

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

2:30 PM, Thursday, April 16, 2015
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 limited to three minutes). | Breault | No materials |
| 2. Issues from C/CAG Board: None | Fabry | No materials |
| 3. ACTION – Review and approve February 19, 2015 Stormwater Committee meeting minutes | Fabry | Pages 1-8 |
| 4. PRESENTATION – Annual update from the California Stormwater Quality Association | Brosseau | Pages 9-14 |
| 5. INFORMATION – Receive update on the revised draft Municipal Regional Permit | Fabry | Pages 15-22 |
| 6. Regional Board Report | Mumley | No Materials |
| 7. Executive Director’s Report | Wong | No Materials |
| 8. Member Reports | All | No Materials |

¹ 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. Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Nancy Blair at 650 599-1406, five working days prior to the meeting date.

C/CAG AGENDA REPORT

Date: February 19, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Review and approve October 16, 2014 Stormwater Committee meeting minutes

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

RECOMMENDATION

Review and approve October 16, 2014 Stormwater Committee meeting minutes as drafted.

ATTACHMENTS

1. Draft October 16, 2014 Minutes

STORMWATER COMMITTEE
Regular Meeting
Thursday, February 19, 2015
2:30 p.m.

DRAFT Meeting Minutes

The Stormwater Committee met in the SamTrans Offices, 1250 San Carlos Avenue, San Carlos, CA, 4th Floor Dining Room. Attendance at the meeting is shown on the attached roster. In addition to the Committee members, also in attendance were Sandy Wong (C/CAG Executive Director), Matt Fabry (C/CAG Program Coordinator), Jon Konnan (EOA, Inc.), Sarah Scheidt (City of San Mateo), Keith Lichten and Dale Bowyer (Regional Water Board), Kathryn Cooke, Kirsten Pringle, Patrick Ledesma (San Mateo County), John Fuller and Cynthia Royer (City of Daly City), Ted Chapman and Jim Burch (San Bruno), and Pamela Boyle and Kiley Kinnon (Burlingame). Chair Randy Breault was not present; Vice Chair Jay Walter called the meeting to order at 2:40 p.m.

1. Public comment: None

2. Issues from C/CAG Board – November 2014 and January 2015: Staff member Matt Fabry gave a brief overview covering relevant topics from the last two Board meetings:

- November: approved the appointment of Brad Underwood from the City of San Mateo to the Congestion Management Program Technical Advisory Committee (CMP TAC) and the Stormwater Committee.
- January:
 - Amended agreement with SCI Consulting Group, Inc., extending the term through June 30, 2015 at no additional cost.
 - Approved extension of contract with EOA, Inc. through June 30, 2015 at an additional cost not-to-exceed \$789,773 to continue providing technical compliance assistance to member agencies in accordance with requirements of the Municipal Regional Permit (MRP). Walter asked: will this extension get us through the permit reissuance? Fabry replied no, the new permit will not be adopted until the fall at the earliest. C/CAG will go through a competitive procurement process this spring and then amend contracts at the end of the fiscal year.

3. ACTION – The draft minutes from October 16, 2014 meeting were approved unanimously. (Motion: Oskoui, Second: Underwood).

4. ACTION – The 2015 calendar of Committee meetings was approved unanimously. (Motion: McMinn, Second: Underwood).

5. DISCUSSION – The Committee received a presentation on Regional Water Board (RWB) staff's Administrative Draft of the reissued MRP. RWB staff Keith Lichten (Chief, Watershed Management Division) provided the presentation. The MRP went into effect on December 1, 2009. As a National Pollutant Discharge Elimination System (NPDES) permit, it has a five-year term and expired on November 30, 2014, but was subsequently administratively extended. A brief summary of each slide in the presentation follows (NOTE: Slideshow available at <http://ccag.ca.gov/committees/stormwater-committee/>)

- Slide 1: Title Slide – Lichten stated that RWB staff is looking for constructive input on the Administrative Draft.
- Slide 2: Overview – Lichten noted that today’s presentation focuses on the sections of the reissued permit associated with relatively large increase in level of effort (Trash Load Reduction, Mercury and Polychlorinated Biphenyls (PCBs) Controls, New and Redevelopment, and Green Infrastructure).
- Slide 3: Exempted & Conditionally Exempted Discharges (Provision C.15) – Potable water language was removed from MRP with the intent that municipal water purveyors will obtain coverage under the Statewide NPDES Permit for Drinking Water System Discharges to Waters of the U.S.
- Slide 4: Trash Load Reduction – Lichten noted this is a priority issue for his Board. There have been recent workshops and certain members of the Board are very engaged. The goal is to reach interim and final trash reduction quantitative milestones based on areal percent of trash management areas managed and converted to low trash generation with full trash capture or verified equivalents (i.e., turn red areas on maps to green). The final milestone is to reach 100% (no adverse level) by July 2022.
- Slide 5: Trash Load Reduction (cont.) – Equation developed to provide weighted credit for reducing very high, high and medium trash management areas to low.
- Slide 6: Trash Load Reduction (cont.) – Permittees expected to demonstrate quantitative trash reduction outcomes via documenting (1) full trash capture systems and certify required O&M, (2) implementation of other trash control actions with verification of effectiveness via visual assessment of associated trash management areas, and (3) receiving water observations. For other trash control actions (2), may consider some extrapolation of assessment results from other areas with verification of comparability. Dale Bowyer (RWB) added that Permittees have flexibility with regard to how they meet trash targets, but for controls other than full capture, street sweeping to the curb or on-land cleanup are most effective (and most expensive), but must be verified by visual assessment. Afshin Oskoui (Belmont) noted there is a lack of storm drains in some areas which precludes full capture, need clarity how to address in that case. Bowyer responded in that case Permittees need to demonstrate other actions fruitful for reducing trash discharges. Sarah Scheidt (City of San Mateo) asked how Permittees would determine that visual assessment is adequate as it seems subjective. Bowyer responded one assessment episode would not be adequate. They have taken a stab at defining adequate assessment in the Administrative Permit but are open to further discussion.
- Slide 7: Trash Load Reduction (cont.) – Permittees are required to maintain mandatory minimum hot spot cleanups, but allowed to move sites around with documented rationale (e.g., old site is cleaned up for good or to better align with trash management areas). No new sites are required. Permittees must maintain up-to-date Trash Load Reduction Plans, but are not required to submit. RWB staff may request plans and review (e.g., if a Permittee is not meeting desired outcomes).

- Slide 8: Trash Load Reduction (cont.) – Permittees expected to report on trash load reductions via providing: updated maps that reflect certified full trash capture systems and other actions assessed, summary of actions, accounting of progress toward percent reduction requirements, receiving water observation summaries, and trash hot spot cleanup summaries. Cynthia Royer (Daly City) noted Permittees need clarity when there are multiple agencies discharging to one creek (e.g., Colma), someone needs to be in charge, how do you deal with this? Bowyer responded receiving water observations included in permit but otherwise not an issue because monitoring is on landscape, not in creeks. Fabry asked whether the intent of the reissued permit is to require additional full capture beyond 30%, i.e., another 30%? Fabry believes Tom Mumley previously said no. Lichten and Bowyer will check internally.
- Slide 9: PCBs Controls – Permittees required to identify watersheds, control measures and schedule and achieve load reductions by end of the permit term that are allocated by county, with interim milestones. Lichten noted if Permittees meet requirements for PCBs, they will also meet requirements for mercury this permit term. Jon Konnan (EOA) noted there is some lack of clarity about what load reductions are being required and their feasibility. We are waiting for RWB staff's promised analysis that staff asserts will demonstrate the feasibility of the required load reductions. Stormwater program and RWB staff need to get on the same page about this.
- Slide 10: PCBs Controls (cont.) – Permittees are required to develop an accounting methodology to demonstrate load reduction progress and to inform reasonable assurance of long term plans. Patrick Ledesma (County Environmental Health) stated that we currently lack the data to support accounting and suggesting gathering this data during MRP 2.0 and applying during MRP 3.0. Fabry noted that it is hard for Permittees to commit to load reductions without an accounting system in place first.
- Slide 11: PCBs Controls (cont.) – Permittees are required to develop robust Green Infrastructure Plans within permit term that provide reasonable assurance to attain reductions of 3 kg/yr by 2040. Permittees are required to begin implementation within the permit term and achieve a 120 g/yr reduction during the final three years of the permit, allocated by county. Lichten noted that continuing the status quo should get us to the 120 g/year reduction. Fabry noted this includes private redevelopment with C.3 requirements and public retrofitting.
- Slide 12: PCBs Controls (cont.) – Permittees are required to develop a plan for MRP 3.0 and beyond demonstrating a pathway to achieve TMDL allocations. Permittees are also required to develop a program to manage PCBs-containing materials during building demolition and renovation activities, evaluate PCBs in roadway caulk, perform fate and transport studies of PCBs in Bay margins (via RMP), and implement a risk reduction program for consumers of fish caught in the Bay.
- Slide 13: New and Redevelopment (C.3) – Lichten stated the focus is on Green Infrastructure with an emphasis on making it part of how we do business without being too onerous. Permittees are required to maintain the LID hierarchy and demonstration of retention/reuse infeasibility to allow underdrains. The reissued permit eliminates the exemption of legacy projects approved with no C.3 treatment that have not begun construction. RWB staff believes this will impact a small number of projects.

- Slide 14: New and Redevelopment (cont.) – Permittees are required to develop Green Infrastructure Plans. The goal is to go from gray to green, over time. Each plan must get early buy-in and commitment from the Permittee’s governing body. Each plan must include the tools needed to make Green Infrastructure part of everyday practice. The plans must include implementation goals and measurement over time (e.g., for TMDLs, ‘greened acreage’).
- Slide 15: New and Redevelopment (cont.) – The Green Infrastructure Plans should identify ‘crosswalks’ with related city planning processes and tasks to complete (e.g., complete streets, transit-oriented development) and identify opportunities and tasks to address funding issues (e.g., work with MTC on grants). Each Permittee should develop a list of potential Green Infrastructure projects that may be used as alternative compliance projects. There should be no missed implementation opportunities during the MRP 2.0 permit term.
- Slide 16: New and Redevelopment (cont.) – With regard to Special Projects, Permittees are still required to demonstrate infeasibility of LID on or offsite (alternative compliance), in-lieu fees, or a combination. Reporting is reduced to once per year. The goal is to phase out by the end of permit term.
- Slide 17: New and Redevelopment (cont.) – Permittees must (1) inspect pervious pavement and paver installations, treatment systems, and HM controls at time of installation rather than within 45 days, (2) perform recurring inspections of all pervious pavement and paver installations at Regulated Projects and alternative compliance sites, (3) perform recurring inspections of all pervious pavement and paver installations \geq 5000 square feet at smaller non-Regulated Projects, and (4) prepare Enforcement Response Plans for O&M inspections.
- Slide 18: MRP 2.0 Timeline
 - Administrative Draft permit released – Feb 2015. Provisions posted on Regional Water Board website: www.waterboards.ca.gov/sanfranciscobay/ (Click on Stormwater, then Municipal Regional Permit Reissuance 2015)
 - Public notice draft permit - April 2015
 - Water Board hearing – May/June 2015
 - Adoption hearing – Sep/Oct 2015

Porter noted that we need to tell city managers what all of this will cost because no additional stormwater funding is currently available. Fabry noted that an update will be given to city managers on permit reissuance at the next opportunity and that we need to determine next steps related to the countywide funding initiative. Lichten noted that RWB staff would welcome unified comment letters during the permit reissuance process.

6. DISCUSSION – Committee member Jim Porter, San Mateo County, gave a presentation on the potential for creating a new integrated water management district in San Mateo County, similar to the Santa Clara Valley Water District to the south, but not including potable water. A Draft White Paper on this topic dated February 12, 2015 was included in the agenda package. The purpose of today’s presentation is to prepare Committee members for possible questions from their city managers. Porter noted that there is no regional body in place to address flood control, climate change sea level rise (exacerbates flooding and causes erosion), and groundwater management. San Mateo County is faced with numerous existing flood control challenges (e.g., Bay Front Canal in Redwood City and Belmont, San Bruno, Butano, and San Francisquito Creeks). While cities undertake flood protection projects within

their own jurisdictions, the only coordinated effort is led by the County Flood Control District which manages two flood control zones, Colma Creek and San Bruno Creek, and is a member of a separate JPA that manages the San Francisquito Creek watershed. City flood protection projects are frequently funded out of general funds, but available funding is inadequate in many cases. These issues could be better addressed via a single countywide agency that could apply integrated regional strategies to develop solutions and would have expanded funding capabilities.

Two options for consideration for creating a countywide flood control district are:

1. Forming a new JPA comprised of the County and all 20 cities which would be modeled like C/CAG with an independent Board of Directors. The County would provide initial start-up funding to form the JPA, after which the JPA would be funded by all participating agencies (i.e., via a funding initiative).
2. Expanding the existing San Mateo County Flood Control District. The enhanced District would continue to be governed by the Board of Supervisors with administrative costs borne initially by the County until other revenue sources have been obtained. In addition, a new Management Advisory Committee consisting of representatives from the cities would be created to provide oversight.

Either option would bring the clean water program in to help look at these water-related issues holistically. Porter noted that the County doesn't have a preference between the two options. An ad hoc committee has been established to explore forming this new agency and potentially help with next steps and the formation process. Current committee members include a small group of city managers, the County Director of Public Works, and a representative from the Office of Congresswoman Jackie Speier and the Office of Supervisor Dave Pine as those offices have been investigating cross jurisdictional solutions to both current flooding and future sea level rise issues.

Chip Taylor with Menlo Park noted that BAWSCA and SFPUC manage groundwater and suggested consideration of taking this piece out. Porter responded that would be possible. Fabry noted that the stormwater funding initiative Needs Analysis estimated a \$37M annual shortfall and surveys showed the public's willingness to fund in the \$8M to \$12M range. Lumping these various needs together would result in even greater demands and challenges to raise even more funding. Porter noted that some jurisdictions have their own fees and this would need to be worked in. These existing fees are shown in Needs Analysis report.

7. INFORMATION – C/CAG staff Fabry provided an update on the State Drinking Water System General Permit, which was adopted in November 2014 and becomes effective February 25th. The General Permit is now available on the State Board's website. By September 1, 2015, drinking water purveyors must file a Notice of Non-Applicability (NONA) or a Notice of Intent (NOI) to be covered under the General Permit. In the recently released MRP Administrative Draft, Provision C.15.b.iii Potable Water System Discharges was deleted. However, if the reissued MRP includes a planned potable water discharge provision, it will likely incorporate similar requirements as the State General Permit. There is an upcoming training workshop on permit implementation on March 6th in Oakland. A workshop flyer with more details was included in the agenda package.

8. INFORMATION – C/CAG staff Fabry provided an update on State legislation with relevance to stormwater. At the start of the 2015-16 legislative session, there are currently two stormwater-related legislative issues C/CAG staff and its advocacy team are involved with and tracking. First,

Assemblymember Gordon has provided C/CAG a spot-bill for potential legislative revisions to last year's SB 985 regarding stormwater resource planning. This legislative fix would ensure that local agencies seeking funding to implement mandated stormwater management projects are able to compete for water bond funding without the additional significant hurdle of creating a stormwater resource plan. In addition to evaluating legislative remedies, C/CAG staff and its advocacy team are seeking administrative solutions that may achieve the same end result without the need for legislation. Second, a coalition of organizations is actively seeking legislative remedies to the existing Proposition 218 treatment of stormwater with regard to property-related fees. The coalition is evaluating the feasibility of proposing a constitutional amendment to provide the same status for stormwater as currently afforded water, sewer, and refuse collection in regard to establishing or raising property-related fees. Fabry noted that similar attempts in the past have been unsuccessful. The difference this year is that the governor's office is reportedly supportive. If the governor signs a constitutional amendment, it would still go to a statewide vote and require a simple majority to be enacted. C/CAG and local agencies should get behind this to try to solve stormwater funding issues in California once and for all. Finally, Fabry provided a brief update on anticipated next steps with regard to AB 2170, which went into effect January 1 and clarified C/CAG's legal authority to pursue a countywide special tax or property-related fee. C/CAG staff anticipates working with the C/CAG Board in the coming months to amend the existing JPA to specify authority to levy a fee, assessment, or tax. The overall need and timing for continuing with a potential countywide funding initiative will also be evaluated.

9. Regional Board Report. An update on MRP reissuance was covered under previous agenda Item 5.

10. Executive Director's Report: None

11. Member Reports: NONE

Vice-chair Walter adjourned the meeting at 4:01 p.m.

2015 Stormwater Committee Roster			Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Agency	Representative	Position												
Atherton	Gordon Siebert	Public Works Director												
Belmont	Afshin Oskoui	Public Works Director		X										
Brisbane	Randy Breault	Public Works Director/City Engineer												
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	Jeff Moneda	Public Works Director												
Half Moon Bay	Mo Sharma	City Engineer												
Hillsborough	Paul Willis	Public Works Director		X										
Menlo Park	Jesse Quirion	Interim Public Works Director												
Millbrae	Charles Taylor	Public Works Director		X										
Pacifica	Van Ocampo	Public Works Director/City Engineer												
Portola Valley	Howard Young	Public Works Director		X										
Redwood City	Saber Sarwary	Supervising Civil Engineer		X										
San Bruno	Jimmy Tan	City Engineer		X										
San Carlos	Jay Walter	Public Works Director		X										
San Mateo	Brad Underwood	Public Works Director		X										
South San Francisco	Brian McMinn	Public Works Director		X										
Woodside	Paul Nagengast	Deputy Town Manager/Town Engineer												
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 16, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Presentation on California Stormwater Quality Association

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

RECOMMENDATION

Receive a presentation on the California Stormwater Quality Association (CASQA).

BACKGROUND

C/CAG, through the Countywide Water Pollution Prevention Program, annually purchases an area-wide municipal stormwater membership to CASQA on behalf of its member agencies. As Executive Director, Geoff Brosseau provides annual updates to area-wide municipal members on CASQA's achievements, ongoing activities, and future plans, as well as member benefits. As CASQA members, C/CAG's member agencies are entitled to various benefits, including discounted pricing for meetings and the annual conference, statewide representation on regulatory issues of concern, access to CASQA work products and news updates, etc. In addition to the area-wide membership, C/CAG purchased a group subscription to CASQA's Construction Best Management Practices (BMP) web portal, giving access to each agency to the latest information on construction stormwater management, and is budgeting for a similar subscription to the Industrial/Commercial BMP web portal for 2015-16.

ATTACHMENTS

1. 2015 CASQA Presentation Slides

California Stormwater Quality Association

Annual Update - 2015



CASQA provides an important collective voice for permittees and other professionals, representing over 23 million people



California Stormwater Quality Association

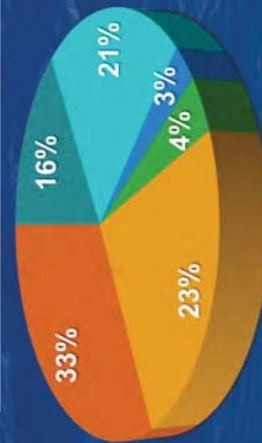
Annual Update - 2015



CASQA provides an important collective voice for permittees and other professionals, representing over 23 million people



CASQA Members



Affiliate Members = 56%
(do not hold a stormwater permit)

- Individuals
- Organizations (Consultants, Vendors, Trade Associations, Non-Profits)

Regular Members = 44%
(stormwater permit holders)

- Individual Municipal Permittees
- Area-wide Program Permittees
- Construction or Industrial Permittees
- Institutional Permittees



CASQA 2014 Accomplishments

- CASQA Vision**
 - Charts course for stormwater
 - Infographic / Dashboard
- Industrial General Permit**
 - Permit comments
 - New online BMP Handbook
- Receiving water limitations**
 - Written comments
 - Represented MS4s at State Water Board Workshop in Los Angeles



CASQA 2014 Accomplishments

- Prop 84 Stormwater Grant Projects
 - Removing Barriers to LID in Muni Codes
 - Effectiveness Assessment Portal
- Other Regulatory
 - Unfunded mandates
 - Waters of the US
 - Trash Amendments
 - Brake pad copper
 - Over 2 dozen comment letters/testimonies



CASQA Strategic Vision

Let's work together to protect California's stormwater resources

Clean Water is vital to a healthy environment. Water sustains human life and supports habitat for plants and wildlife. Water promotes recreation, the local economy and tourism.

Our Vision.
CASQA envisions stormwater managed as a vital component of California's water resources, to support human and ecological needs, to protect water quality, and to restore our waterways.

Vision & Strategic Actions

Guiding Principles
The guiding principles to support CASQA's vision are:

Principle:
Sustainable stormwater management uses runoff as a resource, protects water quality, and efficiently minimizes pollution.

Principle:
State policies, regulations, and funding need to support sustainable stormwater management.

Principle:
Public awareness, understanding, and appreciation of the value of stormwater is required.

Purpose.
We aim to achieve the goals of the Clean Water Act while improving the efficiency and effectiveness of stormwater management.

Water is a scarce and finite resource.
Urban runoff is a resource, with social, economic and ecological value. Domestic water supply sources in California are limited. Urban runoff plays an important role in maintaining a consistent and resilient domestic supply.

Water reuse maintains balance.
Using, and reusing water within local watersheds will maintain local water balance, reduce energy use and avoid environmental impact to traditional sources of water.

Rethinking Runoff

Guiding Principle.
Sustainable stormwater management uses runoff as a resource, protects water quality, and efficiently minimizes pollution.

Goals:

- ⇒ Conduct planning for use and reuse of stormwater. Provide guidance for Integrated Regional Water Management Programs.
- ⇒ Promote recycled & gray water use.
- ⇒ Provide incentives for capture and use.

- ⇒ Eliminate constraints to stormwater use. Work to eliminate barriers and provide incentives to use and reuse stormwater.
- ⇒ Collect information from regulated Agencies.
- ⇒ Develop regulations and guidance to support use and reuse.

Use true source control. Determine pollutants in stormwater that should most appropriately be controlled at the source.

- ⇒ Compile an urban runoff pollutant list.
- ⇒ Assess the degree pollutant control is available.
- ⇒ Provide recommended actions to SWRCB.

Reduce pesticide use. Control toxicity in receiving waters from pesticide application.

- ⇒ Promote a state registration system that evaluates risks.
- ⇒ Find ways to use regulations and statutes to prevent problems.

Sustainable Stormwater



Guiding Principle.

Policies, regulations, and funding need to support sustainable stormwater management.

Goals:

More effective regulations support the use of adaptive management and alternative control approaches and leads to sustainable stormwater management.

- Clarify regulations. Propose legislation or rulemaking that clarifies stormwater as a non-point source.
- Articulate priorities. Identify the most critical water quality issues associated with stormwater.
- Participate in Basin Plan Amendment Process. Modify standards to reflect sustainable beneficial uses.
- Develop policies and permitting framework. Promote statewide consistency in permitting and TMDLs.
- Provide tools to support sustainable programs. Establish technical and regulatory guidance.
- Establish watershed based program. Develop process for implementing watershed based approaches.
- Create funding opportunities. Find viable funding for municipalities to eliminate reliance on general funds.



Funding for Stormwater Programs Limited

Stable and sufficient funding is needed for stormwater programs. It is necessary that limited tax dollars are spent on effective programs. The public will support programs that address demonstrated water quality issues.



Engaging the Public

Guiding Principle.

Public awareness, understanding, and appreciation of the value of stormwater is required.

Goals:

Improving the Health of Local Waterways
Many small actions collectively result in big change. Changing behavior today results in long term improvements tomorrow.



Message is Important

Effective action is possible when we work together to provide unified messaging to residents, businesses, community groups and local governments.



CASQA 10th Annual Conference

- Orange County, CA
- About 750 participants; ~100 speakers, 44 exhibitors, 28 sponsors
- 86 presentations; Two plenary; Poster session
- Seven workshops/webcasts
- Two field tours
- House of Blues networking event
- New member mixer...



Looking Forward

- State Water Board
 - Trash Amendments
 - Stormwater Strategic Initiative
 - Receiving water limitations
 - Bacteria Objectives
 - Biological Integrity Policy
 - Toxicity Policy
 - Nutrient Objectives
- CASQA
 - Strategic Planning - Organizational
 - Stormwater Quality Management Vision



Looking Forward

- California Stormwater Quality Authority JPA
 - Collaborative; Leverage resources
- 2015 Annual Conference
 - October 19-21, Monterey, CA
- Develop IGP Training Program
- Stormwater Financing Legislation



Membership and Opportunities

- Events (annual conference, quarterly meetings and webcasts)
- Training (IGP, Effectiveness Assessment)
- Stormwater Resources (LID Portal, BMP Handbooks, Effectiveness Assessment Guidance / Portal)
- Latest information on stormwater issues
- Innovative collaborative opportunities
- Subcommittees and work groups



CASQA.Org

- CASQA 2015 – 11th Conference
- 2014 Annual Report
- Calendar - Committees and Subcommittees calls / meetings
- Vision and Strategic Actions
- Training – QSD/QSP, QISP, Effectiveness Assessment
- Portals – LID / Effectiveness Assessment
- Online BMP Handbooks
- And much more!



CASQA Organization



**Working together we can
make a difference!**

California Stormwater Quality Association

(CASQA)

casqa.org

info@casqa.org

(650) 366-1042



C/CAG AGENDA REPORT

Date: April 16, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Receive update on the revised draft Municipal Regional Permit

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

RECOMMENDATION

Receive update on the revised draft Municipal Regional Permit.

BACKGROUND

Regional Water Board staff released in early March an Administrative Draft of a revised Municipal Regional Permit (MRP), which expired at the end of November last year. The MRP is issued for five year terms. Stormwater programs and permittees collaborated at the regional level to provide Water Board staff consolidated comments on the Administrative Draft, which primarily took the form of redline/strikeout versions of the draft permit provisions. Staff will provide an overview of the highest priority concerns identified by stormwater agencies, which are focused on provisions for Trash Load Reduction, Mercury and Polychlorinated Biphenyls (PCBs) Controls, and New and Redevelopment/Green Infrastructure. These issues are detailed in Attachment 1.

Regional Board staff responded to these priority issues at a regional MRP 2.0 Steering Committee on April 2. Draft notes from that meeting are included as Attachment 2.

ATTACHMENTS

1. Priority Issues in MRP 2.0 for Provisions C.3, C.10, and C.11/12
2. Preliminary Draft Meeting Notes – April 2, 2015 MRP 2.0 Steering Committee

ATTACHMENT 1 – PRIORITY ISSUES IN MRP 2.0

Provision C.3

1. Green Infrastructure – required level of effort and time frames for MRP 2.0 compliance, for both GI plans and early implementation
2. LID Definition – giving bioretention equal status to other LID measures and eliminating feasibility analysis.
3. Hydromodification – consolidation of requirements and allowance of an alternative sizing approach (direct simulation of erosion potential) to meet the existing HM standard
4. O&M Verification of Pervious Pavement – limit to installations on Regulated Projects approved after Permit effective date and above a certain size threshold for certain uses (as recommended in early input submittal).

Provision C.10

1. Frequency and timing of compliance dates (including 2022 "no adverse effect" date)
2. Geographical extent and frequency of on-land trash assessments
3. Accounting for source control benefits and creek/shoreline cleanup actions
4. Intent/purpose of receiving water observations

Provision C.11/12

1. Approach to compliance: BMP-based vs. load reduction requirement or a hybrid, and linkage to GI provisions in C.3. Permittees need clear and feasible pathway to compliance.
2. Accounting – can we agree on the scope and assumed interim benefits of major BMP programs before the permit is adopted?
3. Management of PCBs in building materials during demolition – what is the best approach and over what time frame?

MRP 2.0 Steering Committee Meeting Notes

April 2, 2015, 1:00 to 3:30 pm

State Building, 1515 Clay St., Oakland CA, 2nd Floor Room 15

I. Introductions, Announcements, Changes to Agenda

Matt Fabry (BASMAA Chair/ SMCCWP) – reported that the BASMAA Phase I Managers had submitted consolidated comments on most of the Administrative Draft MRP 2.0 provisions by March 27, as requested by Water Board staff. Today’s meeting will focus on key issues for three provisions: C.3/GI, C.10 (trash), and C.11/12 (POCs). He noted that proposals for most of the key issues had been provided as part of the consolidated comments, but Water Board staff has not had time to respond to the early input.

II. Phase I Program Managers’ Summary of Discussions and Additional Early Input – High Priority Issues (see Attachment 1)

- New and Redevelopment/Green Infrastructure (C.3/GI) – Jill Bicknell (SCVURPPP/EOA)
- Trash (C.10) – Chris Sommers (SCVURPPP/EOA)
- POCs (C.11/12) – Jon Konnan (SMCWPPP/EOA)
 - Accounting method - working on two things:
 - What BMP programs would look like
 - What load reductions could be attached to those programs
 - Workgroup has internal draft of approaches and will meet internally on Monday. Would like to set up a meeting with WB staff next week.
 - Management of PCBs in building materials
 - WB staff looking for programs managed by municipalities
 - BASMAA believes this is better managed at state level, but this approach will take more time

III. Water Board Staff Feedback/Discussion on Phase I Managers’ Input

- C.3 / Green Infrastructure
 - Timeframe for governing body approval -
 - Tom Mumley (WB) – why need this much time? (BASMAA proposal is approximately 20 months). Permittees can start now.
 - Kathy Cote (Fremont) – will need complete package to take to council for approval. Can’t start assigning resources before permit adopted. Will need at least 12 months to prepare framework and cost estimates, then get on council agenda.
 - Melody Tovar (Sunnyvale) – agrees, frameworks need to be customized by city. There are a lot of things in play right now.
 - Keith Lichten (WB) – seems that permittees are envisioning more elements in the framework than just a resolution supporting GI.

- Tom M. – open to giving more time if the product is more robust and meaningful. Wants this to be a Plan that works. Could it be a two-step process, with something lighter that could be done earlier?
 - Tom Dalziel (CCCWP) – significant education of councils needs to happen.
 - Tom M. – is there a particular time of year that is better to get elected officials approval? Melody – May/June is good (?)
 - Keith – thought they might see a proposal for regional or countywide options. Jill – thinks the flexibility is there in the current draft. Want to make sure there is understanding that lower level plans will be in compliance. Tom M. – wants to have continued discussion on how to make this work.
 - Different municipal reps (Kathy, Melody, Joe Calibrigo-Danville) explained their budgeting processes and why it takes time to prepare.
 - Keith – items that are still in play include linkage to TMDLs and the details of the early implementation requirements. Thinking that one approach may be to have each permittee be required to do one GI project.
 - Tom M -- could have a two-tier approach: 1) general GI plans for all; and 2) focused number of GI plans are more robust to demonstrate reasonable assurance of meeting TMDL loads.
 - Melody -- asked for more training on how to demonstrate reasonable assurance. Tom M. -- usually need modeling to demonstrate pollutant load reductions. Hopes to host a workshop on conducting this analysis.
 - Jill – can we set up a meeting to continue dialog on the GI provision? Keith – may not have time to do it this month. Tom M. – committed to doing it either in this phase or after next draft comes out.
- LID Definition (bioretention as top tier LID)
 - Keith – short answer is yes, with EPA’s support and a few details to work out. Tom M. – condition on the “yes” is good GI planning.
 - Hydromodification
 - Keith – Geosyntec presentation on alternative sizing approach (at last C3 Workgroup meeting) was good. Open to other approaches to meet HM standard, but thinks process may need to be more robust, i.e., may need permit amendment to include new approach.
 - Keith – also mentioned that they wanted to discuss the history of how the three exemptions for hydromod control came about and whether we may be missing opportunities to protect streams.
 - Dan – pointed out that the requirement for LID treatment everywhere is helping to provide HM protection throughout the watershed.
 - Biotreatment Soil Specifications
 - Keith – OK to take out of permit, but want to clearly reference an approved soil specification and have a technical review process that includes Water Board staff.

- Special Project language
 - Keith - open to a lot of the revisions proposed, including letting go of statement that Special Project credits will be discontinued in next permit
 - Sue Ma (WB) – still want to keep reporting of potential Special Projects so they can track how projects are proceeding. Did not think it would be as useful to have to request tracking tables from permittees.
 - Dan – does not understand why there is so much emphasis on Special Projects when they represent a very small percentage of impervious area requiring treatment.
- Pervious Pavement
 - Sue -- OK with not inspecting non-regulated projects, and OK with only requiring inspection of pervious pavement installed on projects approved under MRP 2.0. However, size threshold for inspection is under debate – WB staff doesn't want us to have to inspect every little patio, but concerned about subdivisions that have a large number of pervious driveways that would be under the size threshold.
 - Dan – this creates a disincentive for pervious pavement.
 - Tom M. – this needs to be part of a GI approach and will try to avoid approaches that create disincentive.

C.10

- Frequency & timing of compliance dates
 - Dale Bowyer (WB) – don't want to arrive at the 2017/70% reduction date without compliance. 2016 is a “dress rehearsal” date.
 - Tom M – willing to eliminate 2016 compliance date but maintain it as a reporting date, as a check-in to make sure you have work in progress to get you to the 2017 compliance date.
 - Dale – what if permittees don't do the visual assessment in 2016? Need something to indicate that permittees are on track. Tom – need a dry run or some information in 2016
 - ___??_ - some cities are planning to install trash full capture devices by 2017 (i.e., have it in their CIPs) but won't be installed by 2016, so doing the work to submit a report in 2016 is a waste of resources.
 - Tom/Dale – if this is the case, then you should just be able to state that. If the permittees' plan is to use more source control measures, then they may have some concern.
 - Tom M – similarly with 2018, will consider making this more of a check-in. However, will not go before Board to ask to extend 2022 to 2025. They will see how the plans progress and may bring to Board closer to the final date. OK to submit comments on the challenges to meeting the deadlines.
- Extent and frequency of assessments
 - Tom M – recognizes that resources are needed to do assessments, but need to demonstrate effectiveness of a suite of actions.

- Dale – may need to over-assess initially to determine what is an appropriate amount and document it.
- Tom – remember that if permittee has claimed that certain actions are working, but has done light assessment, then may be vulnerable to enforcement. Suggests getting public involved to help educate and avoid citizen actions.
- Accounting for source control benefits and creek cleanup actions
 - Tom M – not in their interest to state how to account for source control in the permit; will be open to scrutiny from others, include chemical industry. Thinks we can figure out a way to justify as part of demonstration of improvement in trash generation rates in reporting. They are open to demonstrating success in a certain percentage of areas and applying reduction factor to all.
 - Chris – can we include some language in the reporting section of C.10 allowing flexibility in accounting, based on data collected?
 - Tom – open to discussion on this, thinks we can reach agreement on the reporting aspect.
 - Creeks and shorelines – Tom thinking about it as an offset approach; not motivated based on gallons collected. Are those cleanups part of a greater effort to solve a problem, or just a temporary bandaid?
 - Chris – we’ve offered language to address that. Challenge is how you compare the level of effort at a reach of a dirty creek vs. a cleaner creek? Data is collected in gallons. Encouraged him to look at the formula proposed in the admin draft comments.
 - Keith – having trouble making the link between control of MS4 discharges and direct discharges – open to suggestions
- Receiving water observations
 - Tom M – regarding compliance, compared it to the iterative approach to get to no adverse effects. If main concern is compliance, they can be more clear about what is required for meeting receiving water limits.
 - Chris/Elaine – really hard to determine where trash in receiving water is coming from
 - Tom – understands receiving water scenario is complex; thinks we should be able to work this out (may not fully resolve before next draft).
 - Dale – giving us the “opportunity” to define the receiving water monitoring
 - Keith – unclear what is being proposed for the private lands. Chris will follow up.

C.11/12

- Approach to compliance
 - Richard Looker (WB) – their interest is having a specific load reduction in this permit term. Admin draft reflects WB staff’s approach but realizes that permittees don’t believe it is a clear and feasible pathway.
- Accounting
 - Richard – WB has a draft proposal from permittees submitted with comments, and are encouraged by this approach. Permittees have proposed:

- A BMP approach with an area being addressed and an efficiency factor for load reduction.
 - For source properties...
 - For PCBs in building materials, have concept of number of buildings demolished
 - Richard is optimistic about reaching agreement on an *a priori* accounting system.
 - Tom M – agrees, but question is how? If we don't include in the permit, we could continue to develop the accounting scheme
 - Chris – suggested including in the fact sheet as an interim accounting scheme. Tom – thought this could work.
 - Jon – key is what is the compliance point – number of BMPs, or number of kg of load reduction? Tom - number for load reduction
 - Jon – not sure what the accounting is going to tell us and whether we can commit to meeting the load reduction number.
- PCBs in building materials
 - Jon – this may be the category that helps us meet the total load reduction, but this goes back to his point about doing it at the state level, and that it would take more time and not likely to achieve load reduction within this permit term.
 - Tom M – hoping that it can be done at the state or district level is opening Pandora's box. Can't municipalities commit that demolitions would be managed in a certain way?
 - Jan O'Hara (WB) – agrees that it would be large push to get this done at the state level, but would be fruitful to engage with other agencies at this level. However, she thinks municipalities need to engage at the local level in the first few years. There are available materials for BMPs on demo sites.
 - Luisa Valiela (EPA) – Jan met with EPA PCB site cleanup folks, and they do not want to be involved in this effort.
 - Napp Fukuda (San Jose) – this is not going to be simple to do at the local level. This is something that needs to be addressed at the state level so that it is applied consistently and on a level playing field.
 - Richard – understands that municipalities are generally not the source of PCBs, mainly the conveyance. However, they have responsibility to push permittees in this direction since it is a significant source.
 - Tom M – wants local municipalities to incorporate requirements into demo permits. Recognizes there are issues with waste management. Will need to do some sampling of residuals, and determination of whether sites needed to be referred as sources.
- Followup – Richard asked Jon for more information on the accounting scheme for the fact sheet.

IV. Schedule for Future SC and Workgroup Meetings

- Steering Committee Meetings
 - May 7th SC meeting cancelled (Tom M - expect next draft of MRP 2.0 to be released around that time)

- Tom M - will public notice next draft with minimum of 45-day comment period, and plan to hold a workshop at June 10th Water Board meeting.
- Tom D – would prefer 60 days. Tom M - will consider if we don't ask for extensions. Would also allow more time for constructive comments
 - Agreed to keep June 4 as potential date for next SC meeting
- Workgroup Meetings
 - C.3 Workgroup – Jill to follow up with Keith on availability for a meeting to discuss HM and/or GI issues.
 - C.10 Workgroup – Chris interested in having another meeting as well.
 - C.11/12 Workgroup – in process of setting date for next meeting.
 - Water Board staff may not be able to attend all workgroup meetings in April but willing to continue discussions after release of next draft.

Attachment 1 – “Discussion of High Priority Issues” presentation