x	
Richard Looker	Water Board	rlooker@waterboards.ca.gov		X	X	X	
Rinta Perkins	City of Walnut Creek	perkins@walnut-creek.org	X	X		X	
Roger Lee	City of Cupertino	rogerl@cupertino.org			X	X	
Sandy Chang	AMEC	sandy.chang@amec.com			X	X	
Sandy Mathews	LWA/San Mateo	sandym@lwa.com					

MRP 2.0 Steering Committee Attendance Sheet

Selina Louie	Water Board	slouie@waterboards.ca.gov	X	X			
Shin-Roei Lee	Water Board	srlee@waterboards.ca.gov	X		X		
Sue Ma	Water Board	SMa@waterboards.ca.gov	X				
Timm Borden	City of Cupertino	timmb@cupertino.org	X	X	X	X	
Tom Dalziel	CCCWP	Tdalz@pw.cccounty.us	X	X	X	X	
Tom Mumley	Water Board	tmumley@waterboards.ca.gov	X	X	X	X	

MRP 2.0 POC Workgroup - Mercury/PCBs Near-term Planning Tasks and Schedule

The MRP 2.0 Pollutants of Concern (POC) Workgroup has identified three separate but parallel and related tracks relative to Provision C.11/12 (mercury/PCBs controls) permit reissuance:¹

1. **Existing pilot watersheds** - refine and enhance implementation planning for known high opportunity areas within five “pilot” mercury/PCB watersheds where pilot-scale control measure implementation began during MRP 1.0. Continue planning and implementing controls resulting in further load reductions (i.e., “focused implementation”). This implementation planning should remain ahead of new high opportunity areas identified during the process outlined below (see Track No.2). The RWB staff suggested schedule for planning and implementation for existing pilot watersheds includes:
 - June 2014 - preliminary plans submitted to RWB staff for focused implementation in each pilot watershed, incorporating MRP 1.0 pilot results as available.
 - December 2014 - focused implementation plans for each pilot watershed completed. Plans should show commitment to significant actions, be adequately robust, and include clear milestones that can be tracked.
 - February 2015 – MRP 2.0 Tentative Order (TO) which is informed by above final plans for each watershed is released for public comment. The TO will propose load reduction requirements and will require focused implementation in existing pilot watersheds to begin immediately.²
2. **New high opportunity areas** - identify new “high opportunity” mercury/PCB management areas most likely within old industrial areas (outside of pilot watersheds) and plan for focused implementation to be initiated during the upcoming permit term. The RWB staff suggested schedule for planning and implementation for new high opportunity areas includes:
 - June 2014 - develop preliminary list and maps of high opportunity areas.
 - December 2014 - develop refined short list and maps of new high opportunity areas.
 - February 2015 - TO with load reduction requirements and expected implementation plan content and schedule for proposed new high opportunity areas is released for public comment.
 - June 2015 - implementation planning completed for new high opportunity areas.
3. **Moderate opportunity areas** - identify process for long-term “watershed master planning” for (1) funding and implementing green infrastructure retrofitting in “moderate opportunity” mercury/PCB areas and (2) adopting municipal ordinances to control PCB-containing caulk when non-single-family structures are renovated and demolished (this conceivably could be in the “high opportunity category as well). Consider opportunities for multiple drivers/benefits (e.g., green streets, trash controls, transportation projects, and redevelopment). Note nexus with Proposition 84 funded “Green Bay Area” project (pilots include City of San Mateo and San Jose). The RWB staff suggested schedule for planning and implementation for moderate opportunity areas includes:
 - June 2014 - develop preliminary list and maps of moderate opportunity areas.
 - December 2014 - develop refined short list and maps of moderate opportunity areas.
 - February 2015 - TO with load reduction requirements and expected implementation plan content and schedule for proposed moderate opportunity areas is released for public comment.
 - June 2015 - initial implementation planning completed for moderate opportunity areas.

¹For additional background and information about various terms (e.g., focused implementation, pilot watersheds and high and moderate opportunity areas) see the Integrated Monitoring Reports, Parts B and C.

²For all three tracks, contents of MRP 2.0 Tentative Order proposed by RWB staff.

Table 1 presents further details regarding the proposed 18-month process (January 2014 – June 2015) to identify new high and moderate opportunity areas and the associated implementation planning (Tracks 2 and 3 above). The framework divides the 18 months into three 6-month periods and provides a rough outline of the suggested schedule and tasks for Bay Area Phase I Stormwater Programs and Permittees. Notes regarding Table 1:

- The schedule may vary among Programs and Permittees by plus or minus two months. For example, some programs may not begin initiating the “windshield surveys” until July or August of 2014.
- The 18-month process would be completed coincident with the estimated MRP 2.0 effective date (July 1, 2015); thus the timing of permit reissuance and this process should be further discussed.
- Windshield surveys are from public right-of-way and do not necessarily include facility inspections.
- Based on existing sediment data collected on streets and in the MS4, new high opportunity areas may not have as high of PCB loading rates as existing known high opportunity areas.
- It is currently unclear what role (if any) the Regional Watershed Spreadsheet Model (RWSM) might play in the process outlined to identify new high opportunity areas. As a first step, BASMAA staff needs to further review and evaluate the most recent draft RWSM report (dated December 2013).
- Redirecting of resources currently earmarked for POC loads monitoring via the STLS to partly or wholly fund monitoring associated with identifying high opportunity areas should be discussed.
- Nexus with resources available in the 2015 RMP budget that are associated with STLS activities should be discussed. Preliminary ideas for use of resources (consistent with SPLWG discussion) include further testing of hypothesis that high opportunity areas identified via desktop work and sediment monitoring have high yields/loadings; and 2) to help further calibrate/validate RWSM or other models.

Table 1. Outline of proposed tasks and RWB staff suggested schedule for identifying new mercury/PCB high and moderate opportunity areas and associated implementation planning.

Task Description (RWB Staff Suggested Schedule)	Program Tasks	Permittee Tasks
<p>January – June 2014 Planning, desktop analysis and field screening. Preliminary mapping.</p>	<ul style="list-style-type: none"> • Develop, refine and document process for identifying new high opportunity and moderate opportunity areas. • Identify relevant Permittees and staff that should be involved in implementation of the process. • Identify resources needed and more detailed schedule for implementation of the process. • Complete IMR Part C, which includes cost-benefit scenarios for high and moderate opportunity areas. • Conduct records review and/or windshield surveys. • Complete desktop analysis and preliminary maps showing features such as potential source areas. • Work with Permittees to further ground truth maps. • Develop preliminary list and maps of new high and moderate opportunity areas. • Plan for monitoring data collection to further identify new high opportunity areas. Evaluate field screening techniques such as ELISA. 	<ul style="list-style-type: none"> • Participate in workgroups facilitated by countywide programs. • Participate in or conduct windshield surveys. • Help ground truth maps and other data.
<p>July – December 2014 Field monitoring and begin implementation planning. Refine mapping.</p>	<ul style="list-style-type: none"> • Conduct sediment monitoring (possibly in conjunction with other field screening techniques such as ELISA) to identify new high opportunity areas. • Refine preliminary list and maps of new high and moderate opportunity areas as monitoring and other new data become available. • Possibly conduct reconnaissance level water monitoring during 2014/15 wet season. • Begin implementation planning for newly identified high and moderate opportunity areas. 	<ul style="list-style-type: none"> • Assist Programs with monitoring (e.g., selecting locations, access). • Work with Programs on implementation planning.
<p>January – June 2015 Complete mapping and implementation planning.</p>	<ul style="list-style-type: none"> • Refine high and moderate opportunity area maps. Use to inform February 2015 T.O. • Complete implementation planning for new high opportunity and initial planning for moderate opportunity areas. 	<ul style="list-style-type: none"> • Continue to work with Programs on mapping and implementation planning.

**MRP 2.0 Steering Committee
Green Streets Work Group Meeting
February 25, 2014, 1:30-4:00 pm**

Water Board Offices, 1515 Clay Street, Oakland, 2nd Floor, Room 15

Meeting Summary

I. Review Agenda & Introductions

- Participants introduced themselves. The attendance sheet is attached. There were no changes to the agenda.

II. Review Purpose and Plan for Work Group

Jill Bicknell (SCVURPPP) presented information on the background and purpose of the Green Streets Work Group. The MRP 2.0 Steering Committee formed the Work Group to discuss approaches to long term green infrastructure planning and funding, integration with transportation planning and funding, and identify reasonable short term actions to incorporate into MRP 2.0.

Matt Fabry (SMCWPPP) was unable to attend, so Jill presented the background information on integrating transportation programs with stormwater programs for green streets.

Discussion of approach and potential short term actions:

- Roger Lee (City of Cupertino) – Need to add an O&M component to the integrated approach.
- Tom Mumley (Water Board) – The Integrated Approach is good, but there also needs to be a bubble for the management of the whole approach. How can the management be sustained?
- Obaid Khan (City of Dublin) – Federal funds are provided to local municipalities through the One Bay Area Grant (OBAG)¹. The complete streets requirement with the Priority Development Area (PDA) designations came with the funding availability, which made it work.

Issue: Is “retrofit banking” defined as a set of projects (like wetland banking) or the mechanism to collect and disperse funds from various sources to build projects?

- Tom – We are envisioning both types of banking. The State Revolving Loan Fund could be tapped for building projects first if needed. Jill – Is the SRLF for capital only or also for O&M? Tom – not sure.
- Jill –Can the SRLF be used for large regional projects beyond watershed boundaries? Dale Bowyer (Water Board) – Could look at expanding the

¹ The OneBayArea Grant Program is a new funding approach that better integrates the region’s federal transportation program with California’s climate law (Senate Bill 375). See: <http://www.mtc.ca.gov/funding/onebayarea/>

definition of watershed to a county, or region within a county (e.g., ocean and bay sides of San Mateo County.)

- Jill – San Mateo County is well prepared for a banking system because of the CCAG funding program.
- Obaid – Transportation funds can only be used for specific types of transportation projects. However, don't forget about on-going sources of funding like Measure B in Alameda County that are sourced from sales taxes. These measures can fund O&M.
- Melody Tovar (City of Sunnyvale) – On the slide, all the arrows come into the bank – can you elaborate on Matt's idea? Jill – The idea is that various types of funding like in-lieu fees and impact fees can come into the bank as well as grant funds and transportation funds.

Issue: How to prioritize green street projects?

- Kathy Cote (City of Fremont)- Need to prioritize which areas have a higher benefit or where there are opportunities. Could follow the trash plan process using a color coded map.
- Tom – Agreed with this approach. Use different factors, different needs at the city or county level. Don't want to make too broad with too many options; plan needs to be implementable and strategic.
- Melody – Not sure that mapping is needed yet, but categories could be developed using land use as one example. Industrial areas might not need complete streets, but could need green streets.
- Jill – The long term green infrastructure plan will need to be integrated with the Capital Improvement Plan.
- Steve Kowalewski (Contra Costa County) – For safety grants, locations are chosen that have high collision rates, but these locations may not have water quality issues. There are competing requirements that can't always be integrated. For example, the recent Vasco Road project was not the best place to put LID treatment. Because funds had to be allocated to meet water quality requirements, the size of the project was reduced.
- Randy Iwasaki (Executive Director for the Contra Costa Transportation Authority) – It would be nice to be able to put the green street dollars where they make the most sense instead of being required to include it in every project.
- Obaid – A possible way to get priorities changed is to include new factors in the project analysis. The Alameda CTC (Alameda County Transportation Commission) is working on new street typologies - water quality could be included.
- Dan Cloak (consultant to Contra Costa Clean Water Program) – We need to differentiate between strategic and opportunistic. It may be best to focus on opportunistic now and strategic in the long term. Opportunistic can be useful

and has allowed us to try things out and learn lessons. We are missing opportunities now.

- Dale – We should thinking strategically so that when opportunities come along, we can take advantage of them.

Issue: Long Term Funding Sources

- Randy – The Federal Highway Trust Fund is trending towards insolvency unless Congress either reduces spending or increases the Federal excise tax on gasoline or continues to balance the HTF with general fund dollars. In California 12% of transportation dollars are Federal, 23% are State and 65% is Local. Cap and Trade funds are small compared to the gap in funding. Projects that were done previously are now being retrofitted at a higher cost to include complete streets items. To retrofit again for water quality will increase costs again.
- Steve – The Vasco Road project was only able to complete 1.5 miles instead of 2.5 miles because of water quality costs.
- Randy – But it's also important to recognize how far we've come in the transportation sector. In the '80's there were no construction BMPs being installed. It's an accepted practice now – not a bad word. The Governor's plan for the drought may also have some water quality impacts that can be taken advantage of and when the measure in Contra Costa comes up again, perhaps green streets can be added to the complete streets element. Education of transportation officials, with data to support it, is important.

III. Alternative Compliance and Retrofit Banking Concept

Peter Schultze-Allen (SMCWPPP/EOA) presented information on alternative compliance issues in the MRP and potential ideas for increasing flexibility in MRP 2.0.

Issue: Definitions of terms in the current alternative compliance provisions:

- Obaid – How is “Net Environmental Benefit” defined? Tom – It was designed to be flexible on purpose to allow for different options. The idea is to do more or show that the alternative compliance option is more cost effective. (The language was added because EPA and the environmental NGOs thought the provision would be abused.) The definition for “Watershed” was also left unspecified to allow flexibility.
- Obaid – How flexible? Could runoff from a street project be diverted to the sanitary sewer system in lieu of LID treatment? Tom – Yes. In some cases that could be the most cost effective. Dale – Diversion to a POTW is better than LID. Sue Ma (Water Board) – But it is not usually done because winter storms can cause overflows and challenges for sanitary treatment.
- Jim Scanlin (Clean Water Program – Alameda County) – Could tree filters (with high flow rate media) be allowed for retrofits? Dale – That's a more significant change that would need more discussion.

- Shin-Roei Lee (Water Board) – Cited an example of alternative compliance in Contra Costa County in which treatment of runoff from a bridge project was mitigated at several separate intersections.

Issue: Cost calculations for in-lieu fees – how to account for O&M costs:

- Tom – can be calculated per standard methods (i.e., amortize over the life of the project and compute present value). Melody – O&M not typically paid for by developers – they build and sell. Tom – can charge present value of maintenance upfront.

Issue: Other challenges with alternative compliance:

- Steve K. – Using the off-site option is not possible for many transportation projects because the off site location and project would be considered a separate project that is ineligible for transportation funds and requires a separate environmental and permitting process. But the banking approach can work. Tom – there is evidence that this model works: Caltrans is funding LID retrofits as mitigation for some of their projects. Randy – different sources of money have different restrictions; the banking concept may not work for all sources. Dan – going offsite is not usually an issue for private projects; the costs of onsite compliance are not that great.
- Melody – in Sunnyvale, developers were interested in paying a fee but there are no projects available. The challenge is getting the initial seed funding, and there is no guarantee the mitigation project could be built within the required timeframe.

IV. Approach to Involving Transportation Agencies

- Eight of the nine Bay Area counties have local tax measures (Measure B in Alameda County) that are used for funding local transportation projects. The funds can be used for drainage systems that are part of the roadway. There are specific list of projects associated with the funds. The Congestion Management Agencies in each county are involved with these programs.
- Dan – need to do data collection and analysis to make the pitch to agencies for including water quality. How do we get this done?
- Jill – need to think more about that pitch and what the angle would be for each agency
- Tom – reiterated that the approach for road projects in MRP 2.0 will be implement LID on all regulated road projects, or (“off ramp”) demonstrate commitment to a long term green street plan
- Melody – educating engineers and planners to more strongly consider green elements should be part of the plan.
- Obaid – a separate tax measure (like Measure B) for water quality could be put to the voters. A survey could be done to gauge voter interest.
- Tom – agrees that we’ll need more resources to make progress in a timely manner. Permit requirement needs buy-in to work.

- Peter – what is the appropriate pace for retrofits? Will affect the cost.
- Tom – agrees pace is important. What amount of effort is reasonable to be eligible for “off-ramp?”
- Kathy – Sees similarities to trash efforts – good to identify high priority areas - she would not want to have to retrofit a certain percentage.
- Obaid – in the transportation arena, local plans are linked to countywide plans which are linked to regional plans; and specific projects are identified with a time frame for implementation.

V. Presentation on GreenPlan Bay Area Project

Jill introduced Jennifer Krebs from the San Francisco Estuary Partnership who gave a presentation on the GreenPlan Bay Area project.

The project is funded by a Prop 84 grant. It is designed to assist in the prioritizing of green street projects using several types of data and mapping the layers.

Two cities are involved with the pilot – San Mateo and San Jose.

San Mateo is working on a sustainable streets plan and was able to add this to the project.

San Jose has a lot of data and wants to use the project for some redevelopment areas and to complement the City’s Storm Drain Master Plan.

- The project has a Technical Advisory Committee. The next TAC meeting will be in the spring.
- The project has a component to look at development of alternative compliance programs. Jennifer asked if other cities wanted to be involved. Fremont, Cupertino and Sunnyvale are interested.
- The project is scheduled for 30% completion in March of 2014 and fully completed in 2015.

VI. Next Steps/Next Meeting

- Next meeting date – March 25, 1:30-4:00 pm
- Topics for next meeting:
 - Tom – workgroup now needs to move on from “education” to “action items” with time schedule and process management
 - Send out an email to the group and ask for agenda concepts

**MRP 2.0 Steering Committee
Green Streets Work Group Meeting
February 25, 2014**

1:30 to 4:00 pm

Water Board Offices, 1515 Clay Street, Oakland
2nd Floor, Room 15

AGENDA

- 1:30 pm **I. Review Agenda & Introductions**
Outcome – identify MRP Co-permittee, Water Board, and stormwater program representatives and agree on agenda.
- 1:40 pm **II. Review Purpose and Plan for Work Group**
Outcome – Review goals, strategies, tasks, and timeline for the Work Group to address green infrastructure requirements in MRP 2.0, based on discussions at the last meeting.
- 1:50 pm **III. Alternative Compliance and Retrofit Banking Concept**
Outcome – Review current MRP alternative compliance provisions and implementation to date; discuss the concept of green infrastructure retrofit banking as a component of long term green infrastructure plans.
- 2:30 pm **IV. Approach to Involving Transportation Agencies**
Outcome – Continue the discussion from the last meeting regarding educating/engaging MTC and other transportation agencies in green infrastructure planning and funding.
- 3:10 pm **V. Presentation on GreenPlan Bay Area Project**
Outcome – Hear a presentation on the Prop 84 grant-funded project goals, products, and schedule, and discuss integration with green infrastructure planning efforts.
- 3:50 pm **VI. Next Steps/Next Meetings**
- 4:00 pm **VII. Adjourn**

Green Streets Workgroup
February 25, 2014

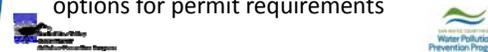
Review Purpose and Plan for Work Group

Jill Bicknell, P.E., EOA
Assistant Program Manager
Santa Clara Valley Urban Runoff Pollution
Prevention Program



Green Streets Work Group

- MRP 2.0 Steering Committee 9/5/13
 - Discussed Provision C.3.b: Green Streets and Road Reconstruction Requirements
 - Permittees' desire to maintain exemption of road reconstruction projects from stormwater treatment requirements
 - Water Board staff's desire for additional green street and retrofit requirements
 - Consensus that short term actions need to be considered in context of long term plan
 - Direction to form work group to discuss options for permit requirements



Green Streets Work Group

- Purpose:
 - Discuss approaches to long term planning for green infrastructure (GI)
 - Discuss integration of GI planning/funding with existing transportation planning/funding
 - Identify short term actions associated with long term planning that are reasonable for inclusion in MRP 2.0



Green Streets Work Group

- Proposed Strategy:
 - Organize meetings around the key components of the integrated approach
 - Invite other agencies as needed
 - Identify short term actions within each component
 - Develop proposed approach and/or permit language for review by Steering Committee



Potential Short Term Actions

- What makes sense for next five years?
 - **Retrofit Planning Efforts – link to Prop 84 "GreenPlan Bay Area"**
 - Green Street Policies or Resolutions
 - **Local Funding Options**
 - **Alternative Compliance/Banking Programs**
 - Improve Design/Construction/O&M of Retrofit Projects
 - **Work with Outside Funding Sources**



Green Streets Workgroup
February 25, 2014

Integrating Green Streets: Funding & Banking

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



Big Picture Premise

- Regulations mandate stormwater treatment solutions
 - New and redevelopment requirements
 - TMDLs and pollutants of concern
 - Green infrastructure viewed as one solution
- EPA Green Infrastructure Strategic Agenda
 - Goal:** Green infrastructure language in permitting and enforcement actions is common practice.



Why Do We Care About Streets?

- Significant amount of impervious surface
- Major source of “public” runoff
- Unlikely to redevelop
- Primary surface conveyance system for stormwater
- Carries the bulk of pollutant loads
- Publicly-owned and maintained



Why Sustainable Streets?

- Multi-benefit
 - Water quality and quantity benefits
 - Air quality/greenhouse gas reduction
 - Heat island mitigation
 - Traffic calming
 - Increase property values
 - Improve bike/pedestrian environment
 - Additional green space
 - Public education



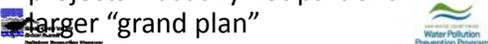
Why Sustainable Streets?

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 - Traffic calming
 - Increase property values
 - Improve bike/pedestrian environment
 - Additional green space
 - Public education



Current Approach to Making Projects Happen

- Multiple funding sources
 - Usually a transportation project seeking water quality grant funds
- Opportunistic
- Water quality-focused grant apps
- Limited cost/benefit on WQ alone
- Semi-integrated, standalone projects – usually not part of a larger “grand plan”



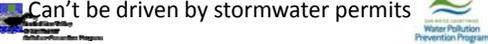
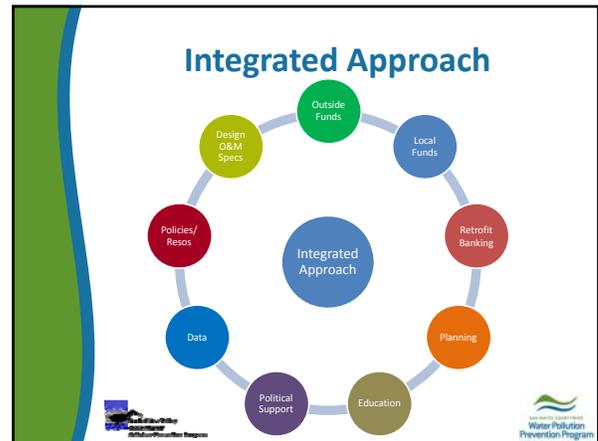
Challenges with Current Approach

- Timing
- Matching fund requirements
- Limits on what can be funded
- Staff resources to apply for and manage grants
- Reporting/Documentation



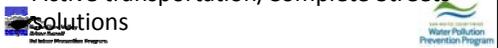
What's a Better Approach?

- Significant investments in transportation infrastructure coming
- Need to integrate sustainability issues with transportation funding programs
- Can't expect transportation funding to pay for water quality solutions
- Need to bring sustainability funding sources into transportation process
- Need local, regional, state, and federal efforts to make it work
- Can't be driven by stormwater permits

Outside Funds – Follow the Money

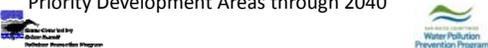
- AB32/SB375 – Climate change legislation
- Sustainable Communities Strategies
- Greenhouse gas emission reduction
- Focus on housing around transit
- Redirection of transportation funds (fuel taxes) toward SCS
- Other big investments in transportation planned – Cap and Trade Auction \$
- Active transportation/Complete Streets solutions



Follow the Money

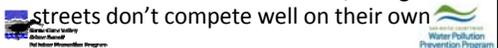
- Governor's 2014-15 Budget
 - \$100 million Cap and Trade funds for SCS implementation
 - Strategic Growth Council
 - Active transportation
 - Transit-oriented development
 - \$472 million in Prop 84 to IRWMP
 - Dept of Water Resources
 - Integrated, multi-benefit solutions
 - “Last” big pot of water-related funding
- Bay Area MTC – anticipates \$15 billion to complete streets, bike/ped, and streetscape improvements in Priority Development Areas through 2040

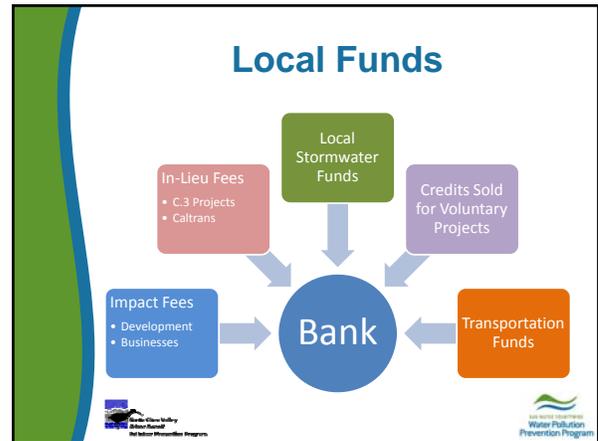
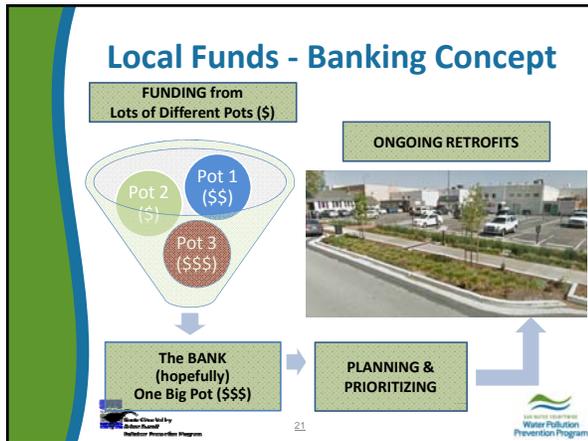
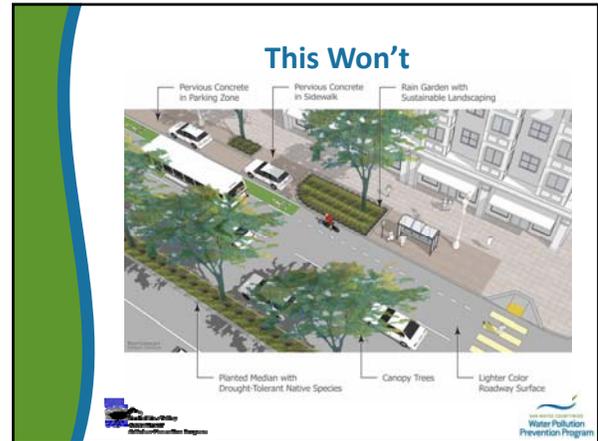
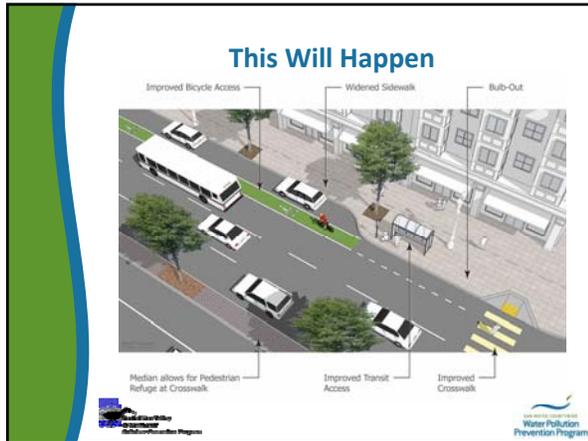
Not Integrated!



Problem with SCS, Transportation, and Water Quality Investments

- SCS only looking at one environmental impact of transportation infrastructure
 - Water quality agencies not involved
- Attempting to reduce GHGs, but missing opportunity to build resiliency for climate change impacts
 - Increased precipitation
 - Downstream restrictions, sea level rise
 - Increased temps, urban heat islands
- IRWMP – Not connected to SCS, and green streets don't compete well on their own





Alternative Compliance Issues in the MRP Provision C.3.e

Peter Schultze-Allen
 Senior Scientist, EOA

Current MRP Language

Provision C.3.e.: Permittees may allow a Regulated Project to provide **alternative compliance** with Provision C.3.c as below:

LID treatment of Stormwater runoff not treated on site may be provided at either:

- Option 1: An Offsite Location**
- Option 2: A Regional Project with an in-lieu fee contribution**

MRP Definitions

In-lieu Fee: “Monetary amount necessary to provide both hydraulically-sized treatment (in accordance with Provision C.3.d) with **LID treatment** measures of an equivalent **quantity** of stormwater runoff and **pollutant loading**, and a proportional share of the **operation and maintenance** costs of the Regional Project.”

Regional Project: “A regional or municipal stormwater treatment facility that discharges into the **same watershed** that the Regulated Project does.”



Option 1 – Offsite

Treat the remaining portion of the Provision C.3.d runoff with LID treatment measures at an offsite project **in the same watershed**. The offsite LID treatment measures must provide hydraulically-sized treatment (in accordance with Provision C.3.d) of an equivalent **quantity** of both stormwater runoff and **pollutant loading** and achieve a **net environmental benefit**.



Option 2 – In-lieu Fee

Pay equivalent in-lieu fees to treat the remaining portion of the Provision C.3.d runoff with LID treatment measures at a Regional Project. The Regional Project must achieve a **net environmental benefit**.



MRP Barriers to Alternative Compliance

1. Implementation Time Limit
2. Location
3. Reporting
4. Operation & Maintenance

Other Barriers:

1. In-lieu Fee Amount



1. Implementation Time Limit

Offsite Projects:

- Must be constructed by the end of construction of the Regulated Project.
- Or for each additional year, up to three years, after the construction of the Regulated Project, the offsite project must provide an additional 10% of the calculated equivalent quantity of both stormwater runoff and pollutant loading.

Regional Projects:

- Must be completed within three years after the end of construction of the Regulated Project
- Or up to five years with Executive Officer approval.



2. Location

- Projects must be located in the same watershed as the Regulated Project.

3. Reporting

- The Regional Project’s goals, duration, estimated completion date, total estimated cost of the Regional Project, and estimated monetary contribution must be in the Permittee’s Annual Report.



4. Operation & Maintenance

- For all off-site projects and Regional Projects installed in accordance with Provision C.3.e.i-ii, the Permittees shall meet the Operation & Maintenance (O&M) requirements of Provision C.3.h.
- Regulated Projects must pay a proportional share of the O&M costs of the Regional Project



MRP 2.0

Potential Ideas for Increasing Flexibility



1. Implementation Time Limit

Barrier to Offsite:

- Implementation Delay Penalty – changes in scope after the Regulated Project is complete could cause problems if not enough land is available offsite

Barriers to Regional:

- Economic downturns can delay Regulated Projects and their contributions to a Regional Project
- City construction schedules and finances can cause delays if the City is building the Regional Project

Barrier to Both:

- The amount of time to set up an Alternative Compliance program with the first project could delay implementation



Time Limit (cont.)

Potential Solutions:

- Existing in-lieu fee programs could be used as models to address the limitations on the time limit issue.
- For example, implementation time frame for park and open space in-lieu fee programs is five years (per the Quimby Act).
- Parking requirement in-lieu fees are commonly used and could be a model



2. Location

Reasons to go outside project watershed:

- Project watershed has low impairment
- Project is in a small watershed
- Limited development within a watershed
- Other locations with higher water quality priorities exist at the City or County-wide level

Possible Solution:

- Expand the allowable implementation area beyond the regulated project watershed



3. Reporting

Barrier:

- Cities are sometimes averse to more reporting requirements

Solution:

- Reporting for a county-wide regional project could be done by the county program



4. O&M

Barrier:

- Regional Projects create an uncertain liability for Co-permittees to take on in perpetuity
- The methodology for calculating the long term cost of O&M has not yet been defined.

Solution:

- Regional Projects county-wide could be coordinated for savings with one construction and/or maintenance contract.



In-lieu Fee Amount

Barrier:

- Amount of fee hasn't been calculated causing uncertainty for Permittees.

Possible Solution:

- A nexus study would help calculate costs and corresponding in-lieu fees for co-permittees.



Green Streets Work Group
 February 25, 2014

Approach to Involving Transportation and Other Agencies

Jill Bicknell, P.E., EOA
 Assistant Program Manager
 Santa Clara Valley Urban Runoff Pollution
 Prevention Program



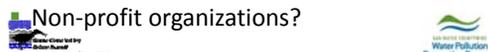
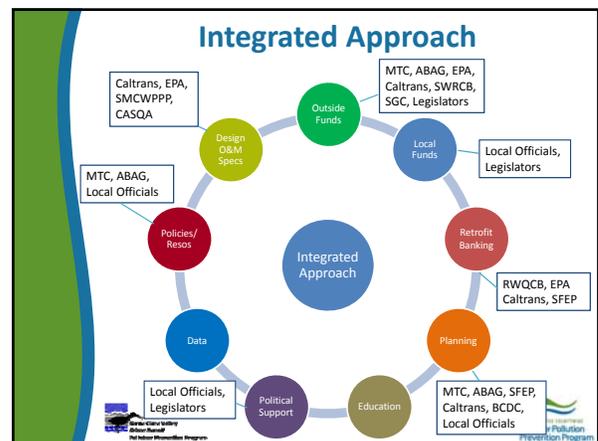
Involvement of Other Agencies and Organizations

- Key element of integrated approach
- Questions remain about who to engage, how, and when
- Efforts required prior to permit adoption vs. during permit implementation
 - Example: Prepare standard powerpoint presentation to brief boards/commissions and take "on the road"



Involvement of Other Agencies and Organizations

- Metropolitan Transportation Commission
- Association of Bay Area Governments
- Caltrans
- State Water Resources Control Board?
- Other State or regional agencies (BCDC, Strategic Growth Council)?
- Environmental Protection Agency?
- State and/or Federal Legislators?
- Non-profit organizations?

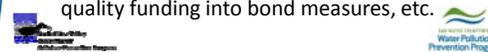
Approach to Addressing in MRP 2.0

- Use C.9 (Pesticide Control) as a model
- Short term actions toward a long term green infrastructure plan
 - Adopt/implement local ordinances and policies
 - Set up local programs/funding mechanisms
 - **Track and participate in relevant [regional planning and funding] processes**
 - Conduct training and outreach



Questions for Work Group

- What key agencies/organizations and particular individuals should be involved?
- Approach/timeframe for engagement: what outreach needed now to inform MRP or later as part of permit implementation?
 - Example: Work with MTC/ABAG over next 2-3 years to get water quality considerations in next Plan Bay Area update
 - Example: Work with legislators to get water quality funding into bond measures, etc.



GreenPlan Bay Area Project Overview

Prop 84 Stormwater Planning Grant

- Funder: State Water Resources Control Board
- Timeframe: 8/13 to 8/15
- Participants:
 - SFEP
 - SFEI, including subs Dan Cloak and Jennifer Walker
 - Cities/Counties around the Bay

Developing the Model

In a given watershed...

- What quantitative water quality and hydrological improvements can be made with Low Impact Development?
- What is the optimal plan of where to site such features?
- With LID, can we improve upon the cost/benefit of grey infrastructure alone?

GreenPlan-IT

Among Data Inputs

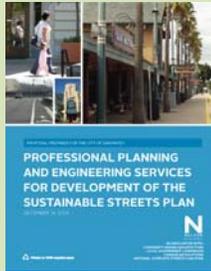
- **Topography** – ~1ft vertical resolution (LiDAR)
- **Land cover** - ownership, parcels, roads
- **Hydrology** - storm drainage network, depth to groundwater, flow
- **Water Quality Monitoring**
- **Imagery** – current (2010 or later) high resolution (<1 ft) aerial photography
- **Catchment Delineations** - <HUC12
- **Additional data** - any other partner-specific data themes or locations to be included in analysis of LID implementation, e.g., red curbs, right of ways, public parks, etc.
- **Meteorology** – precipitation, temperature
- **Diversions** - any water uses that divert water from the stream/watershed (locations and amounts)
- **Existing LID information** - Location, type, remove efficiency, design capacity, any post-implementation monitoring data
- **Existing Stormwater Models**
- **Local cost information on various types of LID** - capital, operation and maintenance

GreenPlans

- Selected jurisdictions for pilot test of GreenPlan-IT are San Mateo and San Jose
- After running and verifying GreenPlan-IT, these cities will adopt Green Plans OR data will be incorporated in other planning initiatives under way
- 8 concept designs of green features may be incorporated in plans

City of San Mateo

- Sustainable Streets Planning Initiative underway via Caltrans Grant
- Integrating GreenPlan sites & designs into Sustainable Streets Plan
- Plan will be city-wide, but implementation still unclear (change city fee structures? Multimodal impact fees?)
- Will go to city council in 2015



City of San Jose

- Focus on two areas of city – North San Jose (flows to both Guadalupe & Coyote) & Monterey Road (urban industrial)
- These areas are slated for development.
- Plans will go to City Council (Specific Plans or Urban Villages) & be adopted that call out info from GreenPlan
- Wants to involve SCVWD

Alternative Compliance

- How to fund LID called out in GreenPlans?
- Can cities use funds from permit required projects that have low cost-benefit, to fund other more desirable projects?
- Focus on San Mateo and San Jose to begin with

TAC involvement

- 30, 60, 90 percent “design” consults on GreenPlan-IT
- Check in’s on Master Plans as they are developed
- Check in’s on Alternative Compliance as it’s developed

Webinars

- After completion of GreenPlan-IT, development of training modules so other interested parties can access tool
- Fall 2015???

Thanks!

<http://www.sfestuary.org/greenplanning>



Jennifer Krebs
San Francisco Estuary Partnership
510-622-2315

C/CAG AGENDA REPORT

Date: April 17, 2014
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Update on Potential Changes to MRP Potable Water Discharge Permitting

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

SUMMARY

Receive an update on the process, schedule, and framework for the Regional Water Board (RWB) staff's effort to develop a new regional National Pollutant Discharge Elimination System (NPDES) General Permit for potable water system discharges to surface waters. Requirements in this proposed permit, including numeric effluent limits (NELs) for chlorine residual, are being cited by RWB staff, for consistency, as what will need to be included in the reissued MRP. Alternatively, the MRP may drop coverage under Provision C.15 for these potable water discharges and require Permittees that are water purveyors to apply for coverage under this new Permit.

BACKGROUND/DISCUSSION

The Municipal Regional Permit (MRP) Provision C.15.b.iii establishes as Conditionally Exempted Non-Stormwater Discharges planned, unplanned, and emergency discharges from potable water systems. This provision was carefully crafted as part of the development of the MRP and represented a substantial ramp-up in level of effort for municipal purveyors compared to previous Bay Area stormwater permits. These discharges are from systems that are required to comply with federal Safe Drinking Water Act and California Department of Public Health requirements to maintain drinking water quality within distribution systems and to protect public health.

Currently, discharges from water purveyors not owning or operating storm drainage systems (such as the East Bay Municipal Utility District) are not covered by the MRP or another NPDES permit. These water purveyors have been working with RWB staff for the last two years to develop a new NPDES General Permit to provide them with Clean Water Act coverage. An administrative draft for the General Permit was released to internal stakeholders in late March 2014. It contains much more prescriptive monitoring and reporting requirements than are currently required by the MRP.

Most importantly, the administrative draft includes a numeric effluent limit (NEL) for chlorine and associated Mandatory Minimum Penalties (MMPs) for violations of the NEL. It is unclear what the technical or water quality bases for this NEL are since staff is only aware of a handful

of potable water discharges that have resulted in demonstrable adverse water quality impacts out of the thousands of these discharges that occur throughout the Region annually.

RWB staff has indicated that whatever requirements are adopted in this new General Permit will need, for consistency, to be carried forward into the requirements in the reissued MRP. However, outreach on this topic from Regional Water Board staff to municipal water purveyors has been lacking. This is an important juncture for the stormwater community to more closely track and provide input into this new General Permit while it is still an administrative draft. It is important to note that RWB staff stated at the February 2014 MRP 2.0 Steering Committee meeting that there is no specific problem with current MRP potable water discharge requirements and that the intention is that the new requirements will not be more burdensome to Permittees than the current ones in the MRP (i.e., same BMPs, monitoring, and reporting).

Since this permit would affect all MS4 entities that are water purveyors, it may be appropriate that participation in developing and commenting on this permit be conducted as a BASMAA-sponsored effort. The RWB staff is targeting adoption of this new Permit in early summer 2014.

Staff will continue to work with BASMAA and appropriate municipal staffs to track and communicate a municipal water purveyor position on this draft permit, and recommends this position include:

- Municipal purveyors should retain coverage under a municipal stormwater permit, rather than needing to get coverage under yet another discharge permit (municipalities are already typically subject to the MRP, sanitary sewer collection system permitting, and/or wastewater treatment plant discharge permits).
- The current potable water discharge BMP and monitoring requirements in MRP Provision C.15 are adequate to protect water quality and do not need to be modified.
- An NEL for chlorine is not justified.

C/CAG AGENDA REPORT

Date: April 17, 2014
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Discussion of Preliminary 14/15 Budget

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

RECOMMENDATION

Receive update on preliminary 14/15 budget for the Countywide Program and discuss implications for future budget years.

BACKGROUND/DISCUSSION

Staff is preparing the 14/15 budget for the Countywide Program as part of C/CAG's overall budget process. Several issues of note for Committee consideration:

- C/CAG currently has technical consultant contracts with both EOA, Inc. and San Mateo County Division of Environmental Health to provide assistance to member agencies in meeting requirements in the Municipal Regional Permit (MRP). These contracts were extended through the end of the current calendar year to coincide with when the MRP is set to expire on November 30.
- Regional Board staff and permittee representatives are engaged in discussions on the content of the reissued MRP, and Regional Board staff has indicated it is likely that a draft permit will not be released until early 2015, with anticipated adoption in May or June for a permit effective date of July 1, 2015.
- Staff is assuming an equivalent level of expenditures for both EOA and County Health contracts and will likely recommend the C/CAG Board extend those contracts and incorporate sufficient funding for the second half of the 14/15 fiscal year.
- The preliminary 14/15 budget assumes C/CAG will proceed with a countywide funding initiative during the fiscal year, which will require expenditure of significant funds related to printing and postage for public notices and ballots. If this effort proceeds in the coming year, the accumulated fund balance for the Countywide Program will be fully expended, limiting future year expenditures to existing revenue amounts (approximately \$1.5 million on property tax revenue and \$750,000 in countywide Measure M vehicle license revenue).
- If the reissued MRP requires similar levels of expenditures in 15/16 for activities that make sense to be performed by the Countywide Program, C/CAG and its member agencies will have to either reduce the scope of services provided by the Countywide Program or look at other means of increasing revenue.