

STORMWATER COMMITTEE
Regular Meeting
Thursday, April 16, 2020
2:30 p.m.

Meeting Minutes

The Stormwater Committee met remotely via Zoom, per C/CAG's shelter-in-place policy and consistent with state and county directives to manage COVID-19. Attendance at the meeting is shown on the attached roster. In addition to the Committee members, also in attendance were Matt Fabry (C/CAG Program Manager), Reid Bogert (C/CAG staff), Sandy Wong (C/CAG Executive Director), Mikaela Hiatt (C/CAG staff), Susan Wright (County of San Mateo), Jennifer Lee (City of Burlingame), Rachel Krai (Lotus), Scott Durbin (Lotus), Steve Carter (Paradigm), Sarah Scheidt (City of San Mateo), Chris Sommers (EOA), Kim Springer (County of San Mateo), Jon Konnan (EOA), Jill Bicknell (EOA), John Allan (County of San Mateo), and Susan Wright (County of San Mateo). Chair Breault called the meeting to order at 2:40 p.m.

1. Public comment: None

2. Stormwater Issues from C/CAG Board Meetings: October – Appointment of Peter Brown from the City of Belmont and Andrew Yang from the City of Millbrae CMP TAC and Stormwater Committee.

3. ACTION – Approval of the draft minutes from the September 19, 2019 and November 21, 2019 Stormwater Committee meetings. Motion: member Murtuza, second: member Machida. Approved (14:0:2).

4. INFORMATION – The following items were covered in announcements:

- New website – Matt Fabry announced the newly designed www.flowstobay.org website and toured the basic structure and new layout, emphasizing new features, including the Data & Resources section and the Green Infrastructure Design Guide.
- Solicitations – Fabry announced several funding solicitations:
 - EPA Water Quality Improvement Fund - \$5.9 million in federal funds with a one to one match requirement, with proposals due May 13.
 - CNRA Urban Flood Protection and Urban Greening Grant Programs – the California Natural Resources Agency has two pots of funding available with eligible projects including stormwater capture; however, both solicitations are on hold due to COVID-19.
 - Prop 1 Stormwater Grant Round 2 – Jill Bicknell mentioned the second round of Prop 1 Stormwater Grant funds, with a solicitation open now and proposals due July 2. A webinar on the funds will be hosted on May 12 at 2 p.m. Fabry will circulate information to the Stormwater Committee.
- BASAMAA – Fabry gave a status update on the Bay Area Stormwater Management Agencies Association, stating the organization's intention to dissolve its non-profit status and establish a new collaboration model via a Memorandum of Understanding (which is currently in draft form). The BASAMAA Board of Directors will be discussing input on the draft MOU at its next Board meeting on Thursday, April 23. The plan now is to dissolve the organization and transition to an MOU model by the end of the calendar year at the latest.
- Report of Waste Discharge – Fabry discussed the Report of Waste Discharge (ROWD) requirements per the MRP to submit documentation on behalf of the San Mateo County

permittees of all work completed in the current permit term as part of the process for application under the reissuance of the permit. The ROWD is due 180 days prior to the expiration of the current permit (which is July 4, 2020), and SMCWPPP will be submitting the ROWD with support from EOA.

- Regional Stormwater Capture Projects – Fabry briefed the committee on the \$3 million awarded to C/CAG by the state to develop regional project concepts and advance regional stormwater collaboration. Updates included agreement by the California Natural Resources Agency to enter into separate funding agreements with the project sponsors (rather than having C/CAG enter into sub-agreements with the cities developing preliminary designs); C/CAG and the County area developing a joint Request for Proposals for developing designs for the San Bruno and Redwood City projects, as well as for the associated work to identify new project opportunities and project concepts. Belmont and the Flood and Sea Level Rise Resiliency District have been awarded additional funds from the Department of Water Resources to do creek restoration on Belmont Creek adjacent to the proposed stormwater capture project at Twin Pines Park. To better align these connected projects and the available funds, Belmont will be issuing a separate RFP process.

5. INFORMATION – – Receive an update on developing the PCBs and Mercury in San Mateo County Stormwater Runoff: Control Measures Plan and Reasonable Assurance Analysis..

Jon Konnan presented the overview and timeline for developing the SMCWPPP PCBs (polychlorinated biphenyls)/Mercury Control Measures Plan on behalf of San Mateo County permittees, per provision C.12.d of the Municipal Regional Permit. The Control Measures Plan is intended to demonstrate reasonable assurance toward meeting the water quality goals for PCBs and mercury TMDLs (Total Maximum Daily Loads) for the San Francisco Bay by 2028 and 2030, respectively. The plan must identify all “technically and economically feasible” controls, along with an implementation schedule and cost evaluation. The report is due with the September 2020 Annual Reports. A key assumption of the analysis is that due to the proposed reduced baseline loading presented in the SMCWPPP green infrastructure Reasonable Assurance Analysis (RAA) and associated pollutant modeling, the load reduction benefits of control measures needs to be scaled commensurately. The plan will integrate the RAA modeling for green infrastructure in the county with other source control measures to determine the existing level of PCBs and mercury controls, associated costs and level of pollutant reduction. The analysis will then identify all additional load reductions that can be reasonably achieved via source controls by 2028/2030. Any remaining gap between the project load reduction and the required load reduction for San Mateo permittees (based on population) will likely be assumed to be made up by additional green infrastructure. Finally, the plan will include an evaluation of different scenarios for achieving the TMDL waste load allocations with an optimal scenario selected as a recommendation for the permittees. Importantly, the Control Measures Plan will provide a demonstration of the technically and economically feasible controls within the given timeline of the TMDLs, which may be helpful in making a case for time extension if needed. The plan will also provide the basis for further advancement of countywide stormwater goals, including a regional funding initiative and pursuing grant funds for project implementation. Staff will circulate a draft report in June, bring another presentation to the Stormwater Committee in July with the second draft report, followed by a workshop in August and a third draft for review. The final report will be submitted September 2020 with Annual Reports.

Committee members discussed the need for better understanding the potential scope of impact of implementing the Control Measures Plan and what level of commitment is being made.

6. INFORMATION – Received update on Municipal Regional Permit reissuance process and schedule.

Fabry provided an update on the negotiation process for the Municipal Regional Permit 3.0. The MRP 3.0 Steering Committee is meeting on an ongoing basis to address proposed modifications and areas of disagreement on permit provisions, based on discussions at the various workgroups (Trash, GI/C.3, C.8, C.11/12, Firefighting Flows, Homelessness). Fabry and lead staff from EOA provided updates from the workgroup meetings and recent Steering Committee meetings. Areas of significant disagreement remain on some provisions, including regulated projects thresholds/exemptions, special projects, and roads for C.3 requirements; source control credits, creek cleanups/direct discharge programs, managing trash on properties connected to the MS4, full trash capture equivalency, and timeline for achieving “no adverse impact” from trash via stormdrains for C.10; and issues surrounding homelessness impacts on stormwater quality and planned cost reporting requirements.

The following schedule presents the timeline for reissuance:

- MRP 3.0 Workgroups continue meeting to discuss issues through mid- to late-summer 2020
- Draft language in July/August 2020
- Administrative Draft issued in September 2020
- Formal Tentative Order released in December 2020 with 45 day comment period
- Regional Water Board Workshop on Tentative Order February 2021
- Regional Water Board considers adopting the Tentative Order at April 2021 meeting
- Effective date for MPR 3.0 planned for July 1, 2021

Members of the SMCWPPP Stormwater Committee Ad-hoc Workgroup continue to participate in the Steering Committee meetings.

7. ACTION – Reviewed and approved plan for notification letter to Regional Water Quality Control Board regarding COVID-19 implications on compliance activities.

Fabry shared the statement from the State Water Resources Control Board issued March 20, 2020 regarding compliance with water quality permits during COVID-19 response, stating that compliance with these permits is considered an “essential function,” and the Water Board’s request for permittees to notify Regional Water Boards immediately of any requirement that cannot be timely met due to the COVID-19 response. Fabry shared the California Stormwater Quality Association (CASQA) COVID-19 guidance for responding to water boards and also a draft C/CAG notification letter to the San Francisco Regional Water Quality Control Board in response to the State Water Board’s request. The draft notification was based on notifications from other countywide stormwater programs in the Bay Area, including the Alameda Countywide Clean Water Program and Santa Clara Valley Urban Runoff Pollution Prevention Program. Fabry also referenced two attachments that these two programs included in their respective notifications. The Committee discussed options for sending a letter to Regional Water Board now followed by a list or table of specific compliance issues, vs. waiting to provide a more detailed response in a couple weeks after receiving more input from the Committee and other stormwater representatives. The Committee agreed to send a notification letter in the next day or two, followed by a general list of potential compliance issues, similar to what the Santa Clara program has done, given the uncertainty about how the next few months will proceed along different lines of compliance under the Municipal Regional Permit. C/CAG staff will send the draft letter after minor revisions and will solicit input from the Committee on the list of compliance issues. The Ad-hoc Workgroup will provide input on

the final letter to be submitted with the list of compliance issues in about two weeks. The Committee agreed there should be some communications with Regional Water Board staff in the meantime to confirm the proposed approach and to address a proposed approach to addressing any outstanding compliance issues for the fiscal year in the Annual Reports.

A motion to approve process to submit a notification to the Regional Water Board in the next day or two, followed by a more detailed letter and list of compliance issues in two weeks. Motion: member Murtuza, second: member Ovadia. Approved (16:0:0).

8. INFORMATION—Received update and provide feedback on development of the Fiscal Year 2020-21 Countywide Water Pollution Prevention Program budget.

Fabry presented the draft Fiscal Year 2020-21 Countywide Water Pollution Prevention Program budget. Fabry noted the starting balance is estimated to be higher than previous years and the program has maintained its \$500,000 in reserved funds for a countywide funding initiative. Fabry shared there is approximately \$400,000 in unallocated balance estimated at this time. It was also noted that due to the COVID-19 situation and likely reduced revenues from property taxes and vehicle registration fees, it is uncertain whether the actual starting balance will be maintained. There are also uncertainties about the structure of BASMAA and associated costs for administration and any potential regional projects. The goal from the program perspective is maintain a high balance going into MRP 3.0 and focus on meeting compliance requirements in the near term. C/CAG staff will work with the Ad-hoc Workgroup and the Stormwater Committee to further refine the budget and scopes of work in April and May, and will bring the draft budget to the C/CAG Board at its May 14 meeting followed by planned adoption at its June 11 meeting.

9. ACTION—Nominate and elect Chair and Vice-Chair.

Chair Breault announced the need to fill the Vice Chair position for the Stormwater Committee due to the existing Vice Chair's (Afshin Oskoui) transition to City Manager for the City of Belmont. Chair Breault's recommendation was to solicit nominations for both Chair and Vice Chair.

Committee member Murtuza made a motion to nominate Chair Breault to continue as Chair of the Stormwater Committee. Motion: Murtuza, second: member Ovadia. Approved (16:0:0).

Committee member Ovadia made a motion to self-nominate as Vice Chair of the Stormwater Committee. Motion: member Ovadia, second: Chair Breault. Approved (16:0:0).

10. Regional Board Report: None.

11. Executive Director's Report: Executive Director, Sandy Wong, mentioned appreciation of Chair Breault's leadership of the Stormwater Committee since its inception, and also noted appreciation of C/CAG staff for maintaining the stormwater program during the COVID-19 response.

10. Member Reports: None.

Chair Breault adjourned the meeting at 4:08 p.m.