

STORMWATER COMMITTEE
Regular Meeting
Thursday, November 21, 2013
2:30 p.m.

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), Jean Higaki (C/CAG), Brian McMinn (South San Francisco), Matt Lee (San Carlos), John Fuller (Daly City), Cynthia Royer (Daly City), Michelle Daher (East Palo Alto), Dong Nguyen (Woodside), Jon Konnan (EOA, Inc.), and Jim Bigelow (Menlo Chamber). 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 interim Committee appointment of Ray Towne to replace Vice Chair Patterson on behalf of the City of San Mateo, as a result of Patterson's appointment as Interim City Manager. Chair Breault requested staff include an item on the next agenda to address the Vice Chair position previously held by Patterson.
3. **Approval of Minutes:** The Committee unanimously approved the draft minutes from the October 17, 2013 meeting. [Motion – Oskoui, second – Murtuza]
4. **Information – Update on Integrated Monitoring Report:** Fabry and Jon Konnan (EOA, Inc.) provided a presentation related to the upcoming draft Integrated Monitoring Report required by the Municipal Regional Permit. The presentation focused on the state of knowledge regarding mercury and PCBs water quality issues in the Bay Area, including pilot projects being implemented under Provisions C.11 and C.12 and current Regional Board staff expectations of what direction the reissued MRP will go with regard to mercury and PCBs. The main drivers for mercury and PCB load reductions are fish consumption advisories and Total Maximum Daily Load (TMDL) allocations for urban stormwater runoff. The adopted TMDLs for mercury and PCBs require achieving mandated load reductions within 20 years (90% reduction for PCBs), and it is currently assumed that implementing PCB control measures will be sufficient to address mercury as well. Recent analyses indicate highest PCB yields from old industrial land use areas, with lesser yields from other old urban land use areas. However, other old urban land uses cover a much larger geographic area and therefore appear to contribute a much higher overall PCB load to the Bay than old industrial areas.

This understanding is leading toward a potential MRP 2.0 framework that prioritizes focused implementation efforts in existing pilot implementation watersheds where

there is a high level of knowledge and load reduction opportunity, and further characterization efforts in old industrial and old urban areas to identify additional high opportunity areas vs. areas that make more sense to address where there are multiple drivers, benefits, and funding sources, such as trash management areas or areas planned for future green street retrofits. Using a portion of San Carlos as an example, Konnan overlaid trash management areas with old industrial and old urban land uses, the Pulgas Creek Pump Station pilot study watershed, and priority development areas to highlight situations where there may be multiple drivers for implementing control efforts.

Next steps include further work by the regional PCBs work group to clarify information needs to better inform MRP 2.0 discussions and a likely need for municipal staffs to work with C/CAG's consultants to gather and evaluate relevant information within their jurisdictions, similar to what has been done for developing trash load reduction plans. Committee members asked clarifying questions regarding the definition of old urban land uses (needs clarification), how TMDL allocations are expressed (numeric allocation and target and further allocated at the countywide level), role of street sweeping in PCB load reductions (being evaluated in current pilots, but likely has limited utility due to challenges to effective implementation), and questioning if San Mateo County's load reduction is realistic in regard to the overall loading to the Bay.

5. **Action – Recommendation on revised approach and timeline for the potential Countywide Funding Initiative:** Fabry provided a presentation regarding the status of the potential countywide funding initiative for stormwater compliance activities. Staff indicated the existing funding initiative consultant contract is separated into three distinct phases, with written Notices to Proceed required for the consultant team to initiate work on Phases II and III. Since C/CAG's efforts to secure enabling legislation to sponsor a countywide initiative will continue into 2014, staff wants to make the most of the additional time afforded by that process and recommended the consultant team be authorized to initiate portions of Phases II and III under the contract. Specifically, staff recommended the "Action Plan" under Phase II be initiated now and developed as more of a public communication/engagement tool rather than an internal implementation plan and Public Outreach and Education should start now to better engage key stakeholders in advance of a potential initiative.

Committee Members Oskoui and Murtuza raised concerns regarding how to effectively message stormwater compliance issues in light of competing priorities at the local level, especially with regard to the need for community support for funding significant infrastructure operation and maintenance deficits and the likelihood of future bond measures by school districts. Chair Breault recommended staff work with the consultant team to ensure that this issue is addressed during the planned municipal engagement efforts in the coming year. Committee Member Murtuza suggested member agencies be provided a draft of the proposed Action Plan to better provide feedback on community engagement and messaging efforts. Committee members

unanimously approved staff's recommendation that the C/CAG Board authorize development of the Action Plan and initiation of public outreach activities under Phases II and III of the contract, for a total cost not to exceed \$66,500. [Motion (Klara) Fabry, second – Murtuza]

6. **Information – Update on Regional Board Trash Workshop:** Staff member Fabry referred Committee Members to a draft workshop summary and Permittee workshop presentations that were provided via email. Committee Member Mumley indicated the trash workshop will be continued at the December Regional Board meeting, although likely not for more testimony, just for Board member feedback and questions. He stated the ultimate challenge is how to demonstrate success in the absence of a defined trash control “toolbox,” and how can it be done in the context of the Municipal Regional Permit goals and municipal budget constraints. He said it is important to establish a weight of evidence approach that will allow us to demonstrate measurable benefits via smart observations using various available means in relation to implemented control measures. Chair Breault asked Mumley to comment on the potential reason for an apparent disconnect between the volumes of information the Permittees provide to the Board, and Board staff's impression that the Permittees are not doing enough. An example of this issue was a comment made by RWQCB staff at the October Stormwater Committee meeting that it was not clear to Regional Board staff based on 2013 annual reports that municipalities have implemented significant new efforts, yet staff also acknowledged the significant number of trash control devices that have been installed Bay Area-wide through the regional grant. Mumley said he believes it is primarily an artifact of using the existing annual reporting format during the transition to the management area-based implementation approach. He said Board staff and Permittees need to collectively improve the 2014 reporting format to clearly document where new measures are being implemented.
7. **Information – Update on Municipal Regional Permit Reissuance:** Due to time constraints, staff member Fabry simply indicated the latest MRP 2.0 Steering Committee meeting included a very similar presentation to what was seen under Agenda Item 4 and that meeting minutes would be provided once finalized.
8. **Regional Board Report:** Committee Member Mumley indicated he believes there is a good platform and dialogue happening with regard to reissuance of the Municipal Regional Permit, based on a mutually agreed-upon strategy for building permit requirements around common knowledge. He emphasized that the more Permittees are able to commit to long-term master planning to address issues such as green street retrofits and implementation of control measures for mercury and PCBs, the more flexibility he has in regard to prescriptiveness of future permit requirements. He believes we are collectively information-challenged and what is currently funded in terms of permit compliance activities will fall short of adequately informing future permit requirements. He said municipalities need to support the various consultants supporting the countywide programs by bringing knowledge of individual communities

into the process to improve upon our current knowledge base. The more work that can be accomplished over the coming year to better inform Regional Board members and the public, the better. Committee Member Willis reiterated concerns regarding a potential reduction in the C.3 regulated project threshold, especially if it starts to impose requirements at the single-family home level.

9. **Executive Director's Report:** Executive Director Wong solicited additional volunteers for the ad-hoc funding initiative steering committee in response to Vice Chair Patterson leaving the Committee and asked interested Committee Members to contact her or staff member Fabry to participate in that group.

10. **Member Reports:** None

Meeting was adjourned at 4:07 PM