

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

**TUESDAY, OCTOBER 21, 2014
10:00 to NOON
CITY OF SAN MATEO**

1. INTRODUCTIONS, ANNOUNCEMENTS, AGENDA REVISIONS: Self-introductions were made. Matt Fabry (Program Coordinator) reported that C/CAG has partnered with the Bay Area Water Supply and Conservation Agency (BAWSCA) to implement a rain barrel rebate program. It went into effect in October and individual municipal BAWSCA members in the Bay Area (i.e., municipal water agencies) may or may not participate. The rebate is \$50 from C/CAG for San Mateo County installations and up to another \$50 from the local BAWSCA agency, if participating. The minimum rain barrel size for the rebate program is 50 gallons. After subtracting administrative and database costs, there is enough funding for C/CAG rebates on roughly 400 barrels. BAWSCA has partnered with vendors to conduct some trainings and is looking for a space with classroom and parking lot to display barrels – Matt asked if any committee members could provide such a space.

Matt noted that the State Water Resources Control Board adopted a new NPDES permit fee schedule that includes a one-time 8.9% discount for stormwater Permittees rather than the originally proposed 10% increase. The fees no longer show a separate SWAMP surcharge as a line item, which gives the appearance that the fee went up when it actually stayed flat (prior to one-time discount).

Jon Konnan (EOA, Inc.) noted that all San Mateo County Permittee Annual Reports were submitted on time and that drafts of most of these reports were reviewed by EOA.

Patrick Ledesma with San Mateo County Environmental Health (CEH) has been working with Kristin Kerr (EOA, Inc.) to have CEH report on all stormwater inspections that it conducts, not just inspections with violations, and to get inspection reports to agencies sooner. Patrick discussed other potential improvements to the inspection data management and reporting process. Matt suggested revisiting the Memoranda of Agreement (MOA) between CEH and agencies with reissuance of the permit. This would be a good opportunity to update the MOA, for example, to reflect the improvements that Patrick discussed. Matt will work with Patrick and Kristin on this.

Matt noted that C/CAG approved extending the contract with CEH through June 30, 2015 to continue implementing public education and outreach activities in accordance with the MRP. The PIP Subcommittee should provide feedback to Matt on outreach requirements for the reissued permit. Committee members noted that increasing outreach related to trash control and additional collaboration with San Mateo County RecycleWorks would be desirable.

It was announced that the City of San Mateo has two environmental compliance inspector positions open and the City of San Carlos has an opening for City Engineer.

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

3. APPROVAL OF MINUTES FROM PREVIOUS MEETING: The draft July 2014 minutes were adopted as written.

4. REGULAR AGENDA

A. INFORMATION – UPDATE ON MUNICIPAL REGIONAL PERMIT REISSUANCE:

Matt noted that the MRP expires on November 30, 2014. RWB staff plans to release a draft revised MRP (MRP 2.0) in February 2015 with the intent that it be adopted in time to go into effect by July 1, 2015. Tom Mumley, Assistant Executive Officer, presented RWB staff's proposed MRP 2.0 framework to the C/CAG Stormwater Committee on October 16, 2014. Matt and Jon verbally summarized each slide in Dr. Mumley's presentation:

- Slide 1: Title Slide – Dr. Mumley emphasized the need to get the permit right even though the reissuance might be late. The Steering Committee and workgroups have been working hard for over a year on reissuance and his staff is ready to put words on paper, but the devil is in the details. This presentation focuses on the big picture reissuance issues with cost challenges.
- Slide 2: MRP 2.0 Goals – Permittees shouldn't be asking the question "what is the minimum I can do to get by" – this would show the wrong attitude and an approach that would lead to prescriptive requirements. The permit needs prescriptiveness of details that allows for enforcement but is flexible enough to avoid constraining good actors – needs to strike a balance. Three platforms for collaboration encouraged during MRP 1.0: region-wide, countywide, and local agency. This will continue and we need even greater collaboration with entities outside the stormwater world for implementing a Green Infrastructure (GI) vision, e.g., collaboration with transportation investments and climate change abatement efforts. Also need improved communication and collaboration between Permittees and RWB staff. MRP 2.0 will eliminate certain requirements with limited benefits – these are mainly tweaks but will remove some nuisances and save some resources, though not major dollars.
- Slide 3: Permit Elements – Dr. Mumley made the following comments about various elements of the reissued permit:
 - New/Redevelopment, Trash, and PCBs/Mercury – these are areas that will have major resource implications.
 - Municipal Operations – not much change anticipated, but rolling back pump station monitoring. Matt noted this includes dissolved oxygen and inspections.
 - Illicit Discharge Elimination – no major changes.
 - Allowed Non-stormwater – potable water related requirements will need to be consistent with the state permit under development, which will include a numeric effluent limit for chlorine but should be slightly less costly to implement than MRP 1.0.
 - Industrial/Commercial Controls – no major changes.
 - Monitoring – working with stormwater program staff to make sure we are answering questions and informing management actions including verifying that they are working. Making some meaningful changes in MRP 2.0 including adding flexibility. Reasonable use of resources is also a consideration. Jon noted anticipated changes are mainly tweaks in response to lessons learned and the overall cost of implementation will likely not change much.
 - Public Outreach – from day one it has been important to inform and engage the public. When MRP 1.0 requirements were developed asked Permittees what do you want us to require? Best measure of success is whether the public supports your municipal stormwater program. There is value to having specific outreach targets, such as trash and pesticides.
 - Pesticides – no major changes.

- Slide 4: New and Redevelopment – Permittee representatives have said from day one the pain is not worth the gain to lower the regulated project threshold to 5,000 square feet. Leveraging GI is a preferred path of compliance. Road reconstruction was given a pass during MRP 1.0 due to challenges in exchange for 10 green street pilot projects. These pilots demonstrated green streets can happen and they are the right thing to do. A lot of action on roads regarding pollutants. MRP 2.0 will encourage GI as the preferred pathway by providing exceptions to 1) the 5,000 square feet threshold and 2) road reconstruction treatment requirements when a GI plan is prepared. The intent is that a robust GI planning process will lead to better cumulative benefits than piecemeal approaches such as lowering the threshold. Matt noted an example would be projects between 5 and 10,000 square feet paying an in lieu fee to fund GI implementation. Sarah Scheidt asked would GI be required to treat the C.3 volume? Matt responded this is not yet resolved but there are significant real world constraints to treating that volume. Julie Casagrande asked about the timing of the GI plans. Matt responded they would be developed over the entire permit term with some opportunistic early implementation.
- Slide 5: New and Redevelopment (cont.) – Four changes expected for MRP 2.0 that are somewhat above and beyond but should not require huge resources are as follows: 1) LID system inspections at time of installation rather than within 45 days, 2) O&M enforcement response plan required, 3) include pervious pavement/pavers design specs and O&M requirements, 4) require recurring inspection of pervious pavement/pavers. Rob Lecel noted that it is challenging to get contractors to follow your desired timing on LID system inspections.
- Slide 6: Trash Load Reduction – This is a priority issue that will be costly. The original approach was to require percent reductions compared to baseline trash loads. However, it has proven to be very difficult to quantify the baseline since there is high uncertainty and variability among municipalities. The expected alternative approach will include requiring a 70% reduction (possibly by July 2019) based on areal percent of trash management areas managed with full trash capture or observation-verified equivalents. RWB staff continues to say that any community that has large challenges should talk to them (e.g., Richmond, Oakland, and San Jose). The proposed statewide trash policy under development in Sacramento is being revised in response to comments but major changes are not anticipated and it should mainly endorse the Bay Area approach. Patrick asked what would a 100% reduction mean and Matt responded no visual impact. The group discussed the difficulties with monitoring trash including where to monitor - receiving water vs. other places.
- Slide 7: Trash Load Reduction (cont.) – MRP 2.0 may require a mandatory minimum amount of trash full capture, possibly tied to bad actors. GI should count as full capture – this needs to be worked out. Hot spot cleanups will be sustained. The group discussed that Caltrans will spend large amounts of money, this should happen in a way consistent with municipal trash requirements in the Bay Area. To address multiple TMDLs efficiently the Caltrans permit includes “compliance units” for treatment infrastructure with incentives to work with local agencies. Sarah asks if any agencies have started working with Caltrans? Matt noted Caltrans is looking for opportunities to partner and realize the incentives.
- Slide 8: PCBs TMDL Urban Runoff Requirements – TMDL’s 20-year phased approach to reduce total urban runoff PCB loading to the Bay from estimated 20 kg/year to the Bay Area-wide allocation of 2 kg/year is: 1. Desktop Work → 2. Pilot Work (MRP 1.0) → 3. Focused Implementation (MRP 2.0) → 4. Full Implementation. The regional allocations presented in TMDL are currently not in play. Mo Sharma asked will PG&E be engaged? Dr. Mumley stated yes they have been and RWB staff is reasonably OK with their self-management but if Permittees find PG&E sources they can turn over to RWB staff. USEPA is trying to find and cleanup sources in East Bay.
- Slide 9: PCBs Control – Focused implementation framework: X% reduction in Y watersheds for cumulative benefit of Z kg/year load reduction, X has to be measurable, starting level for Z is 5 kg/year total (Bay Area-wide) but may be adjusted up or down based on implementation timing. In general, RWB staff is struggling with how prescriptive to make the MRP 2.0 PCBs control requirements. Jon noted it is

not clear that we can meet that load reduction or even determine whether or not we met it. It needs to be presented as a goal to the extent possible.

- Slide 10: Focused Implementation in Two Types of Watersheds – 1) High PCBs watersheds with old industrial land uses mainly near Bay margins where controls are most cost-effective, and 2) moderate PCBs watersheds with mixed land uses, most old urban areas fall into this category.
- Slide 11: PCBs Controls – During the MRP 2.0 permit term will push for more action to attain total load reduction of 2 kg/year PCBs (Bay Area-wide) in high PCBs watersheds. Commitment to implementation actions could result in more time for Permittees - hard commitment means infrastructure change. Randy Breault asked – how much time? Dr. Mumley notes that GI implementation will take decades – 30 to 50 years could be realistic. We need to “get the train going” and maybe it will speed up or maybe more barriers will be found.
- Slide 12: PCBs Controls (cont.) –MRP 2.0 to require robust GI plans developed within permit term with reasonable assurance of attaining total load reduction of 3 kg/year PCBs (Bay Area-wide) in moderate PCBs watersheds. Begin implementation within permit term.
- Slide 13: PCBs Controls (cont.) – A program to manage PCBs in building materials is needed. A recent study estimated that Bay Area buildings constructed in the 1950s through 1970s contain 10,000 kg of PCBs, or about 5 kg per building in caulks and sealants. PCBs have frequently been found in schools. This is a tricky issue like asbestos. RWB staff wants to work with Permittees to figure out a smart way to address PCBs in building materials.
- Slide 14: Mercury TMDL Urban Runoff Requirements – TMDL requires 50% reduction in total urban runoff mercury loading to the Bay within 20 years, i.e., from estimated 160 kg/year to the Bay Area-wide allocation of 80 kg/year. More time may be granted with demonstration of best effort and a robust implementation plan.
- Slide 15: Mercury Controls – Robust GI plans within permit term that provide reasonable assurance of achieving reductions required by TMDL within realistic time. Need infrastructure changes to minimize directly connected impervious area. Begin implementation within permit term.
- Slide 16: Green Infrastructure – GI is a preferred approach that can help address a variety of issues such as roads, new and redevelopment, PCBs, mercury and trash.
- Slide 17: Green Infrastructure – Need political and management support and buy-in, e.g., from city councils. Integrate water quality with planning for complete streets, priority development areas, and aging infrastructure replacement. Seek public buy-in and need to avoid missed opportunities. Triple bottom line for benefits: social, environmental and economic (e.g., property values). Matt noted City of San Mateo a good example for the public side of GI planning. Raymund Donguines asked how has the City of San Mateo funded its GI work? Matt responded the plan was funded through a Caltrans grant. Implementation could potentially be funded via transportation impact fees and other things like a bond measure to fix failed roadways. Some GI could be implemented via redevelopment by requiring private developments to manage public parts like sidewalks.
- Slide 18: MRP 2.0 Timeline – The desired MRP 2.0 reissuance schedule is as follows, though RWB staff is already challenged to meet this timeline.
 - Administrative draft permit – Fall 2014
 - Public notice draft permit – Winter 2015
 - RWB hearing(s) – Spring 2015
 - Effective date – July 1, 2015 (this is the most important date on this timeline)

B. INFORMATION – UPDATE ON POTABLE WATER DISCHARGE PERMIT:

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. In early July 2014, RWB staff postponed until further notice its Board’s consideration of a tentative permit regulating discharges from drinking water systems under a regional NPDES permit. The postponement occurred because the State Board formally announced in June its intent to consider a statewide NPDES permit regulating similar discharges, and distributed a draft permit. The State Board posted a second revised draft permit on October 1, 2014. The permit will be considered for adoption at their November 4, 2014 meeting. Overall, the second draft permit is an improvement over the previous draft. However, not all of the Countywide Program’s comments were addressed in this draft. Specifically:

1. The draft permit continues to have an exemption for water purveyors that are covered under an MS4 permit. The State Board did not add any language clarifying the MS4 permits should provide an equivalent level of protection and do not need to parallel the General Permit requirements, as requested by the Countywide Program.
2. The numeric effluent limit for turbidity was removed but the draft permit still contains a numeric effluent limit for chlorine residual.

A response to comments has not been issued yet. Any related requirements in MRP 2.0 should be consistent with the State Board permit, which has some advantages in that it has less onerous monitoring requirements relative to MRP 1.0 and only applies to planned discharges within 300 feet of a receiving water. Program staff will continue to follow and update the group on developments.

C. INFORMATION – MRP COMPLIANCE OVERVIEW/QUARTERLY CHECK-IN

Matt very briefly mentioned 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. The document summarizes some compliance highlights but should not be thought of as a replacement for the MRP.

D. INFORMATION – STATE/REGIONAL STORMWATER ISSUES & REGULATIONS UPDATE

A Regulatory Tracking Table was included in the agenda package but not discussed for lack of time.

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 January 20, 2015 at the usual location: the Oak Room in the City of San Mateo Main Library. <Editorial note: this meeting was cancelled>

MEETING ADJOURNED