

# 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, August 15, 2013  
San Mateo County Transit District Office<sup>1</sup>  
1250 San Carlos Avenue, 2<sup>nd</sup> Floor Auditorium  
San Carlos, California**

### STORMWATER (NPDES) COMMITTEE AGENDA

- |     |   |                   |              |
|-----|---|-------------------|--------------|
| 1.  | Public comment on items not on the Agenda (presentations are customarily limited to 3 minutes).   | Breault/Patterson | No materials |
| 2.  | Issues from C/CAG Board (June, August 2013): <ul style="list-style-type: none"><li>• Approved (June) – Amendment #8 with Eisenberg, Olivieri, and Associates (EOA) to continue providing technical support to the Countywide Water Pollution Prevention Program, extending the term through December 2014 for an additional cost not to exceed \$2,689,602</li><li>• Approved (August) – Amendment #1 with San Mateo County’s Division of Environmental Health to continue providing technical support to the Countywide Water Pollution Prevention Program, extending the term six months through December 2014 for an additional cost not to exceed \$213,962</li></ul> | Fabry             | No materials |
| 3.  | ACTION – Approval of May 16, 2013 meeting minutes   | Fabry             | Pages 1-4    |
| 4.  | INFORMATION – Authorization to Submit 2013-14 Countywide Program Annual Report And BASMAA Regional Supplements  | Fabry             | Page 5       |
| 5.  | INFORMATION – Update on Potential Countywide Funding Initiative   | Fabry             | Pages 6-7    |
| 6.  | INFORMATION – Presentation on Potential Countywide Funding Initiative: Funding Needs Analysis and Funding Options Report  | Fabry/Bliss       | Page 8       |
| 7.  | INFORMATION – Update on Municipal Regional Permit Reissuance  | Fabry             | Page 9-18    |
| 8.  | Regional Board Report   | Mumley            | No Materials |
| 9.  | Executive Director’s Report   | Wong              | No Materials |
| 10. | Member Reports  | All               | No Materials |

<sup>1</sup> For public transit access use SamTrans Bus lines 390, 391, 292, KX, PX, RX, or take CalTrain to the San Carlos Station and walk two blocks up San Carlos Avenue. Driving directions: From Route 101 take the Holly Street (west) exit. Two blocks past El Camino Real go left on Walnut. The entrance to the parking lot is at the end of the block on the left, immediately before the ramp that goes under the building. Enter the parking lot by driving between the buildings and making a left into the elevated lot. Follow the signs up to the levels for public parking.

# C/CAG AGENDA REPORT

**Date:** August 15, 2013  
**To:** Stormwater Committee  
**From:** Matthew Fabry, Program Coordinator  
**Subject:** Approval of May 16, 2013 meeting minutes

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

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## Recommendation

Approve May 16, 2013 Stormwater Committee meeting minutes as drafted.

## Attachments

Draft Minutes from May 16, 2013 Stormwater Committee Meeting

**STORMWATER COMMITTEE**  
**Regular Meeting**  
**Thursday, May 16, 2013**  
**2:30 p.m.**

**DRAFT Meeting Minutes**

The Stormwater Committee met in the SamTrans Offices, 1250 San Carlos Avenue, San Carlos, 2<sup>nd</sup> 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 Hoang (C/CAG Staff), Brian McMinn (South San Francisco), Kevin Gardiner (Burlingame), Leah Edwards and Laura Galli (Foster City), Elizabeth Cullinan (Hillsborough), Christina Horrisberger (Pacifica), Jon Konnan and Jill Bicknell (EOA, Inc.), Jesse Salmon (SCI Consulting Group), and Jim Bigelow (CMEQ Committee). Chair Breault called the meeting to order at 2:30 p.m.

1. **Public Comment:** None
2. **Issues from the last C/CAG Board meeting (Fabry):** As noted on the agenda.
3. **Approval of Minutes:** The Committee unanimously approved the draft minutes from the April 18, 2013 meeting. (Patterson motion, Oskoui second)
4. **Preliminary 2013-14 Countywide Program Budget:** Staff member Fabry reported that he had not received any comments from Committee members since the April meeting regarding the proposed scope of regulatory compliance support services in the preliminary 2013-14 Countywide Program budget. He outlined several revisions to cost estimates primarily related to shifting water quality monitoring efforts from 2012-13 to 2013-14 due to the lack of rain during the recent rainy season. The Committee unanimously approved the proposed scope of regulatory compliance support services as part of the overall Countywide Program budget (Patterson motion, Ocampo second).
5. **Presentation on New and Redevelopment Requirements:** The Committee received a presentation by staff member Fabry and Jill Bicknell (EOA, Inc.) regarding two upcoming submittals required under Provision C.3 of the Municipal Regional Permit as well as anticipated issues that will be up for discussion as the permit is reissued in late 2014. The presentation detailed the upcoming Pilot Green Streets report due September 2013 and the Feasibility Status Report due December 2013. Ms. Bicknell also summarized Regional Board staff concerns regarding Provision C.3 in relation to reissuing the MRP and other issues of concern to permittees.
6. **Update on Countywide Funding Initiative:** Staff member Fabry provided a verbal summary of the written agenda item highlighting the current effort by EOA to meet with

individual agencies to estimate compliance costs and potential need for enabling legislation for C/CAG to sponsor an initiative. Jesse Salmon (SCI Consulting Group) provided a presentation on the approach and strategy for the planned public opinion research. Mr. Fabry and Mr. Salmon responded to committee member questions and concerns.

7. **Update on Municipal Regional Permit Reissuance:** Staff member Fabry provided a verbal summary of the written agenda report, emphasizing the timing and approach to developing the major permit-required technical reports that will serve as part of the Report of Waste Discharge application for Municipal Regional Permit reissuance. Mr. Fabry also summarized the proposed process of utilizing existing Bay Area Stormwater Management Agencies Association (BASMAA) committees for development of the required technical reports and a high-level steering committee of permittee and Regional Board staff to discuss major issues. Mr. Fabry recommended utilizing the ad-hoc permit implementation committee members to provide San Mateo County representation on the steering committee.
8. **Regional Board Report:** None
9. **Executive Director's Report:** None
10. **Member Reports:** None

Meeting was adjourned at 3:35 PM.

2013 Stormwater Committee Roster and Attendance Record								
Agency	Representative	Position	Feb	Apr	May	Aug	Oct	Nov
Atherton	Gordon Siebert	Public Works Director	X					
Belmont	Afshin Oskoui	Public Works Director	X	X	X			
Brisbane	Randy Breault	Public Works Director/City Engineer	X	X	X			
Burlingame	Syed Murtuza	Public Works Director	X	X	X			
Colma	Brad Donohue	Director of Public Works and Planning	X	X	X			
Daly City	Patrick Sweetland	Director of Water & Wastewater		O	X			
East Palo Alto	Kamal Fallaha	City Engineer	X	X				
Foster City	Brad Underwood	Director of Public Works	X	X	X			
Half Moon Bay	Mo Sharma	City Engineer		X	X			
Hillsborough	Paul Willis	Public Works Director	X	X	X			
Menlo Park	Charles Taylor	Public Works Director	X	X	X			
Millbrae	Khee Lim	City Engineer	X	X	X			
Pacifica	Van Ocampo	Public Works Director/City Engineer	X	X	X			
Portola Valley	Howard Young	Public Works Director	X	X				
Redwood City	Shobuz Ikbal	City Engineer/Engineering Manager	X	X	X			
San Bruno	Klara A. Fabry	Public Services Director		X	X			
San Carlos	Jay Walter	Public Works Director	X	X	X			
San Mateo	Larry Patterson	Public Works Director	X	X	X			
South San Francisco	Terry White	Public Works Director	O	X	O			
Woodside	Paul Nagengast	Deputy Town Manager/Town Engineer	O	X	X			
San Mateo County	Jim Porter	Public Works Director		X				
Regional Water Quality Control Board	Tom Mumley	Assistant Executive Officer		X				

"X" - Committee Member Attended

"O" - Other Jurisdictional Representative Attended

# C/CAG AGENDA REPORT

**Date:** August 15, 2013  
**To:** Stormwater Committee  
**From:** Matthew Fabry, Program Coordinator  
**Subject:** Authorization to Submit 2012-13 Countywide Program Annual Report and BASMAA Regional Supplements

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

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## **RECOMMENDATION**

Duly authorized representatives from each member agency should authorize submittal by September 16 of the Countywide Program Annual Report and BASMAA Regional Supplements.

## **BACKGROUND/DISCUSSION**

The Countywide Program Annual Report details compliance activities performed by C/CAG staff and consultants on behalf of member agencies in order to meet Municipal Regional Permit (MRP) requirements that are more effectively done at a countywide level. The Bay Area Stormwater Management Agencies Association (BASMAA) Regional Supplements detail compliance activities performed regionally through BASMAA member programs and consultants on behalf of all permittees in order to meet MRP requirements more effectively done at the regional level. The BASMAA Regional Supplements address pilot green streets, public information and outreach, and pollutants of concern provisions. In accordance with MRP requirements, a “duly authorized” representative from each member agency must authorize submittal of the Countywide Program Annual Report and BASMAA Regional Supplements on its behalf.

Staff will provide Committee members with an ftp link to both the draft Countywide Program Annual Report and the BASMAA Regional Supplements via email. Staff is requesting comments on the draft Countywide Annual Report by August 30, to allow time for revision and final approval/authorization to submit before September 16. The BASMAA documents, due to their regional nature, will be formally approved by the BASMAA Board of Directors and staff recommends limiting comments on these documents to minor typographical issues or major concerns as these documents are developed and vetted through BASMAA’s committees with review/feedback from local subcommittees.

# C/CAG AGENDA REPORT

**Date:** August 15, 2013  
**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)

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## **RECOMMENDATION**

Receive update on tasks and schedule for potential countywide funding initiative for stormwater compliance activities.

## **BACKGROUND/DISCUSSION**

### **Enabling Legislation**

C/CAG's advocacy team, upon recommendation by the State Legislative Counsel, is working with Assemblymember Mullin to introduce amend existing bill AB 418 to incorporate language that would allow C/CAG to propose a potential countywide funding initiative to voters or property owners. Given the timing of the legislative calendar, it will be challenging (yet doable) to introduce and enact legislation prior to the end of Session. Both the Assembly and Senate reconvened after Summer Recess on August 5<sup>th</sup> and August 12, respectively. Regular Session adjourns for the year on September 13. C/CAG and its advocacy team will continue to work diligently to move a vehicle through the process by the middle of September and to the Governor's desk for signature in October.

Staff is requesting support letters for the legislation from all member agencies and will be providing Committee representatives a model letter separately for their use.

### **Public Opinion Research**

C/CAG's consulting team completed 800 phone surveys during late June and early July to gauge public opinion regarding a potential initiative among registered voters and single family residential homeowners in the County. The surveys tested varying pro and con arguments, dollar amounts, and potential ballot language. Generally, the survey results indicated solid support levels amongst property owners for a property-related fee, with only marginal support amongst registered voters for a parcel tax.

Planning is underway for a mailed survey that will go to 22,000 property owners in September. Results of the phone survey are informing the content of the mail survey, and staff continues to work with the Stormwater Committee's ad-hoc Funding Initiative Steering Committee to review and provide feedback on these efforts. Staff anticipates presenting to the Stormwater Committee the detailed results of both the phone and mail surveys at the October 17 meeting.

### Funding Needs Analysis

EOA staff completed interviews with C/CAG's member agencies in July and is finalizing the Funding Needs Analysis report. The Stormwater Committee will receive a presentation on the results of this effort under a separate agenda item.

### Funding Options Analysis

SCI Consulting Group has completed a draft Funding Options Report detailing different options and recommendations for funding the variety of tasks included in the Municipal Regional Permit. The Stormwater Committee will receive a presentation on the results of this effort under a separate agenda item.

### Next Steps

Staff anticipates engaging with jurisdictions at multiple levels in the coming months:

- **City Managers' Association**
  - August 16 Meeting: Summary of overall effort, timeline, and decision points.
- **Municipal Attorneys**
  - Late August (date TBD): Presentation on overall effort, including funding needs analysis, public opinion research approach and phone survey results, potential balloted approaches, and general legal issues
- **Stormwater Committee**
  - August 15 Meeting: Initial results of Tasks 1 (Funding Needs Analysis ) and Task 2 (Funding Options Report)
  - September 9: Task 1 and 2 Reports to Stormwater Committee for review
  - October 17 Meeting:
    - Final Task 1 and 2 Reports
    - Tentative recommendations on Phase II
    - Preliminary Results of Task 3 (Public Opinion Research)
- **Congestion Management/Environmental Quality Committee (CMEQ)**
  - October 28 Meeting:
    - Summary of Tasks 1 through 3 and tentative recommendations on Phase II
- **C/CAG Board**
  - September 12 Meeting: Results of Tasks 1 (Funding Needs Analysis ) and Task 2 (Funding Options Report)
  - October 10 Meeting: Results of Task 3 (Public Opinion Research)
  - November 14: Acceptance of final reports for Tasks 1 through 3 and provide final recommendation on whether to move forward to Phase II (developing revenue report and community outreach efforts)



# C/CAG AGENDA REPORT

**Date:** August 15, 2013  
**To:** Stormwater Committee  
**From:** Matthew Fabry, Program Coordinator  
**Subject:** Presentation on Potential Countywide Funding Initiative: Funding Needs Analysis and Funding Options Report

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

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## **RECOMMENDATION**

Receive presentation on preliminary results of the Task1 and 2 efforts for the potential countywide funding initiative (Funding Needs Analysis and Funding Options Report). Staff from C/CAG, SCI Consulting Group, and EOA will collaborate on providing a presentation and responding to questions from Committee members.

# C/CAG AGENDA REPORT

**Date:** August 15, 2013  
**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)

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## **RECOMMENDATION**

Receive update on process and schedule for reissuance of the Municipal Regional Permit.

## **BACKGROUND/DISCUSSION**

As previously described to the Stormwater Committee, the Municipal Regional Permit (MRP) expires on November 30, 2014. Permittees are required to submit an application for reissuance by the beginning of June, 2014. The MRP requires a variety of technical reports that will become part of the reissuance application, the most important of which include the Integrated Monitoring Report due March 2014, the Pilot Green Streets and Feasibility Status Reports due September and December 2013, respectively, and municipal Long-Term Trash Reduction Plans due February 2014.

Regional Water Board, countywide stormwater program, technical consultant, and high-level Permittee representatives convened a MRP Reissuance Steering Committee that had its kick-off meeting on July 11. The Steering Committee discussed MRP reissuance objectives, process, and timeline, and began initial discussions on priority issues associated with Provision C.3, new and Redevelopment requirements. Meeting notes and associated attachments are attached to this agenda report.

Staff will continue utilizing the ad-hoc permit implementation committee (Patterson, Porter, Underwood, Walter, and Willis) to provide local representation to the Steering Committee. The next three Steering Committee meetings are scheduled for the afternoons of the first Thursdays of September, November, and January.

## **ATTACHMENTS**

MRP Reissuance Steering Committee July 11 Meeting Notes

## **MRP 2.0 Steering Committee (SC) Kick-off Meeting**

**July 11, 2013  
9:20am to 11:15**

Water Board (WB) Offices, Oakland, 2<sup>nd</sup> Floor Room 15

### **I. Review Agenda and Introductions**

- Matt Fabry, SMCWPPP Manager, BASMAA Board of Directors Chair – Purpose of the group is to guide/steer on higher level issues. A draft agenda was distributed (attachment 1).
- Tom Mumley, Water Board (WB) Assistant Executive Officer (AEO)
  - Mumley mentioned a handout with WB staff thoughts on mercury and PCB provisions (distributed after the meeting). He would like to add mercury and PCBs handout to a future agenda.
  - Mumley assumes that resolution of PCB/Hg issues before the permit is adopted may require some analysis and additional resources. These issues and analyses need to be identified ASAP. Meeting with an appropriate work group and WB staff needs to get organized and scheduled.
  - Other issues will be able to be addressed based on current information
- Steering Committee (SC) members introduced themselves (attachment 2 for attendance sheet).

### **II. MRP Reissuance Objectives**

- Mumley acknowledged the fiscal challenges facing Permittees but indicated “solutions will require efforts and resources not currently on the table.” Need to push the envelope. His general opinion is that WB will not be able to agree with permit based on what Permittees can afford. But need to clearly document resources that would be needed to comply (as part of public hearing process).
- Adam Olivieri, SCVURPPP Manager, reviewed objectives and stressed the objective to reissue on time. He reminded the group that the Report of Waste Discharge (ROWD) is due by June 3, 2014.
- Olivieri distributed an agenda, one page summary of the March 25, 2013 MS4 program managers initial meeting with WB staff, and the draft overall schedule (attachment 2)
- Olivieri reviewed the summary, identified the three main priorities (Trash, New/Redevelopment, Monitoring/Pollutants of Concern), and stressed need to prioritize requirements and make trade-offs as needed given limited finite resources.
- Tom Dalziel, CCCWP Manager, discussed Contra Costa County Civil Grand Jury report and outcome associated with review of the CCCWP. The name of the report is what it boils down to: “Where’s the Money, What’s the Plan.” He stressed the importance of determining how agencies are going to fund implementation of any the new permit requirements. Several other SC members also stressed the need to prioritize the use of resources on the current permit as well as for any new requirements, and agreed that resources are still limited.
- Mumley – WB needs to be clear on what the plan is and what the road map to compliance is. “Required” to push the envelope on POC-related actions but challenge is to find a reasonable

“sweet spot.” Noted that if a permit is issued that you can’t comply with, a separate cease and desist order (relief) with a schedule could be issued. Several SC members noted that they were not inclined to go this route. Also have to consider LA and San Diego permits, specifically in response to TMDLs. Bay Area needs to be as good or better. Olivieri noted both permits are under appeal and not sure what will come out of State Board process especially related to receiving water language issue.

- Dalziel – permit should be driven by local experience, not other permits in other parts of the state. Mumley – Need to document how our way is as good or better and be cognizant that there could be economies of scale with statewide consistency.
- Joe Calabrigo, Danville Town Manager – noted that the financial picture has gotten worse, not better, since the last permit reissuance process in 2009, and that overall cost increases should not be included in reissued permit.
- Kathy Cote, Fremont Manager Environmental Services – noted that she hopes this process will evaluate what’s working and what’s not. Fremont will not be getting any new staff. May need to reprioritize resources from programs that are less important towards new provisions. Thus, balance additions with reductions from less productive requirements.
- Dale Bowyer, WB staff – asked Permittee reps to be specific about what is not cost-beneficial rather than just making general comment, and provide alternatives.
- Mumley – Core program efficiency is a goal, but noted that additional resources will likely be needed. Need to look at what are the critical mandatory measures, and how to minimize the cost of baseline measures to put more resources toward POCs.
- **ACTION:** Post-annual report submittal the Program managers will compile a summary of less cost-beneficial items. Be specific, include reporting requirements, tally information, and agendaize for further discussion in future meetings.

### **III. MRP Reissuance Process and Timeline**

- Olivieri reviewed overall summary of priorities (attachment 3), and a schedule and how they are driven by key permit deliverables (attachment 4). Olivieri – end date should be kept (for now) and drive the schedule.
- Three types of groups and meetings – BASMAA MRP Program Managers/WB AEO, Steering Committee, BASMAA’s Technical Working Committees. Olivieri noted that the Program Managers meet monthly as part of BASMAA with Mumley with the goal of sorting out and trying to resolve as many issues as possible; the Steering Committee will meet as needed to discuss high level issues and various policy issues that could not be addressed by Program Managers, and the BASMAA Technical Working Committees (e.g., Development Committee, Monitoring and Pollutants of Concern Committee, and Trash Committee) meet monthly or as needed with WB staff to clarify specific subjects and data needs.
- Mumley – Steering Committee is very important because they are made up of Permittee decision makers, not just BASMAA managers. Also, BASMAA Managers and Steering Committee reps need to empower BASMAA technical workgroup staff to have not only discussions with WB staff but to also start negotiating with WB staff. Steering Committee also has to be informed on technical issues to make sure they understand resource implications.

- Olivieri/Mumley – Also need to have good feedback/education between the Steering Committee and permittee staff including monitoring/POCs technical issues. Adam also noted that program and co-permittee staffs need close coordination prior to any staff level negotiation occurs.
- Olivieri – need to agree on how we track tentative agreements and noted that Program Managers have a draft spreadsheet that has been populated for high priority issues along with WB staff information received to date.
- Cote – asked WB staff if administrative drafts will be available? Mumley – Really looking at releasing an administrative draft in July 2014. Will strive to meet this date but if significant issues remain, it is worth taking a few extra months to resolve issues rather than “kick the can.” After ROWD received and deemed complete, formal process starts, and there is no ex parte communications. Want to avoid slippage into FY 2015-16.
- Was noted if slips to July 2015 would leave no time for cities to budget for FY 15/16.
- Olivieri – noted that we could jump to permit language ASAP on some items. Geoff Brosseau, BASMAA Executive Director – but make sure different items/components are coordinated. Mumley – could start on language for core programs like C.7 soon.
- Mumley – Should look at streamlining core programs sooner than later, in parallel with more high priority topics. For example, streamlining public education (C.7) requirements.
- **ACTION:** Brosseau currently trying to set up meeting of the Monitoring and Pollutants of Concern Committee (MPC).
- **ACTION:** organize the MPC and schedule meeting.
- **ACTION:** Program Managers to identify tracking method.
- **ACTION:** Steering Committee agreed to meet bimonthly on 1<sup>st</sup> Thursdays in the afternoon (1-4pm) at the same location (Elihu Harris State Office Building, 1515 Clay Street, Oakland) and room (2<sup>nd</sup> Floor, Room 15, if available). Dates set were September 5<sup>th</sup>, November 7<sup>th</sup>, and January 2<sup>nd</sup>. May need additional meetings towards the end.

#### IV. New Development Initial Discussion

- Jill Bicknell, SCVURPPP, BASMAA Development Committee Chair, reviewed issues and proposed approach (attachment 5)
- Existing Road Reconstruction and Widening
  - Mumley – WB staff not in agreement with proposed approach. We need to do better than status quo since existing roads are currently part of the problem. Recognized that roads are needed to intercept pollutants of concern and not just designed for drainage. Open to the concept of master plans that include addressing existing roads and consideration of water quality when greening communities. Cited San Francisco as a leader in implementing green street retrofits throughout the city. Asked permittees to provide some options above and beyond status quo. Need to take advantage of opportunities such as utility work.
  - Jim Porter, San Mateo County Public Works Director – seems like diverting transportation dollars is what is being suggested. Need to get Metropolitan Transportation Commission (MTC) involved to discuss how clean water goals can be integrated with congestion management goals.

- Fabry – SMCWPPP and Congestion Management Agency funded and directed by the City/County Association of Governments (CCAG) and thus willing to take lead on developing nexus with MTC, and developing options for this topic.
- Mumley – If a master plan is developed (and coordinated with plan for POC retrofits), the timeframe is negotiable.
- Bicknell noted the need to provide incentives for green streets, but not mandates, as this can create barriers to grants for green streets.
- Group – Limited funding is available for Capital Improvement Projects. Also, priority development areas (PDAs) that receive MTC funding are limited in extent.
- Mumley and Bowyer – Banking of Low Impact Development (LID) treatment credit is acceptable and already allowed under existing permit. WB staff is supportive.
- Feasibility/Infeasibility Criteria for Infiltration and Harvesting
  - Mumley – Good issues. See some common ground with proposed approach. Need analysis on decreasing to 5,000 sq. ft. threshold - what is the burden versus the benefit (as with many issues). Bicknell noted the impact on municipal development review staff resources for lowering the C.3 threshold relative to the minimal area being addressed by the lower threshold. Cote noted the burden also includes costs and resources associated with the ongoing (in perpetuity) operation and maintenance verification inspection requirements.
- Hydromod Requirements (no time for discussion)
- **ACTION:** BASMAA Development Committee to keep working on these issues in preparation for the September 5<sup>th</sup> Steering Committee meeting.
- **ACTION:** Fabry to look into developing nexus with MTC, and developing options for this topic.

## V. Next Steps

- September 5<sup>th</sup> meeting –
  - Continue C.3 discussion (but first further vetting of specific issues by BASMAA Development Committee), identify all C.3 issues, summarize where we have tentative agreement or not.
  - Start Monitoring/Pollutants of Concern issue discussion, including what may be info needs and analysis above and beyond what already is planned through Integrated Monitoring Report, due March 15, 2014.
  - Develop plan/schedule for discussing other areas of the permit.

## ATTACHMENTS:

- 1 – Agenda
- 2 – Attendance List
- 3 – Summary of Major MRP Issues – March 25, 2013
- 4 – Permit Reissuance Schedule Overview
- 5 – C3 Bullet points
- 6 – Tom Mumley PCB/Hg issues

MRP 2.0

July 11, 2013

Rm 15  
Water Board

Name	Agency/org	email	phone #
Matt Fabry	CCAG/smcwppp	mfabry@smega.org	650 599 1419
Jim Porter	San Mateo Co.	jporter@smcgov.org	650 599-1421
Felix Riesenber	City of Fairfield	friesenber@fairfield.ca.gov	707-428-7841
Jon Konnan	EOA/SMCWPPP	jkonn@eoainc.com	510-832-2852 x111
Chris Sommus	EOA/SCVURPPP	csommus@eoainc.com	510-832-2852 x109
Kathy Cote	Fremont	Kcote@fremont.gov	510-494-5833
Geoff Brosseau	ESMAA	geoff@brosseau.us	650-365-8620
ANDY RUSSELL	DUBLIN	ANDREW.RUSSELL@DUBLIN.CA.GOV	925-833-6680
Jim Scanlin	ACCWP	jims@acpwa.org	
Adam Olivieri	SCVURPPP	awo@eoainc.com	510-832-2852 x115
Melody Tovar	Sunnyvale	mtovar@sunnyvale.ca.gov	408.730.7808
Napp Fukuda	San Jose	napp.fukuda@sanjoseca.gov	408.717-5353
Jill Bicknell	EOA/SCVURPPP	jbicknell@eoainc.com	
MIKI TSUBOTA	BRENTWOOD / ACCWP	MTSUBOTA@BRENTWOODCA.GOV	
Tom Dalziel	CCWP STAFF	tdalze@pw.cccounty.us	
JOE CALABRIGO	DANVILLE	CALABRIGO@DANVILLE.CA.GOV	
Dan Cloak	CCWP	dand@danclbak.com	
Adèle Ho	City of San Pablo	adeleh@santpabloca.gov	
Shironee Lee	Heather Ballenger	City of Walnut Crk. Ballenger@WalnutCreek.org	
Sve ma	Rinta Perkins	City of Walnut Creek perkins@walnut-creek.org	
Selina Lorie	Dale Bowyer	Water Board dbowyer@Waterboards.ca.gov	
	Tom Munkley	water Bd tmunkley@...	
	Larry Patterson	City of San Mateo lpatterson@cityofsanmateo.org	
	LANCE BARNETT	VSFCO LBARNETT@VSFCO.COM	707 644 8949 x269
	BRAD UNDERWOOD	FOSTER CITY bunderwood@fostercity.org	650 286 3270
	TIMM FORDEU	Cupertino tmm@cupertino.org	408-777-3382

### **Overall**

- WB staff (AEO) made the following comments – intent is to re-issue permit on time (however had some buffer but wanted to avoid kicking can down the road); focus on key areas for change/update where consequences of no action mattered; open to streamlining less important permit requirements; updates/changes need to be cost-effective relative to WQ and recognize need for some level of state-wide consistency (i.e., outcomes of pending appeals); recognized local agency fiscal issues and constraints have not changed much but that maintaining status quo with no changes was not possible (permit needs to do more); identify areas where additional information is expected to be part of ROWD (renewal application); and WB staff may need to consider enforcement order along with re-issued permit to drive availability of new resources.
- Provide a balance between flexibility and enforceability within the MRP.
- Continue to identify and secure State and federal grant resources to assist with local implementation.

### **New Development**

- Implementation of LID on existing streets related to street reconstruction or widening; follow-up to “green streets” pilot project requirement in 2009 MRP
- Feasibility/infeasibility criteria for infiltration and harvesting/reuse; making bioretention a parallel choice; follow-up to feasibility/infeasibility report requirement in 2009 MRP
- Allow Integration of LID and hydromodification management criteria and provide the option to meet both requirements with a single efficient LID design; make criteria consistent across the region; follow-up to model verification and calibration study required of CCCWP.

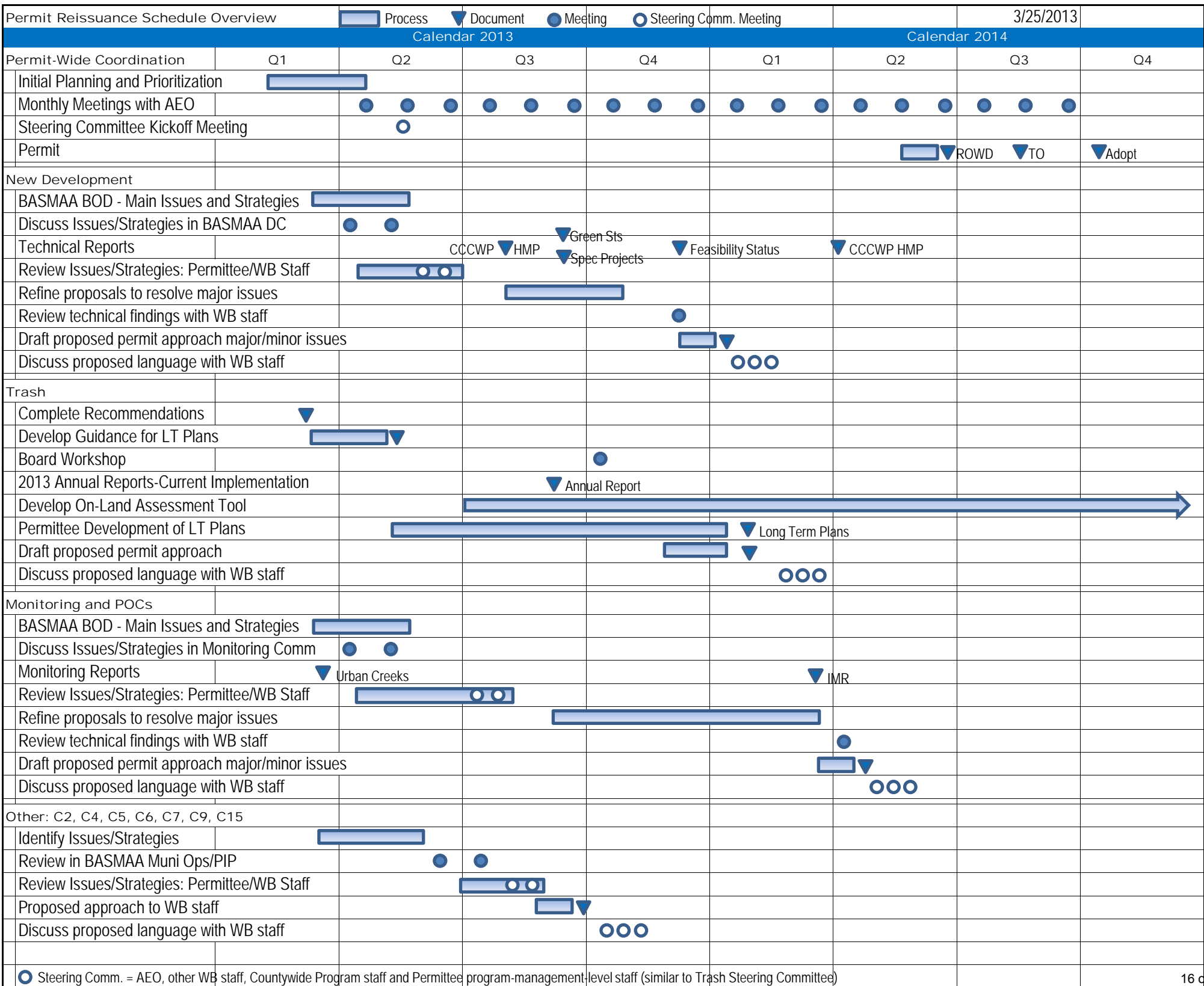
### **Trash**

- Acceptability of interim methods for measuring progress toward “no visual impact”
- Packages of BMPs that will be considered equivalent to “full trash capture”
- Confirm acceptability/better define “problem-solving approach”

### **Monitoring/POCs**

- TMDL implementation and update for the coming permit term; follow-up to pilot projects mandated in 2009 MRP.
- Reduction in monitoring costs and elimination of monitoring that doesn't provide useful information for managing stormwater programs.





## Progress

- Identified Provision C.3 as one of three “major” issues regarding extensive discussion
- Agreed this should be the first “major” issue to be taken up based on overall schedule for permit reissuance (see March 25 Gantt chart)
- Obtained Water Board staff input on C.3 issues requiring discussion and resolution
- Each countywide program obtained permittee input on issues; these were compiled and tabulated into a regionwide table
- Discussed issues in BASMAA Development Committee; some of these discussions included Water Board staff
- Developed BASMAA Development Committee proposed approach; reviewed with BASMAA Board on June 27; discussed elements of proposed approach with AEO

## Issues and Proposed Approach

- *Implementation of LID on existing streets related to reconstruction or widening*
  - Maintain existing requirements (new roads and widening for additional travel lanes) and exemptions (bike lanes and sidewalks).
  - Seek opportunities and funding for green streets and drainage retrofits; no mandates that require use of local funds. Allow impervious area associated with these projects to be “banked” and credited to new roads and road widening projects
  - Credit green streets and drainage retrofits for PCB and mercury reductions
- *Feasibility/infeasibility criteria for infiltration and harvesting/ reuse*
  - Permittees are very concerned about the increase in work load that will result from lowering the C.3 treatment threshold to 5,000 square feet and that will achieve only a small increase in water quality benefit compared to current requirements.
  - Permittees should focus on ensuring that bioretention planning, design, and construction is implemented consistently and effectively.
  - Eliminate feasibility tests and make bioretention an equal “first choice” for LID implementation
  - Improve consistency in design, construction, and maintenance of pervious paving on Regulated Projects.
- *Hydromodification*
  - Unify the requirements regionwide.
  - Establish common applicability criteria.
  - Allow all Permittees to use either of the two current approaches to HM control sizing (BAHM or Contra Costa sizing factors)

## Next Steps

- BASMAA to propose draft permit language to address identified issues and implement proposed approach
- Contra Costa report on the effectiveness of bioretention due September 15
- Green Streets status report due September 15
- Special Projects status report due September 15
- Feasibility/Infeasibility of Infiltration and Harvest/Reuse Status Report due December 1
- Contra Costa proposal for hydromodification standards due April 1, 2014

## **MRP Reissuance Issues for Provision C.11 (Mercury) and Provision C.12 (PCBs)**

- PCBs will continue to be the driver.
- PCBs TMDL Implementation Plan requires focused implementation.
- Proposed framework is X% reduction in Y watersheds for a total reduction of Z kg/yr.
- X% should be > 50% to be meaningful and measurable.
- Z should be  $\geq 5$  kg/yr, but potentially moved up or down based on time to obtain and consideration of revised PCBs loading calculations.
  - The aggregate urban runoff wasteload allocation is 2 kg/yr.
  - The current aggregate load estimate is 20 kg/yr.
- Y will be determined based on an analysis of watershed characteristics and loadings and potential load reductions from watersheds with high levels of PCBs and watersheds with moderate levels of PCBs.
  - Analysis includes consideration, among other factors, of concentrations of PCBs in soil, sediment, or stormwater, concentrations of other contaminants in same media, current and historical landuse, inspection records, available conveyance infrastructure, opportunities for enhancement of conveyance infrastructure, likelihood and mechanism of pollutant transport.
  - Analysis will balance the challenges and benefits of just focusing on high PCB watersheds versus moderate PCB watersheds.
    - High PCB watersheds (or drainage areas) tend to be small, near the Bay margin, drain to Bay margin areas with high PCBs, have potential high PCB reduction per unit of action, but the load per watershed (or drainage area) may be small.
    - Moderate PCB watersheds (or drainage areas) tend to be larger than the high PCB ones, drain mixed land uses, and have lower potential PCB reduction per unit of action, but have greater potential additional benefits of retrofit of LID measure, including greater mercury load reduction.
- More time will be allowed to achieve load reductions where there are robust watershed improvement master plans that include commitments for drainage area, streets, and storm drain system retrofits.