

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, August 20, 2015
San Mateo County Transit District Office¹
1250 San Carlos Avenue, 2nd Floor Auditorium
San Carlos, California

STORMWATER (NPDES) COMMITTEE AGENDA

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|--|---------|--------------|
| 1. Public comment on items not on the Agenda (presentations limited to three minutes). | Breault | No materials |
| 2. Issues from July and August C/CAG Board meetings: <ul style="list-style-type: none">July: NoneAugust: Review and approval of Resolution 15-21, authorizing the C/CAG Chair to execute three-year agreements with 1) Northgate Environmental Management, 2) Farallon Consulting, 3) San Mateo County Division of Environmental Health, 4) S. Groner Associates, 5) Eisenberg, Olivieri, & Associates, 6) Urban Rain Design, 7) Community Design + Architecture, 8) Larry Walker & Associates, 9) ADH Environmental, and 10) Geosyntec for on-call consultant services to the Countywide Water Pollution Prevention Program, and further authorizing the C/CAG Executive Director to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$2,300,000 for fiscal year 2015-16. (Result to be presented orally at meeting) | Fabry | No materials |
| 3. ACTION – Review and approve June 18, 2015 Stormwater Committee meeting minutes | Fabry | Pages 1-5 |
| 4. ACTION – Review and approve preliminary prioritization of Municipal Regional Permit provisions for which member agencies seek C/CAG support during the next five year permit term. | Fabry | Pages 6-8 |
| 5. ACTION – Provide input on proposed options for a potential countywide stormwater funding initiative. | Fabry | Page 9-10 |
| 6. Regional Board Report | Mumley | No Materials |
| 7. Executive Director's Report | Wong | No Materials |
| 8. Member Reports | All | No Materials |

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C/CAG AGENDA REPORT

Date: August 20, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Review and approve June 18, 2015 Stormwater Committee meeting minutes
(For further information or questions contact Matthew Fabry at 650 599-1419)

RECOMMENDATION

Review and approve June 18, 2015 Stormwater Committee meeting minutes as drafted.

ATTACHMENTS

1. Draft June 18, 2015 Minutes

STORMWATER COMMITTEE
Regular Meeting
Thursday, June 18, 2015
2:30 p.m.

DRAFT Meeting Minutes

The Stormwater Committee met in the SamTrans Offices, 1250 San Carlos Avenue, San Carlos, CA, 2nd floor auditorium. 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.), John Fuller (Daly City), Michelle Daher (East Palo Alto), and Jerry Bradshaw (SCI Consulting Group). Chair Breault called the meeting to order at 2:32 p.m.

1. Public comment: None

2. C/CAG staff Matt Fabry provided an update on issues relevant to the Committee from the May and June C/CAG Board meetings. In May, C/CAG amended its funding agreement with the Bay Area Water Supply and Conservation Agency, extending the term through June 30, 2016 at an additional cost not-to-exceed \$25,000 for rain barrel rebates in San Mateo County. Fabry noted there is still an opportunity for additional agencies to sign up with this program and that incentivizing rain barrel installations may encourage residents to implement other water conservation measures. In June, C/CAG amended its funding agreements with:

- SCI Consulting Group, extending the term through June 30, 2016 at no additional cost to enable continued technical support for a potential countywide stormwater funding initiative.
- EOA, extending the contract through September 30, 2015 at no additional cost for technical support to the countywide stormwater program, including continued support with the stormwater permit reissuance and upcoming annual reporting.
- San Mateo County's Division of Environmental Health, extending the contract through October 31, 2015 at a cost not-to-exceed \$106K to implement critical public education and outreach activities in accordance with the stormwater Municipal Regional Permit (MRP) (e.g., Coastal Cleanup Day, car wash rebate program, cigarette butt litter campaign, and pesticide-related point-of-purchase programs in stores).

In June the C/CAG Board also received a presentation from Regional Water Board staff Tom Mumley (Assistant Executive Officer) on high priority provisions in the Tentative Order of the MRP.

3. ACTION – The draft minutes from the April 16, 2015 Stormwater Committee meeting were approved unanimously. (Motion: Walter, Second: Murtuza).

4. ACTION – C/CAG staff Fabry provided an update on the draft revised MRP and solicited recommendations from the Committee regarding written comments and oral testimony. Fabry noted that Regional Water Board staff released a formal MRP Tentative Order on May 8, opening the 60-day public review period. Two hearings were scheduled on the Tentative Order, the first of which occurred on June 10 and covered all provisions except trash. Due to a lack of a quorum at the June 10 hearing, a three person subcommittee or Regional Water Board members was formed to take testimony, which focused on PCBs/mercury and Green Infrastructure. The second hearing will be on July 8. It appears that no topics were continued from the June 10 hearing and the July 8 hearing will focus on trash only.

Written comments on the Tentative Order are due July 10. Fabry referred to two draft comment letters that were handouts and emailed to the Committee: a 27-page letter from SMCWPPP and a model letter for Permittees to use as they see fit. The model letter focuses on the three high priority topics, (1) new/redevelopment and Green Infrastructure, (2) trash load reduction, and (3) PCBs/mercury controls, and should be tailored as possible by Permittees to emphasize local issues and examples. This Committee's ad-hoc Permit Implementation Workgroup recommends that local agencies submit the model letter with council resolutions signed by their mayor, even if submitted later than the July 10 deadline. Fabry requested any feedback on the SMCWPPP comment letter within two weeks. Fabry noted that the Bay Area Stormwater Management Agencies Association (BASMAA) will also submit a comment letter focusing on broad, high level issues. Fabry also noted the next regional MRP 2.0 Steering Committee meeting is scheduled for July 2 and attendees typically include Regional Water Board staff and members of this Committee's ad-hoc Permit Implementation Workgroup.

Chair Breault summarized concerns regarding numeric limits for PCBs, assumptions being made regarding the rates of redevelopment and demolition to justify the limits, the role of NGOs with potential related enforcement, and local agency administration of programs to manage PCBs in building materials during demolition. Breault strongly recommended that agencies obtain council resolutions supporting the comment letters on these concerns. Vice Chair Walter recommended that Committee members or other representatives from their agencies consider attending the July 8 hearing to hear testimony from other counties and feedback from the Regional Water Board on all parts of the permit. The Committee then discussed a few specific concerns with the Tentative Order. Committee member Porter noted that in general Regional Water Board staff has not addressed many local agency concerns and therefore it would be good to send elected officials to the July hearing. Fabry noted the permit is expected to be adopted at a hearing on October 14 and would go into effect shortly thereafter.

5. ACTION – C/CAG staff Fabry provided an update on the potential countywide stormwater funding initiative and solicited recommendations from the Committee regarding next steps. Fabry noted the initiative was previously put on hold pending enabling legislation and further development of the reissued MRP – the former was addressed by AB 2170 and the latter is evolving with the Tentative Order. Fabry also noted that the level of support appears to vary among San Mateo County municipal agencies, some of which have their own potentially competing initiatives. The ad-hoc Funding Initiative Steering Committee (Breault, Oskoui, Porter, Taylor, and former Committee Member Larry Patterson) met on April 22, 2015 and reviewed efforts to-date. It was noted that the Funding Needs Analysis did not include costs for Green Infrastructure planning and would need updating but there was not sufficient new information available at that time in the administrative draft of the MRP to update PCBs control or other projected costs. Fabry referred to a memorandum from SCI that was a handout and outlines a process to move forward. About a five-month process would be required after the C/CAG Board made the decision to go forward. Thus the soonest that a property-related fee could be attempted would likely be spring 2016. There are other known or anticipated ballot measures later in 2016, including the presidential primaries and general election. The Steering Committee also discussed potentially carving out some of the long-term PCB costs and focusing more on the short-term (e.g., 10 – 15 years) need to reduce the gap between what the public is willing to support and anticipated need. The opinion research results (mail ballot and phone survey) remain valid but it may be beneficial to test other messages (e.g., support for building new Green Infrastructure as future stormwater permits will likely require). Fabry discussed other factors that might impact the initiative such as the proposed new countywide water management agency and Proposition 218 reform.

The Committee generally recognized that political support for a new countywide water management agency might de-prioritize a stormwater initiative. Fabry noted that C/CAG has met with a few larger cities but lacks a sense of buy-in to moving forward with the funding initiative. In general there is a need to gauge the level of political support from local agencies and whether each agency would back the initiative. One idea is to try to develop and get agencies to sign on to a Memorandum of Understanding that would commit the agencies to work together to solve stormwater funding issues.

The general recommendation from the Funding Initiative Steering Committee was to continue moving forward because the need remains. In general, Stormwater Committee members noted significant political issues and were not prepared at this time to provide recommendations on behalf of their agencies for next steps. C/CAG Executive Director Wong indicated that since this is an action item she would bring some language to a future meeting for the Committee to consider.

6. ACTION – C/CAG staff Fabry briefed the Committee on the San Mateo County Grand Jury Report released June 4 entitled “Flooding Ahead: Planning for Sea Level Rise” and requested feedback from the Committee to help inform C/CAG’s response to the Grand Jury report. The report indicates San Mateo County is at severe risk for sea level rise. There is not currently a coordinated approach to address existing flooding problems and agencies are not prepared for the added challenge of sea level rise. The Grand Jury recommends a single organization undertake sea level rise planning on a countywide basis. The report briefly explores four different options for this new organization, including expansion of C/CAG’s role and responsibilities. C/CAG is required to respond to the report within 90 days, including in regard to the recommendation that the proposed single organization address the following four areas:

1. sea level rise,
2. existing flood control issues,
3. stormwater management (currently a C/CAG program), and
4. groundwater management.

Committee member Porter noted that the Santa Clara Valley Water District has been successful at implementing regional projects and has staff with appropriate expertise. Porter stated there is a true need for a regional agency to address sea level rise and existing flood control issues, whether it be the County or C/CAG. He indicated the County is ready and able to start addressing these issues, but will need additional staff. Committee members noted that the Grand Jury report does not provide any evidence there are problems with the stormwater program being under C/CAG and generally agreed that the stormwater program should stay where it is at this time rather than being moved to a potential new water management agency.

7. Regional Board Report: NONE

8. Executive Director’s Report: NONE

9. Member Reports: NONE

Since Chair Breault had to leave the meeting early, Vice-chair Walter adjourned the meeting at 3:30 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		X								
Brisbane	Randy Breault	Public Works Director/City Engineer				X		X						
Burlingame	Syed Murtuza	Public Works Director		X		X		X						
Colma	Brad Donohue	Director of Public Works and Planning		X		X								
Daly City	Patrick Sweetland	Director of Water & Wastewater		O		X		X						
East Palo Alto	Kamal Fallaha	City Engineer						O						
Foster City	Jeff Moneda	Public Works Director				X								
Half Moon Bay	Mo Sharma	City Engineer				X		X						
Hillsborough	Paul Willis	Public Works Director		X		X		X						
Menlo Park	Jesse Quirion	Interim Public Works Director												
Millbrae	Charles Taylor	Public Works Director		X				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		X								
San Bruno	Jimmy Tan	City Engineer		X				X						
San Carlos	Jay Walter	Public Works Director		X				X						
San Mateo	Brad Underwood	Public Works Director		X		X		X						
South San Francisco	Brian McMinn	Public Works Director		X		X		X						
Woodside	Paul Nagengast	Deputy Town Manager/Town Engineer						X						
San Mateo County	Jim Porter	Public Works Director		X		X		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: August 20, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Review and approve preliminary prioritization of Municipal Regional Permit provisions for which member agencies seek C/CAG support during the next five year permit term

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

RECOMMENDATION

Review and approve preliminary prioritization of Municipal Regional Permit provisions for which member agencies seek C/CAG support during the next five year permit term.

BACKGROUND

Regional Water Board staff released a formal Tentative Order for a revised Municipal Regional Permit (MRP) for public review on May 8. Two hearings on the Tentative Order were held on June 10 (all provisions except trash) and July 8 (trash only). Written comments were due on July 10. The permit is expected to be adopted at a hearing on October 14 and would go into effect shortly thereafter. Two regional workgroup meetings have taken place since the comment submittal deadline to discuss with Water Board staff the proposed Green Infrastructure and Mercury/PCBs permit provisions.

At this point, C/CAG staff is fairly certain what the final permit will look like and therefore seeking input on the permit activities for which member agencies desire C/CAG support. Initial discussions on this topic were held at the July 21 NPDES Technical Advisory Committee meeting, and will continue at the various subcommittees as meetings take place.

In general, member agencies have indicated a desire for C/CAG's support in the following broad categories, in order of MRP provision:

- Provision C.3: New Development and Redevelopment, including Green Infrastructure
- Provision C.7: Public Information and Outreach
- Provision C.8: Water Quality Monitoring
- Provision C.10: Trash Load Reduction
- Provision C.11/C.12: Mercury and PCB Controls

Member agencies also requested C/CAG provide ongoing education and training via regular subcommittee and committee meetings, as well as periodic workshops. There is also a desire for continued support with regard to annual reporting.

In order to facilitate discussion on relative prioritization of these areas of requested support, staff is providing the attached summary information regarding the general level of consultant resources that

have been put toward these issues in recent fiscal years under the current MRP requirements. Although C/CAG has some reserve funds available for technical support in the current fiscal year, staff anticipates that during the remaining term of MRP 2.0, C/CAG support will be limited to annual revenue minus various ongoing administrative and permit support costs (e.g., staffing and administration costs, Regional Monitoring Program costs, membership to the Bay Area Stormwater Management Agencies Association, etc.).

C/CAG’s annual revenue for the stormwater program comes from two sources: fees on the property tax rolls (\$1.5 million) and vehicle license revenue (\$720K). After subtracting ongoing administrative and permit support costs, staff anticipates approximately \$1.7 million annually to be available for consultant support on MRP requirements.

Staff recommends preliminarily prioritizing permit support and allocating available resources in the following order:

Area of Support/Permit Provision	Basis for Prioritization
1. Water Quality Monitoring	Municipalities are not equipped to implement a countywide water quality monitoring program individually
2. Mercury/PCBs controls	Load reduction efforts still likely to be addressed at a countywide level, although individual permittees may implement some control programs locally
3. Green infrastructure planning	New requirement, makes sense to coordinate and provide guidance, templates, mapping, design details, etc., at a countywide level
4. Trash load reduction	Municipalities still need help implementing local control programs, revising and updating plans, and assessing effectiveness of control measures
5. Public information and outreach	Makes sense to be done at a countywide level to the extent feasible, but many aspects could be done locally
6. General education, trainings, guidance, and regional involvement & coordination	More efficient at a countywide level
7. Annual reporting	New permit requirements means new reporting, but much likely to remain unchanged from MRP 1.0

Assuming member agencies concur with this proposed prioritization, staff will then work to develop more detailed scopes of work and relative budgets for Committee consideration. Staff will then use that information to solicit consultant support services. Staff anticipates having consultants contracted for support services by the time the revised MRP is adopted. Assuming resources are insufficient to provide all requested support services, staff will start with the highest priority items and work down the list until resources are exhausted.

ATTACHMENTS

1. Summary of Past and Projected Consultant Resource Allocations for C/CAG Technical Support

ATTACHMENT

Summary of Past and Projected Consultant Resource Allocations for C/CAG Technical Support

Area of Support/Permit Provision	Approximate Annual Cost during MRP 1 (thousand dollars)	Projected Annual Cost during MRP 2 (thousand dollars)	Notes
Water quality monitoring	\$ 450	\$ 450	Includes staff participation in BASMAA and RMP meetings.
Mercury/PCBs controls	\$ 200	\$ -	Includes staff participation in BASMAA and RMP meetings. MRP 1 grant funds not included.
Green infrastructure planning	\$ -	\$ 100	Major GI implementation costs to begin with MRP 3
Trash load reduction	\$ 250	\$ 300	Assumes level of assistance needs to increase somewhat.
Public information and outreach	\$ 350	\$ 350	Approximate SM County Environmental Health budget.
General education, trainings, and guidance, and regional involvement & coordination	\$ 450	\$ 450	Includes workshops, subcommittees/workgroups, guidance materials, checklists, participation in BASMAA committees, etc.
Annual reporting	\$ 150	\$ 150	Includes SMCWPPP Annual Report, WQ/POC reporting, and assisting Permittees with annual reporting.
Total	\$ 1,850	\$ 1,800	

Available for mercury/PCBs controls: \$ **(100)** (assumes total of \$1.7M available annually)

Note: Assumes \$600K total for 1) training/education/guidance (\$450K) and 2) reporting assistance (\$150K).

C/CAG AGENDA REPORT

Date: August 20, 2015
To: Stormwater Committee
From: Matthew Fabry, Program Coordinator
Subject: Provide input on proposed options for a potential countywide stormwater funding initiative

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

RECOMMENDATION

Receive update from Funding Initiative Steering Committee and provide recommendations on next steps for a potential countywide stormwater funding initiative

BACKGROUND

Staff efforts on a potential countywide stormwater initiative have generally been on hold for the past year. At this time, staff is proposing two options for Committee review/discussion on moving forward with a potential initiative. No action is requested at this meeting, but staff anticipates requesting a formal Committee recommendation on next steps at the next meeting.

To date, staff has undertaken the following efforts in support of a potential initiative:

- Funding Needs Analysis – Completed a final draft, left as a draft to allow revision based on revised Municipal Regional Permit requirements, as needed
- Funding Options Report – Completed a final draft detailing the various options for funding stormwater-related work. Has not been adopted as a final work product yet.
- Opinion Research – final report accepted by the C/CAG Board at the August 2014 meeting. Details results of phone and mail surveys.
- Action Plan – staff prepared a detailed outline of an Action Plan that would serve as the public document detailing how revenue from a successful measure would be utilized. This has not yet been reviewed by the Committee.
- Member Agency and Community Engagement – staff met with five member agencies (Brisbane, Belmont, San Carlos, San Mateo County, and City of San Mateo) and several community groups

Tasks that remain to be done for an initiative include:

- Finalizing the Funding Needs Analysis – need to verify assumptions made in preparing the document are consistent with permit requirements in the revised Municipal Regional Permit.
- Finalizing the Action Plan – convert outline into full document for Committee and C/CAG Board review and approval.
- Finalize a rate structure and Fee Report – this task has not yet been started, although preliminary estimates of revenue that would be generated from a successful initiative were based on the rate structure established by the Contra Costa County Clean Water

Program in its 2012 initiative and would likely be the starting point for discussion on a San Mateo County rate structure.

- Potentially perform additional opinion research to gauge public support if enough time passes between an actual initiative and the previous polling, or to test new messages or focus areas, such as a green infrastructure/sustainability initiative vs. a clean water initiative.

Once all these tasks are completed and if the C/CAG Board approved moving forward with an initiative, it is approximately five months from Board decision to a tabulated election result.

Staff recommends the Stormwater Committee develop a formal recommendation on what direction to take moving forward. Staff is proposing two options for discussion at today's meeting:

- Option 1: continue moving forward to complete tasks detailed above. Initiate a concerted outreach and education effort to inform city councils, community groups, and the public on the need for stormwater funding. With the amount of work still remaining, it is unlikely an initiative could be put before property owners before summer of 2016. Given the significant political focus in 2016 on primary and general elections, it may be prudent to plan for a balloting process no sooner than spring of 2017.
- Option 2: put any further efforts regarding an initiative on hold. Potentially revisit the need for an initiative once member agencies have had time to better quantify and understand the cost implications of the revised Municipal Regional Permit, or possibly when green infrastructure plans are completed (likely Year 4 of the new permit term) and can serve as the basis for an initiative (i.e., funding would be used to implement green infrastructure plans). The implication of this option is C/CAG and member agencies will be limited to existing revenue sources for much, if not all, of the next five-year permit term.

Staff would like feedback on the two proposed options to help refine, as needed, for formal Committee action at the next Committee meeting.