

**NPDES Stormwater
Technical Advisory Committee (TAC)
REPORT OF MEETING**

**TUESDAY, JULY 15, 2014
10:00 to NOON
CITY OF SAN MATEO**

1. INTRODUCTIONS, ANNOUNCEMENTS, AGENDA REVISIONS: Self-introductions were made. Matt Fabry (Program Coordinator) reported that a 10.5% fee increase is proposed for FY 2014/15 for municipal stormwater NPDES permit holders. Each jurisdiction in San Mateo County pays the permit fee individually, not through C/CAG. The fee increase process lacks transparency in that there has been no opportunity to participate in the dialogue between the SWRCB and legislature and the use of the funds is not necessarily associated with their source. The process has also been relatively last minute (e.g., only a one day notice was given for a recent workshop and furthermore there were technical glitches with participating via the Internet) which has not provided municipalities with the opportunity to budget in advance for fee increases. Previous efforts by CASQA and BASMAA to work with State Water Board staff to address these issues have not met with success. Recognizing the need to address the issue at a higher level, Matt and others recently started a dialogue with legislator Rich Gordon. Matt will keep the TAC posted on ongoing developments. (EDITORIAL – NOTE, STATE BOARD ENDED UP ADOPTING A FEE SCHEDULE WITH A ONE-TIME 8.9% DISCOUNT FOR STORMWATER PERMITTEES)

Matt also noted that SMCWPPP and/or BASMAA will comment on the State Water Board's proposed Trash Amendment. Although the proposed amendment is generally consistent with the Bay Area approach, the comments will note a few concerns. For example, the amendment should be revised to indicate that trash generation is not just tied to land use, but other factors are important, especially income in the surrounding area and existing trash control measures. In addition, the amendment should be revised to allow for those full capture devices "approved" by the San Francisco Bay Regional Water Board staff to be considered "certified." John Fusco of EOA sent an email to SMCWPPP's Trash Committee on July 14 with more details.

Additionally, Matt briefed the group regarding the recent comment letter from Regional Water Board staff on BASMAA's report on green street pilot projects. Matt previously distributed the comment letter electronically to the TAC and Stormwater Committee. One issue was the sizing of several of the projects, including the Bransten Street project in San Carlos. In general, treating runoff from roadways is a larger policy issue that will potentially be addressed via a program of Green Infrastructure long-term master planning. Jill Bicknell with EOA and other stormwater program staff will work through BASMAA's Development Committee to develop a response to the comments.

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA: None.

3. APPROVAL OF MINUTES FROM PREVIOUS MEETING: The April minutes were adopted as written.

4. REGULAR AGENDA

A. INFORMATION – ANNUAL REPORTING PROCESS/SCHEDULE: Matt reviewed highlights from the schedule for the upcoming annual reporting. Further detail is provided in the agenda report. Matt noted that a training workshop was not held this year to save resources for higher priorities such as PCBs/mercury work. In addition, much of the annual reporting should be routine since we are near the end of permit term. Key dates include:

- July 16 – Annual report package emailed out to each municipality

- August 7 – Countywide Program annual report emailed for municipal review/comment
- August 20 – Permittee reports due to EOA if municipalities want review/comment
- Sept 10 – Final Permittee reports due to EOA for bundling and submittal to Water Board

Matt noted that the trash section of each municipal report will be under scrutiny by Regional Water Board staff, especially assessing progress towards meeting the requirement to reach a 40% trash reduction by July 1, 2014. Matt also noted that local agencies should be taking advantage of the opportunity via the supplemental vehicle license fee allocation to obtain some reimbursement of costs for measures taken to meet the 40% trash reduction.

B. INFORMATION – UPDATE ON POTENTIAL COUNTYWIDE FUNDING INITIATIVE: Matt provided an update on overall progress and the schedule. The initiative is currently on hold. Based on recent meetings between C/CAG and high level municipal staff, moving forward with the initiative does not appear to be a high priority for individual jurisdictions on the short-term. Another issue is the large uncertainty with the high projected costs for addressing PCBs and mercury which are the main reason for the large overall funding shortfalls currently projected. When the draft MRP 2.0 becomes available it will help clarify requirements and associated costs (especially for PCBs and mercury), and member agencies will be in a better position to evaluate their need for a funding initiative. Regional Water Board staff anticipates releasing a Tentative Order in February 2015 for public comment and that the adopted permit’s effective date will be July 1, 2015. If the initiative moves forward it would likely be placed before voters or property owners in fall 2015 or spring 2016, either of which would result in a new revenue stream starting early 2017. Public opinion research shows support in the low 60% range which is adequate for a property-related fee (50% threshold) but not high enough for a parcel tax (two-thirds threshold). Matt also noted that enabling legislation for C/CAG to propose a special tax or fee is still not signed yet. (EDITORIAL – NOTE, AB 2170 WAS SIGNED BY THE GOVERNOR, GIVING C/CAG CLEAR LEGAL AUTHORITY TO PROCEED WITH A COUNTYWIDE INITIATIVE)

Matt then noted that AB2403 was signed by the governor recently. The Howard Jarvis Taxpayers Association did not oppose this bill. It clarifies the definition of water such that infrastructure projects (e.g., Green Streets) that capture urban runoff for infiltration and groundwater recharge or other water supply purposes fit within the exemption under Proposition 218. This exemption applies to fee-based funding for drinking water, sanitary sewers, and garbage collection. This bill could potentially help with future efforts to collect fees for certain stormwater management efforts.

C. INFORMATION – UPDATE ON PCBs/MERCURY PLANNING AND DATA COLLECTION: Jon Konnan (EOA, Inc.) gave a presentation on 1) background on PCBs and mercury and findings from pilot studies and other work conducted under the current stormwater permit term, 2) findings from the Integrated Monitoring Report and funding initiative Needs Analysis, 3) current efforts to work with municipalities with substantial old industrial land uses to identify potential new pollutant source areas, and 4) the status of working with Regional Water Board staff to develop a PCBs/Mercury permit language framework for the upcoming reissuance of the stormwater permit.

Jon noted that a new vision has begun to emerge that would involve a multi-decade program to gradually incorporate Green Infrastructure (GI) across the urban landscape. GI potentially provides multiple benefits, including treating stormwater runoff to reduce discharges of PCBs and mercury. The current thinking is that while part of the PCBs and mercury load could be addressed by identifying and cleaning up sources in “high opportunity” areas that are mostly within old industrial areas, much of the load originates from old urban “moderate opportunity areas” that comprise a very large part of the urban landscape. This is because PCBs and mercury have become widely dispersed in the urban environment. Treating with GI may be the most feasible way to address these areas. GI planning and projects may provide the opportunity to integrate reducing pollutant loads with other drivers and funding sources such as transportation projects. However, there is currently large uncertainty about the effectiveness and short and long-term costs of such an approach.

Jon explained that high and moderate opportunity areas will be identified using a process with some similarities to that used recently for delineating trash generation areas: 1) preliminary source area maps will be developed using GIS data (e.g., old industrial land uses, pre-1978 facility construction, known pollutant release sites); 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 and mercury; and 4) opportunity area maps will be refined based on Permittee verification and sample results. The field sampling will be the most expensive part of this process and is anticipated to start later in the calendar year.

D. INFORMATION – UPDATE ON POTENTIAL CHANGES TO MRP POTABLE WATER

DISCHARGE PERMITTING: Matt Fabry gave a brief overview of developments around this topic, which is most pertinent to local agencies that are potable water purveyors (about half of the agencies in San Mateo County). Potable water discharges from these municipalities are currently regulated under Provision C.15 of the municipal stormwater permit. Matt noted that EBMUD originally wanted a new NPDES permit because it does not currently have this type of coverage. The Bay Area Regional Water Board and the State Water Resources Control Board have released regional and statewide draft general permits, but the Bay Area permit process was recently put on hold to allow the statewide process to proceed. Either of these permits could impact local agencies that are water purveyors and currently covered by the stormwater permit, though the statewide permit appears less onerous. One important issue is that both draft permits include Numeric Effluent Limit (NEL) for chlorine and turbidity which could lead to onerous Mandatory Minimum Penalties. SMCWPPP will prepare a comment letter on the draft permits that will likely include the following key points: 1) NELs should be replaced by benchmarks or targets, 2) 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), and 3) 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.

E. INFORMATION – MRP COMPLIANCE OVERVIEW/QUARTERLY CHECK-IN: Jon briefly described this 11x17 document which is included in the agenda package. It provides an update on compliance activities that should have been completed in the previous quarter and those that will need to be completed in the upcoming quarter. Jon noted the document summarizes some compliance highlights but should not be thought of as a replacement for the MRP. Compliance activities required this quarter (July – September) include collecting dissolved oxygen samples from pump stations during dry weather, conducting annual corporation yard inspections before the rainy season, and sending pre-wet season notifications to any active construction sites before September 1.

F. INFORMATION – OTHER ISSUES, SUBCOMMITTEE UPDATES: Municipal staff should refer to the agenda package for a summary of upcoming meetings and workshops and minutes from last month's subcommittee and workshop meetings.

5. NEXT MEETING: The next meeting is scheduled for October 21, 2014 at the usual location: the Oak Room in the City of San Mateo Main Library.

MEETING ADJOURNED