

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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STORMWATER (NPDES) COMMITTEE AGENDA 2:30 PM, Thursday, April 15, 2021

On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the Shelter-in-Place Orders issued by the San Mateo County Health Officer and the Governor, and the CDC's social distancing guidelines, which discourage large public gatherings, C/CAG meetings will be conducted via remote conferencing. Members of the public may observe or participate in the meeting remotely via one of the options below.

Join by Zoom: <https://us02web.zoom.us/j/82761882960?pwd=RUN2TzZ3UGJqbTV3L0ZVNURSTEE3UT09>
Join by Phone: +1 669 900 6833 Meeting ID: 827 6188 2960 Password: 249452

Persons who wish to address the C/CAG Stormwater Committee on an item to be considered at this meeting, or on items not on this agenda, are asked to submit written comments to rbogert@smcgov.org. Oral public comments will also be accepted during the meeting through Zoom. Please see instructions for written and spoken public comments at the end of this agenda.

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|---|---------|--------------|
| 1. Call to Order, Roll Call, and overview of teleconference meeting procedures | Bogert | No materials |
| 2. Public comment on items not on the Agenda (presentations limited to three minutes). | Breault | No materials |
| 3. Stormwater Issues from April C/CAG Board meeting: <ul style="list-style-type: none">• C/CAG Forum – stormwater funding breakout sessions (see Item 7, below) | Fabry | No materials |
| 4. ACTION – Review and approve March 18, 2021 Stormwater Committee minutes | Breault | Pages 1-5 |
| 5. ACTION – Confirm election of Committee Chair and Vice-Chair | Breault | Page 6 |
| 6. INFORMATION – Announcements on stormwater issues <ul style="list-style-type: none">• Funding opportunities• AB 377• Other | Fabry | No materials |
| 7. INFORMATION – Receive presentation on stormwater funding needs from April 8 C/CAG Forum and summary of C/CAG Board member feedback. | Fabry | Page 7 |
| 8. INFORMATION – Receive update and provide feedback on development of the Fiscal Year 2021-22 Countywide Water Pollution Prevention Program budget. | Fabry | Page 8 |
| 9. INFORMATION – Receive update on C/CAG's response to the Municipal Regional Permit Administrative Draft. | Fabry | Page 9-27 |
| 10. Regional Board Report | Mumley | No Materials |
| 11. Executive Director's Report | Wong | No Materials |
| 12. Member Reports | All | No Materials |
| 13. Adjourn | | |

PUBLIC NOTICING: All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA, and on *City/County Association of Governments of San Mateo County (C/CAG)*
555 County Center, Redwood City, CA 94063. Telephone 650.599.1406. Fax 650.361.8227.

C/CAG's website at: <http://www.ccag.ca.gov>.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular Board meeting, standing committee meeting, or special meeting are available for public inspection. Those public records that are distributed less than 72 hours prior to a regular meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members, of the Committee. The Board has designated the City/County Association of Governments of San Mateo County (C/CAG), located at 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making public records available for inspection. Such public records are also available on C/CAG's website at: <http://www.ccag.ca.gov>. Please note that C/CAG's office is temporarily closed to the public; please contact Mima Guilles at (650) 599-1406 to arrange for inspection of public records.

PUBLIC PARTICIPATION DURING VIDEOCONFERENCE MEETINGS: Persons with disabilities who require auxiliary aids or services to participate in this meeting should contact Mima Guilles at (650) 599-1406, five working days prior to the meeting date.

Written comments should be emailed in advance of the meeting. Please read the following instructions carefully:

1. Your written comment should be emailed to rbogert@smcgov.org.
2. Your email should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda.
3. Members of the public are limited to one comment per agenda item.
4. The length of the emailed comment should be commensurate with the two minutes customarily allowed for verbal comments, which is approximately 250-300 words.
5. If your emailed comment is received at least 2 hours prior to the meeting, it will be provided to the C/CAG Committee members and made publicly available on the C/CAG website along with the agenda. We cannot guarantee that emails received less than 2 hours before the meeting will be able to be posted or provided to Committee members prior to the meeting, but such emails will be included in the administrative record of the meeting.

Oral comments will be accepted during the meeting through Zoom. Please read the following instructions carefully:

1. The Stormwater Committee meeting may be accessed through Zoom at the online location indicated at the top of this agenda.
2. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
3. You will be asked to enter an email address and name. We request that you identify yourself by your name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When C/CAG Staff or the Committee Chair/Vice-Chair call for the item on which you wish to speak, click on "raise hand." C/CAG staff will activate and unmute speakers in turn. Speakers will be notified shortly before they are called on to speak.
5. When called, please limit your remarks to the time allotted.

If you have any questions about this agenda, please contact C/CAG staff:

Program Manager: Matthew Fabry (mfabry@smcgov.org)

Administrative Assistant: Mima Guilles (mguilles@smcgov.org or (650) 599-1406)

C/CAG AGENDA REPORT

Date: April 15, 2021
To: Stormwater Committee
From: Matthew Fabry, Program Manager
Subject: Review and approve March 18, 2021 Stormwater Committee meeting minutes.

(For further information or questions contact Matthew Fabry at mfabry@smcgov.org)

RECOMMENDATION

That the Committee review and approve March 18, 2021 Stormwater Committee meeting minutes, as drafted.

DISCUSSION

N/A.

ATTACHMENTS

1. Draft March 18, 2021 Minutes

STORMWATER COMMITTEE
Regular Meeting
Thursday, March 18, 2021
2:38 p.m.

Draft 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 (note – Member Rose joined the meeting at 3:00 p.m. and did not vote on Item 5; Chair Breault left the meeting at 3:31 p.m. at which point Vice Chair Ovadia chaired the meeting; Members Hall, Tan, Rose were absent for the ACTION vote on Item 8). 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), Susan Wright (County of San Mateo), Jennifer Lee (City of Burlingame), Leticia Alvarez (City of Belmont), Pat Ledesma (County Health), Sarah Scheidt (City of San Mateo), Nick Zigler (CSG on behalf of Town of Colma), Jon Konnan (EOA), and Drew (public). Chair Breault called the meeting to order at 2:38 p.m.

1. Call to Order.

2. Public comment: None

3. Stormwater Issues from March C/CAG Board Meeting: Approved OPPOSE position on AB 377 and provided MRP 3.0 reissuance update, focusing on major proposed changes to the Municipal Regional Permit.

4. ACTION – Approval of the draft minutes from the February 18, 2021, Stormwater Committee meeting, as drafted. Motion: Member Porter; second: Member Machida. Approved (13:0:0). Member Rose absent for this vote).

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

- Funding Opportunities – Matt Fabry noted the ongoing open solicitation from the California Coastal Conservancy with a focus on San Francisco Bay climate resiliency efforts, with \$5.7 million available and project maximum of \$1 million – proposals are accepted on a rolling basis starting in January, and a pre-proposal submission is required.
- AB 377 – Fabry provided additional information on AB 377 (Rivas), which would require all waters of the state to be fishable, swimmable and drinkable by 2050. Under the bill, Water Boards would be prohibited to issue NPDES permits or provide time schedules for dischargers that are causing or contributing to exceedances of water quality standards. There was a Townhall led by CASQA centered on an OPPOSE letter on behalf of a coalition of water related associations from around the state. C/CAG staff will be developing an OPPOSE letter to submit to the Chair of the Assembly Environmental Safety and Toxic Materials Committee in advance of the first bill hearing. Staff will distribute the final letter for a template for cities to use for their own jurisdictions. The bill was amended recently, though the changes do not make the bill any more tenable from permittee stakeholder perspectives.
- Other – Fabry mentioned plans to circulate two submittals required under the MRP for approval by the SMCWPPP Duly Authorized Representatives, including the Urban Creeks Monitoring

Report for Water Year 2020 (due March 31, 2021) and the Annual Report Forms for 2020 (Due April 1, 2021), which have already been approved by the BASMAA Board of Directors. Fabry will send the email request within a week.

6. INFORMATION – Matt Fabry introduced the update on the SMCWPPP response to the Municipal Regional Permit Administrative Draft. Fabry summarized the biggest issues related to C.3 and C.11/12 provisions with respect to new proposed requirements for roadway requirements (exemptions for rehabilitation and expanded requirements for reconstruction projects) and new mandatory requirements for “voluntary” green infrastructure retrofits and stormwater treatment in Old Industrial/verified “warm” PCBs areas to further advance controls for PCBs in these areas. Other major issues include the proposed timelines for trash load reductions to “no adverse impact” based on 2009 baseline levels by 2025 and drastically reduced source control crediting, as well as the overall impact of many new proposed requirements culminating in significant new planning and implementation needs. Fabry also noted a recent meeting with the Ad-hoc Implementation Workgroup and follow-up plans to meet with Water Board staff to address major concerns in reviewing the Administrative Draft. Fabry further summarized ongoing discussions and potential points of negotiation on proposed requirements and solicited input on the plan for finalizing the SMCWPPP comment letter focusing on highlighting progressive efforts in the county and developing counter proposals for new requirements. Staff plan to send the comment letter for permittee review on March 26 with a week for opportunity to provide input, prior to finalizing and submitting the letter to Water Board staff on March 8. Committee members provided additional input on the key issues identified in the Administrative Draft. Of note, Committee members raised the possibility of pursuing a countywide Prop 218 property-related fee under SB 231 to establish a stormwater utility fee without having to go to ballot. Fabry noted this would be a relevant discussion for the revamped Funding and Finance Workgroup to discuss.

7. ACTION – Matt Fabry introduced this item to nominate and appoint ad-hoc workgroup members for the existing MRP Implementation Workgroup and to the reestablished “Funding and Finance Workgroup.” Fabry announced the existing members on the Implementation Workgroup, including the Chair and Vice Chair, as well as Paul Willis and Jim Porter, as well as the Committee Members who previously expressed interest, including Members Mitch and Bozorginia. Vice Chair Ovadia recommended the Chair and Vice Chair be seated on both workgroups. Vice Chair Ovadia opened the floor for additional nominations to the Implementation Workgroup. No additional members expressed interest. Motion to appoint Members Mitch and Bozorginia and to include the Chair and Vice Chair to the Implementation Workgroup: Murtuza; second: Willis. Approved (13:0:0).

Fabry proposed opening any floor nominations for the reestablished Funding and Finance Workgroup, with the addition of the Chair and Vice Chair and the two Members who have expressed interest in either continuing with or being added to the Workgroup (Member Porter and Member Mitch). Vice Chair Ovadia suggested keeping Chair Breault’s on the Workgroup list, given there may be a change in the Chair seat based on the next agenda item. No additional floor nominations were made. Motion: Murtuza; second: Brown. Approved (13:0:0).

8. ACTION – Matt Fabry introduced this item to nominate and elect a Chairperson and Vice Chairperson for the Stormwater Committee, according to the current chairs having served a standard one-year term. There are no term limits. Ovadia opened the floor for nominations. Vice Chair Ovadia motioned to nominate Chair Breault to continue as Chair. Motion: Vice Chair Ovadia; second: Machida. Vice Chair Ovadia opened the floor for nominations for Vice Chair. Member Machida motioned to nominate and elect Vice Chair Ovadia to continue serving as Vice Chair. Motion: Machida; second: Porter. Roll call vote

was taken and staff announced the motion carried; however, due to several members being absent during this item there was no longer a quorum to carry the motion. Motion not carried (10:0:0). Members Hall, Tan, and Rose were absent for this vote. Staff will bring this item back to the April meeting.

9. Regional Board Report: None.

10. Executive Director's Report: Matt Fabry noted the C/CAG Executive Director job description is now available on the C/CAG website.

11. Member Reports: Member Porter reported that he is sitting on a FEMA BRIC (Building Resilient Infrastructure and Communities) scoring committee for projects in local jurisdiction hazard mitigation plans and offered support to member representatives in conceptualizing proposals.

Vice Chair Ovadia adjourned the meeting at 4:05 p.m.

2020-21 Stormwater Committee Attendance			July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Agency	Representative	Position												
Atherton	Robert Ovidia	Public Works Director	X	X		X	X		X	X	X			
Belmont	Peter Brown	Public Works Director	X	X		O	X		X	X	X			
Brisbane	Randy Breault	Public Works Director/City Engineer	X			X	X		X	X	X			
Burlingame	Syed Murtuza	Public Works Director	X	X	C	X	X	C	X	X	X			
Colma	Brad Donohue	Director of Public Works and Planning	X	X	A	X	O	A	X	O	O			
Daly City	Richard Chiu	Public Works Director	X	X	N	X	X	N	X	X	X			
East Palo Alto	Kamal Fallaha	City Engineer			C			C						
Foster City	Dante Hall	Acting Public Works Director	X	X	E	X	X	E			X			
Half Moon Bay	Maziar Bozorginia	City Engineer	X	X	L	X	O	L	X	X				
Hillsborough	Paul Willis	Public Works Director	X	O	E	X	X	E	X	X	X			
Menlo Park	Nikki Nagaya	Public Works Director	X		D	X		D	X	X				
Millbrae	Andrew Yang	Senior Engineer	X	X		X	X		X	X				
Pacifica	Lisa Petersen	Public Works Director/City Engineer	O			X	X		X	X	X			
Portola Valley	Howard Young	Public Works Director		X		X	X		X		X			
Redwood City	Saber Sarwary	Supervising Civil Engineer	X			X	X			O				
San Bruno	Jimmy Tan	Public Works Director	X	X		X	X		X	X	X			
San Carlos	Steven Machida	Public Works Director	X	X		X	X		X	X	X			
San Mateo	Azalea Mitch	Public Works Director	X	X		X	X		X	X	X			
South San Francisco	Eunejune Kim	Public Works Director												
Woodside	Sean Rose	Public Works Director	X			X	X		X	X	X			
San Mateo County	Jim Porter	Public Works Director	X	O		X	X		X	O	X			
Regional Water Quality Control Board	Tom Mumley	Assistant Executive Officer												

"X" - Committee Member Attended
 "O" - Other Jurisdictional Representative Attended

C/CAG AGENDA REPORT

Date: April 15, 2021
To: Stormwater Committee
From: Matthew Fabry, Program Manager
Subject: Confirm election of Committee Chair and Vice-Chair.

(For further information or questions contact Matthew Fabry at mfabry@smcgov.org)

RECOMMENDATION

That the Committee confirm the election of the Committee Chair and Vice-Chair due to lack of a quorum during the vote at the March 18, 2021 meeting.

BACKGROUND/DISCUSSION

The Committee nominated and voted on Committee Chair and Vice-Chair at the March 18, 2021 meeting, with Members Breault and Ovadia proposed for the two roles, respectively. Unfortunately, several Committee members had to leave just prior to the vote on the two positions, resulting in less than a quorum (11 members) being present for the vote. Although the vote was unanimous by remaining Committee members, staff recommends the Committee vote to confirm the March 18 decision with at least a quorum of members participating in the vote.

ATTACHMENTS

None

C/CAG AGENDA REPORT

Date: April 15, 2021
To: Stormwater Committee
From: Matthew Fabry, Program Manager
Subject: Receive presentation on stormwater funding needs from April 8 C/CAG Forum and summary of C/CAG Board member feedback.

(For further information or questions contact Matthew Fabry at mfabry@smcgov.org)

RECOMMENDATION

That the Committee receive a presentation on stormwater funding needs from the April 8 C/CAG Forum and a summary of C/CAG Board member feedback.

BACKGROUND/DISCUSSION

C/CAG traditionally has an annual retreat/forum at its April meeting to discuss key topics of interest. This year, the annual forum focused on engaging Board members and attendees on what role C/CAG should take in advancing efforts related to reducing greenhouse gas emissions/vehicle miles traveled, implementing micro-mobility programs, and addressing countywide funding needs for stormwater management. The forum included three virtual breakout sessions for each topic. In the stormwater session, Board members and attendees received a staff presentation on stormwater funding needs, including related to addressing regional mandates for keeping pollution out of stormwater runoff, upgrading and maintaining existing drainage infrastructure, and building resilience to a changing climate that may bring more frequent, intense storms. Board members were asked to provide input on C/CAG's role, if any, in helping to address countywide funding needs.

Staff will provide the Committee with a similar presentation focused on identified stormwater funding needs and summarize feedback received at the C/CAG Forum.

ATTACHMENTS

None

C/CAG AGENDA REPORT

Date: April 15, 2021
To: Stormwater Committee
From: Matthew Fabry, Program Manager
Subject: Receive update and provide feedback on development of the Fiscal Year 2021-22 Countywide Water Pollution Prevention Program budget.

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

RECOMMENDATION

That the Committee receive an update and provide feedback on development of the Fiscal Year 2021-22 Countywide Water Pollution Prevention Program (Countywide Program) budget.

DISCUSSION

Staff is developing the Fiscal Year 2021-22 preliminary Countywide Program budget and will provide a summary presentation of the key considerations for Committee input.

ATTACHMENTS

None

C/CAG AGENDA REPORT

Date: April 15, 2021
To: Stormwater Committee
From: Matthew Fabry, Program Manager
Subject: Receive update on C/CAG's response to the Municipal Regional Permit Administrative Draft.

(For further information or questions contact Matthew Fabry at mfabry@smcgov.org)

RECOMMENDATION

That the Committee receive an update on C/CAG's response to the Municipal Regional Permit Administrative Draft.

BACKGROUND/DISCUSSION

The five-year term of the Municipal Regional Stormwater Permit Order No. R2-2015-0049 (MRP 2.0) issued by the San Francisco Bay Regional Water Quality Control Board (Water Board) ended on December 31, 2020. Water Board staff administratively extended the permit until reissuance and, on February 9, released an Administrative Draft for permittee review and comment and summarized key issues at an MRP 3.0 Steering Committee meeting on the same day. Water Board staff provided a 60-day comment period, with comments due on April 8. C/CAG submitted consolidated comments on behalf of its member agencies on the due date, as included in the attachments.

Staff will provide a verbal update summarizing key aspects of the response, as well as feedback from the ad-hoc Permit Implementation Work Group and a meeting between the Committee Chair, Vice-Chair, and C/CAG and Water Board staff.

ATTACHMENTS

1. C/CAG's MRP 3.0 administrative draft comment letter
2. Attachment 1 to C/CAG comment letter
3. Attachment 2 to C/CAG comment letter (due to size, available online at <https://ccag.ca.gov/committees/stormwater-committee/>).

April 8, 2021

Mr. Michael Montgomery
Executive Officer, San Francisco Bay Regional Water Quality Control Board
1515 Clay St, Suite 1400
Oakland, CA 94612
(submitted via email to RB2-MRP@waterboards.ca.gov)

Dear Mr. Montgomery:

On behalf of C/CAG's member agencies (the County of San Mateo and the 20 incorporated cities and towns), provided herein are consolidated comments on the Administrative Draft of the third five-year term of the Municipal Regional Permit (MRP 3.0). These comments were compiled in coordination with C/CAG's Stormwater Committee and stormwater program staff from member agencies. Included with this letter are two attachments: **Attachment 1** provides larger picture context regarding existing and planned stormwater runoff management approaches, accomplishments, and commitments, and context on old industrial areas in San Mateo County. **Attachment 2** provides sub provision comments and specific requested revisions, with higher priority sub-provisions highlighted.

We are supportive of continuing to make progress on key water quality goals but need your staff's support in creating a framework that provides the ability for Permittees to be flexible and innovative in implementing solutions. San Mateo County Permittees have been leaders in adopting progressive stormwater policies, developing comprehensive, integrated plans, and implementing varying scales of green infrastructure (GI) projects and trash capture systems. We are concerned that the prescriptive approach of the proposed MRP 3.0 requirements will stifle innovation, slow progress, and pose challenges that will make it even more difficult to achieve our shared water quality improvement goals. We respectfully request a reissued MRP with flexible and adaptable mandates that allows us to continue leading on innovative stormwater management both in an efficient and cost-effective manner. Your staff is challenged to craft regulatory requirements for 80 co-permittees that provide room to move for the innovators and hold accountable those that are challenged to keep up with baseline efforts. We are committed to working with your staff to develop a regulatory framework that incentivizes progressive action, provides accountability for all, and gives flexibility to recognize the highly variable nature of those 80 co-permittees – one size truly does not fit all. MRP 3.0 needs to be visionary – building in regulatory flexibility that drives implementation yet works for all.

Your staff has indicated on multiple occasions that Permittee proposals on MRP 3.0 provisions are welcomed. However, Water Board staff believes Permittee proposals to-date have primarily focused on maintaining status quo under current MRP 2.0 requirements. Water Board staff has indicated status quo is not enough to achieve the necessary progress toward meeting key water quality goals tied to GI implementation and trash, mercury, and PCBs load reduction. As a result, we believe Water Board staff has proposed unachievable objectives in the Administrative Draft and removed flexibility that breeds innovation in meeting the overall objectives in improving water quality. In contrast, we submit that the "status quo" of strong yet flexible drivers in MRP 2.0 has resulted in San Mateo County Permittees going beyond baseline efforts. Furthermore, the vision underlying the San Mateo County status quo informs an approach that strives to integrate water quality goals with other community

priorities (e.g., climate resiliency, flood control, water supply augmentation, and transportation improvements) during MRP 3.0 and future permit terms.

As you review Attachment 1 to this letter, which details the progressive efforts of C/CAG and our member agencies on meeting and exceeding Water Board requirements in the MRP, it is important to recognize all these efforts have been driven or supported by three key components:

1. Strong, but flexible drivers in the MRP, such as the MRP 2.0 goal to reduce PCB loads to the Bay by specific amounts via GI by 2040 (and beyond) that allow each Permittee to determine the stormwater management approach that makes the most sense for their community.
2. An influx of outside financial or technical resources, including over \$30 million in partnership funding from Caltrans for regional stormwater capture and trash capture projects, nearly \$1 million in grant funding from Caltrans for the Sustainable Streets Master Plan, \$3 million from the State budget to advance regional projects, and pro-bono support from American Rivers, Corona Environmental, and WaterNow Alliance to explore innovative, market-based funding and financing strategies.
3. Progressive planning efforts for integrated, multi-benefit stormwater management such as the Stormwater Resource Plan, Sustainable Streets Master Plan, Green Infrastructure Plans, and current efforts related to collaboration on regional-scale stormwater management.

Without a combination of these (flexible driver, funding, planning), it becomes much more challenging to continue advancing progressive stormwater management. The Administrative Draft takes away the first driver by establishing an extremely prescriptive set of requirements that apply equally to all Permittees. That prescriptiveness, especially in Provision C.3, disincentivizes innovation and effectively makes Green Infrastructure Plans, which Permittees expended significant efforts in developing, irrelevant by specifying exactly when and where GI must be implemented. And while C/CAG and its member agencies can continue pursuing external sources of financial and technical resources, there are limits to how much can be achieved within a five-year permit and practical limitations such as requirements for matching funds or voter approval requirements for new or increased stormwater fees. It is important to note that outside funding is not typically available to support project mitigation measures. Water Board staff recognized at the start of the MRP reissuance discussions that transforming many decades of urbanization to something more sustainable for stormwater will similarly require many decades. MRP requirements should be drafted accordingly, establishing a strong long-term goal but providing flexibility for Permittees on how to get there most cost effectively, in a manner that contextually fits their jurisdiction, with an emphasis on meaningful planning that will advance implementation. Short-term prescriptive requirements in MRP 3.0 will effectively derail the long-term vision and approach.

Our key specific requests for changes to the Administrative Draft include the following:

- The proposed changes related to roadway projects (changes to maintenance exemptions, thresholds, and roadway reconstruction requirements) should be removed to allow jurisdictions the flexibility to integrate GI in roadway projects when and where it makes sense and is economically feasible. San Mateo County Permittees are leaders on incorporating GI in roadway projects and will continue to do so, and prescriptive regulatory requirements is not the right approach given the highly variable, constrained, and complex nature of roadway projects. The MRP should focus on incentivizing meaningful integrated planning, such as C/CAG's recent Sustainable Streets Master Plan.
- C/CAG and its member agencies would like to work with Water Board staff to establish a long-term expectation for meaningful and feasible GI implementation over the coming decades. Any targets for acres greened via GI retrofits included in MRP 3.0 need to be presented in the context of that expectation

and should leverage planning work completed in the municipal GI Plans and other countywide stormwater infrastructure planning efforts. This is similar to the strong driver for GI by 2040 in MRP 2.0, which provided the time and flexibility for planning and delivering optimal implementation in our communities.

- The reissued permit should clearly specify that voluntary projects implemented during MRP 2.0 or the period between MRP 2.0 and MRP 3.0 will result in credit towards any targets for acres greened via GI retrofits included in MRP 3.0. In addition, we would like to work with Water Board staff on ways to credit progressive and innovative policy actions taken by permittees that go above and beyond permit mandates.
- The reissued permit should recognize that the only cost-effective and practical approaches to reducing PCBs discharges from old industrial land uses are identifying and abating source areas, large full trash capture devices (when removing trash is the driver), and redeveloping parcels over time. Redevelopment can be leveraged to also address frontages and adjacent rights-of-way through progressive stormwater management policies increasingly adopted by individual San Mateo County Permittees (see Attachment 1). Please note that street-scale GI retrofits are normally integrated with transportation improvements and funding is generally not available nor a priority for GI retrofit projects in old industrial areas. We would like to work with Water Board staff to establish requirements to develop a long-term plan for old industrial areas that identifies (as feasible) the specific geographic areas projected to redevelop, considers realistic time horizons for redevelopment, the added potential benefit of progressive policies to address roadway frontages as part of redevelopment, efforts to control trash discharges, and efforts to further characterize drainages and identify source properties. We believe this would be a meaningful expectation for the MRP 3.0 term.
- It is not practicable for Permittees to achieve the 90% and 100% reduction compliance benchmarks for trash one and three years after the effective date of the permit, respectively. Because the COVID-19 pandemic has significantly impacted Permittee operations, budgets, and staffing (and impacts will continue over the next few years), it is unrealistic for Permittees to maintain progress towards the benchmarks at the same pace as prior to the pandemic. The deadlines to achieve 90% and 100% trash reductions should be extended by two years to July 1, 2025 and July 1, 2027, respectively, to allow Permittees to further analyze remaining trash generating areas, budget for additional trash capture systems (potentially in conjunction with addressing old industrial areas), identifying trash sources on private property, determining where trash capture systems are infeasible, and assessing the pandemic-related increases in trash, such as littered masks and personal protective equipment. In addition, the 90% benchmark should be a non-enforceable target, similar to the 60% goal in MRP 2.0. Allowing flexibility on this compliance benchmark will support additional progressive policies and management actions to improve on the ground conditions, which will require additional time to establish.
- The proposed changes to the trash reduction calculation methods for source controls described in the Administrative Draft should be withheld, since they would significantly diminish Permittee leadership, the extensive environmental benefits of ordinances developed to date, and provide little impetus for Permittees to move forward with expanded source control actions.
- Certain proposed provisions may not provide concrete water quality benefits and are too costly to implement in the short-term, especially considering the economic ramifications of the COVID-19 pandemic. These requirements, which would take away resources from higher priority efforts and effectively derail our long-term vision and approach described in Attachment 1, should be postponed until future permit terms. Notwithstanding any additional detailed comments about these provisions provided in Attachment 2, the following key requirements should not be included in MRP 3.0:

- C.15. Discharges Associated with Unsheltered Homeless Populations
- C.17.b.iii Discharge Type – Emergency Discharges of Firefighting Water and Foam
- C.21. Cost Reporting
- C.22. Asset Management

We appreciate the opportunity to offer these constructive comments on the Administrative Draft. Given the challenges of digesting the totality of the Administrative Draft and coordinating comments from 21 Permittees in a 60-day window, C/CAG and its member agencies will continue discussing over the coming weeks and months proposals on meaningful approaches to achieving water quality improvement and look forward to providing additional input to Water Board staff prior to release of a public review draft of the permit.

Sincerely,



Matthew Fabry, P.E.
 Manager, Countywide Water Pollution Prevention Program

Attachments:

1. Summary of Existing and Planned Stormwater Runoff Management Efforts in San Mateo County
2. Specific provision-by-provision comments and requested revisions

Cc:

C/CAG Stormwater Committee

- Robert Ovadia, Vice Chair, Public Works Director, Town of Atherton
- Randy Breault, Chair, Public Works Director/City Engineer, City of Brisbane
- Peter Brown, Public Works Director, City of Belmont
- Syed Murtuza, Public Works Director, City of Burlingame
- Brad Donohue, Director of Public Works and Planning, Town of Colma
- Richard Chiu, Public Works Director, City of Daly City
- Kamal Fallaha, City Engineer, City of East Palo Alto
- Dante Hall, Assistant City Manager/Acting Parks & Recreation and Public Works Director, City of Foster City
- Maziar Bozorginia, City Engineer, City of Half Moon Bay
- Paul Willis, Public Works Director, Town of Hillsborough
- Nikki Nagaya, Public Works Director, City of Menlo Park
- Andrew Yang, Senior Engineer, City of Millbrae
- Lisa Petersen, Public Works Director/City Engineer, City of Pacifica
- Howard Young, Public Works Director, Town of Portola Valley
- Saber Sarwary, Supervising Civil Engineer, City of Redwood City
- Jimmy Tan, Public Works Director, City of San Bruno
- Steven Machida, Public Works Director, City of San Carlos
- Azalea Mitch, Interim Public Works Director, City of San Mateo
- Eunejune Kim, Public Works Director, City of South San Francisco
- Sean Rose, Public Works Director, Town of Woodside
- Jim Porter, Public Works Director, County of San Mateo

ATTACHMENT 1

Summary of Existing and Planned Stormwater Runoff Management Efforts in San Mateo County

NEW/REDEVELOPMENT AND GREEN INFRASTRUCTURE

In response to the State's legislative mandate for Stormwater Resource Plans in order to compete for voter-approved bond funds, C/CAG worked with its member agencies to develop the [San Mateo County Stormwater Resource Plan](#) in 2017. That plan utilized various metrics to prioritize opportunities for stormwater capture at varying scales. Since that time, San Mateo County permittees have been working to advance implementation of stormwater management measures at three primary scales:

- 1) the parcel scale, where only the rain falling on a site is managed (primarily new and redevelopment projects);
- 2) the street scale, where stormwater from public roadways and sidewalks and adjacent parcel run-on to the streets is managed via green street features; and
- 3) the regional scale, where runoff from watershed or drainage areas is managed in large, centralized facilities.

Reasonable Assurance Analysis (RAA) for Green Infrastructure

As required under Provisions C.11 and C.12, C/CAG developed a countywide pollutant transport/hydrology model coupled with GI scenario modeling to provide permittees with quantitative details on how much green infrastructure (GI) would be needed spatially to meet the MRP goal for pollutant load reduction via GI by 2040. The RAA helped permittees recognize:

- 1) The rate of GI implementation via new and redevelopment is generally outside the control of municipalities, but the extent of projects subject to stormwater requirements is governed by both MRP and local requirements;
- 2) Meeting GI and stormwater treatment targets on a countywide basis instead of proportionally within each jurisdiction can result in overall cost savings by implementing projects where it makes most sense;
- 3) Regional-scale projects, while costly, can be very cost effective in terms of the overall volume managed vs. equivalent levels of small-scale distributed systems, especially in regard to operations and maintenance. These larger scale projects can also provide other significant benefits such as flood risk reduction and water supply augmentation, and are often competitive multi-benefit/multi-jurisdictional projects for state and federal grant programs; and
- 4) Green street implementation is likely to be the most impactful on local Permittee resources, both for capital expenses and long-term operations and maintenance given that it is most likely to be funded by the limited local allocations of transportation dollars and result in many distributed bioretention facilities requiring ongoing maintenance. This contrasts with parcel-scale projects funded primarily by private developers or regional-scale projects likely to be funded by significant state or federal grants due to the integrated, multi-benefit nature.

As a result, C/CAG and its member agencies began looking at options to meet water quality and treatment requirements while reducing the financial burden of green streets on local agencies when evaluating approaches for meeting long-term water quality goals. As detailed in Figure 1 (moving from left to right, focus is on reducing the green streets piece of the pie), key strategies include:

- 1) Working collaboratively at a countywide and/or watershed scale instead of jurisdiction by jurisdiction;
- 2) Working with the new Flood and Sea Level Rise Resiliency District to advance regional-scale stormwater capture projects to the greatest extent possible to help with flooding, climate resiliency, and water quality;
- 3) Increasing the number of new and redevelopment projects subject to stormwater treatment requirements to get more parcel-scale GI by targeting key development sectors not addressed by MRP triggers;
- 4) Increasing implementation of green street projects in conjunction with new and redevelopment to get more street-scale projects built and maintained via private funding; and
- 5) For public green street investments, integrating GI with planned transportation improvements when and where it makes sense to create multi-benefit projects. The following sections detail efforts to make progress on all these strategies.

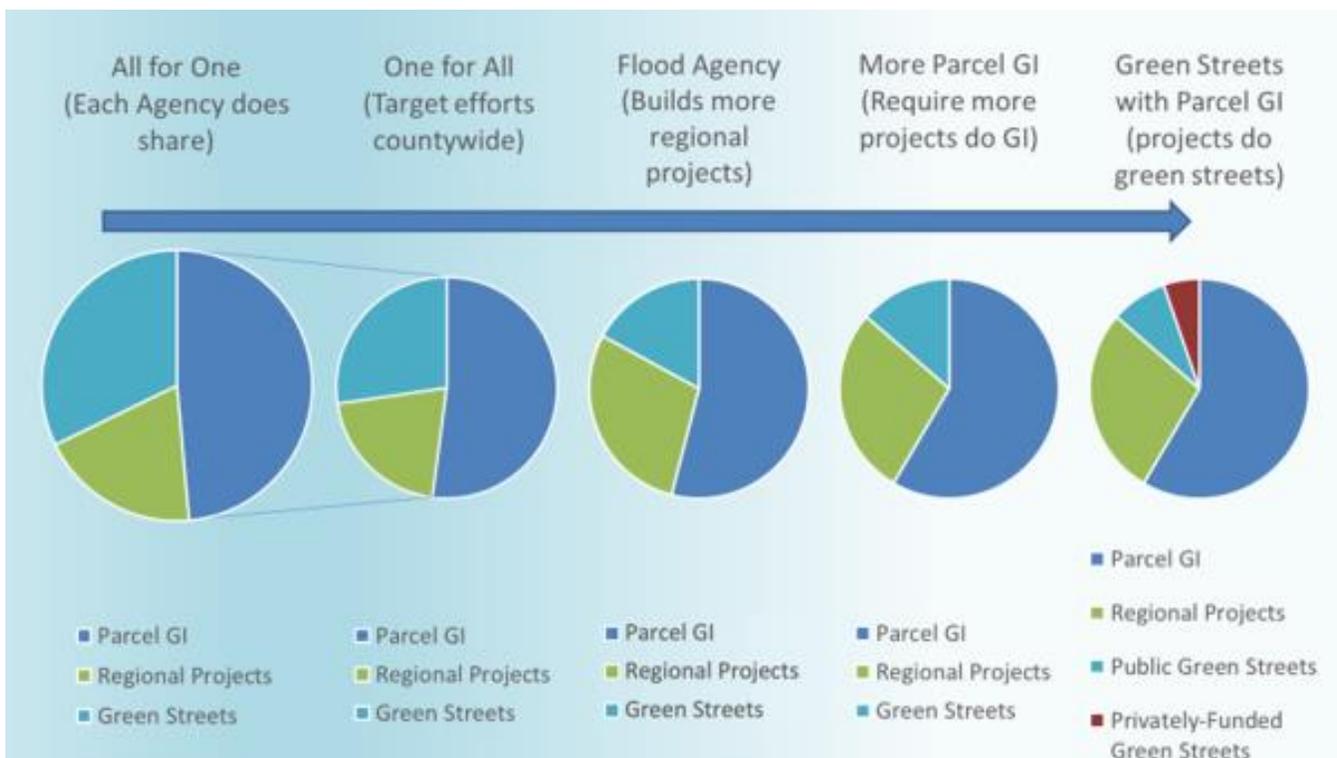


Figure 1. Strategies for Cost-Effective Stormwater Management

Regional-Scale Stormwater Management and Countywide Collaboration

Regional Stormwater Runoff Capture Projects

South San Francisco (Orange Memorial Park): This project, currently under construction, will provide water quality improvements to help meet the MRP requirements related to mercury, PCBs, and trash. The project includes an instream diversion and pre-treatment structure (trash screen and sediment removal chamber) in the upper end of the Colma Creek flood control channel within Orange Memorial Park. Pretreated water gravity drains to an underground stormwater reservoir where it is stored until either infiltrating or being further treated for non-potable reuse. When storage capacity is exceeded, treated overflow is discharged back into the channel. Originally conceptualized in the Stormwater Resource Plan, the Project will capture and treat approximately sixteen (16) percent of the annual drainage from approximately 6,500 acres of land in the City of South San Francisco, Town of Colma, the City of Daly City, and a portion of unincorporated San Mateo County. The project is funded through a \$15.5M cooperation implementation agreement with Caltrans to help satisfy its pollutant load reduction requirements. It is important to note that the way the Administrative Draft is currently worded, this project would not be credited toward C.3.j numeric green acres requirements because it is going into construction in the timeframe between MRP 2.0 and MRP 3.0. This is a key requested change in permit language to provide credit for this and other voluntary projects implemented during MRP 2.0.

Atherton Project (Menlo College): The Atherton project, as conceptualized in the Stormwater Resource Plan, was initially sited at a public elementary school, and was moved to be sited at Holbrook-Palmer Park (the Town's only park) when an agreement could not be reached with the School District. However, as the Town faced strong public opposition to siting the project at the one public park in Atherton, the Town looked for other opportunities to implement the regional project in the Atherton Channel Watershed. The Town was able to partner with Menlo School and Menlo College to site the project upstream under the joint athletic fields at Menlo College. Unfortunately, after completing the preliminary design and environmental review documents, Menlo School and Menlo College were forced to focus their operational priorities to respond to the COVID-19 pandemic and could therefore no longer commit to the project. The project had received \$13.5 million in cooperative implementation grant funding from Caltrans for design and construction.

Belmont Project (Twin Pines Park): The Belmont project was originally conceptualized in the Stormwater Resource Plan as a small-scale regional facility capturing runoff from a small neighborhood. Since then, the Cities of Belmont and San Carlos and the County of San Mateo, through its Flood Resilience Program, jointly developed a Watershed Management Plan for Belmont Creek. In this plan, the Twin Pines Park project was increased in scale to be comparable to the other regional projects (~20 acre-feet of storage capacity), with an underground storage/infiltration gallery conceptualized beneath the Twin Pines Park parking lot. C/CAG, in conjunction with the California Natural Resources Agency, allocated \$913K of a \$2.94M State budget allocation to advance regional stormwater projects in San Mateo County to the Belmont project for preliminary design and environmental review. Currently, the project is being combined with a separate \$1M grant from the Department of Water Resources to restore Belmont Creek within Twin Pines Park. The project partners, which now include as lead the Flood and Sea Level Rise Resiliency District, are currently finalizing a Request for Proposals for design services to advance both the stormwater capture project and creek restoration.

San Bruno Project (I-280/380 Interchange): Subsequent to the project concepts developed for the Stormwater Resource Plan, C/CAG worked with its member agencies to develop additional regional project concepts to help reduce the potential green streets burden on cities indicated as needed by the RAA modeling to meet water quality goals. San Bruno had identified the need for retention within the Crestmoor Canyon watershed to address storm drain system capacity deficiencies. Ultimately, C/CAG and the City collaborated to conceptualize an

approximately 20-acre-foot regional underground stormwater capture facility on Caltrans property within the large vacant land area within the I-280/380 interchange. Preliminary discussions with Caltrans indicated that the site was a possible location in terms of lack of any conflicting future uses for the property. Similar to the Belmont project, C/CAG worked with the Natural Resources Agency to provide \$913k to San Bruno for preliminary design and environmental review for the project. San Bruno participated in a joint Request for Proposals process with C/CAG, Redwood City, and the County of San Mateo and at the time of drafting this report, are finalizing their selection of a design consultant and working with Caltrans to establish the proper project review and oversight process. In addition, the County of San Mateo received a US EPA Water Quality Improvement Fund grant under which \$200k is provided to the San Bruno project for preliminary design, for a total of \$1.13M between the two funding sources.

Redwood City Project (Red Morton Park): Like the San Bruno project, C/CAG worked with Redwood City staff to identify a regional project opportunity to help the City reduce its potential green streets burden identified through the RAA modeling. A two-phase project was conceptualized for Red Morton Park, with underground storage systems proposed beneath two playing fields, with a combined storage capacity of ~43 acre-feet. As with the San Bruno and Belmont projects, C/CAG worked with the Natural Resources Agency to provide \$913k to do preliminary design and environmental review. Redwood City also participated in the joint Request for Proposals process and is selecting a consultant and negotiating a scope of work at the time this report was drafted. Like San Bruno, the County of San Mateo is providing an additional \$200k from its US EPA grant for preliminary design, for a total of \$1.13M between the two funding sources.

Regional Project Planning and Collaborative Framework

As mentioned above, C/CAG worked with its state legislative delegation to secure a \$3 million (\$2.94 after deducting the State's administrative costs) to advance regional stormwater capture opportunities. The bulk of those funds were allocated to initial design and environmental review of the Belmont, San Bruno, and Redwood City regional projects, described above. C/CAG directed the remaining funds (\$200K) from the state budget allocation to a collaborative effort to further advance regional-scale stormwater management opportunities. C/CAG is working with its member agencies and stakeholders to develop drivers and objectives for regional-scale stormwater management and develop a business case and collaborative framework for San Mateo County Permittees to work together and share in costs and benefits of these large-scale regional projects, in conjunction with the Flood and Sea Level Rise Resiliency District and other partners. While the drivers and objectives are intended to address "why" regional-scale stormwater management is needed, the business case and collaborative framework will address "what" can be achieved if San Mateo agencies work collaboratively and "how" that collaboration can be achieved. The collaborative framework will build on the alternative compliance framework San Pablo is developing with Contra Costa County partners under another EPA WQIF grant.

In conjunction with this effort, C/CAG and the County of San Mateo (\$100K from EPA WQIF) are partnering to prioritize the next iteration (beyond the Stormwater Resource Plan) of regional stormwater capture opportunity sites that help address the identified drivers and objectives and develop five new project concepts. This process will help quantify what can be achieved through regional-scale projects and set the stage for the next phase of developing regional-scale projects.

Collectively, these efforts address the strategies in Figure 1 of working collaboratively at a countywide scale rather than jurisdiction by jurisdiction and maximizing regional-scale multi-benefit stormwater capture opportunities.

Parcel-Scale Stormwater Management

Expanded New/Redevelopment Requirements

An increasing number of San Mateo County Permittees are subjecting currently non-regulated new and redevelopment projects to stormwater management requirements. This effort to go beyond what is currently required in MRP 2.0. is intended to help meet the long-term goals of stormwater quality improvements and greening of infrastructure while lessening the financial burden to the municipalities. For example, Redwood City requires substantial commercial remodels and any new commercial or residential building to incorporate stormwater treatment measures sized in accordance with Provision C.3. Atherton, with the adoption of its Green Infrastructure Plan, requires full-site single family residential development project that create or replace 10,000 square feet of impervious area to incorporate C.3-sized stormwater treatment measures.

Rainwater Harvesting Rebates/Incentives

C/CAG has been partnering with the Bay Area Water Supply and Conservation Agency (BAWSCA) to implement a joint rebate/incentive program for rainwater harvesting since late 2014. Under this program, C/CAG provides a countywide rebate of \$50/barrel that is matched by many of the water purveyors in the county. Starting this fiscal year, C/CAG expanded its incentives to provide rebates for larger storage systems, offering \$100 for systems between 100-199 gallons and \$150 for over 200 gallons, all of which continue to be combined with \$50/system rebates from participating water purveyors. In addition, C/CAG added a new stacked \$300 rain garden incentive on top of rebates from participating water purveyors for BAWSCA's "Lawn Be Gone!" turf replacement program. While data on the increased and new incentives are still pending, the rain barrel rebate program has resulted in over 1,000 rain barrels being installed in San Mateo County prior to FY 2020-21.

Credit Trading Marketplace Analysis

C/CAG is receiving pro-bono support from American Rivers and Corona Environmental to explore the feasibility of implementing a stormwater credit trading marketplace in San Mateo County that would potentially allow public or private entities to buy and sell credits for stormwater management. This analysis will support discussions on potential countywide systems to better enable alternative compliance for Provision C.3-mandated stormwater treatment or future volume-based climate resilience needs and will support local agency efforts to expand the scope of parcel-based stormwater requirements and provide options for development projects that may face challenges in meeting obligations on-site. The results of this work will be integrated with work described below to develop a business case and collaborative framework for regional-scale stormwater management.

California Resilience Challenge Grant – Resilient San Carlos Schoolyards

C/CAG received one of 12 California Resilience Challenge grants in the state to develop resilient schoolyard concept plans for multiple sites in the San Carlos School District to show how GI can be integrated to build climate resilience while also improving water quality, increasing shading and greening on campuses, enhancing outdoor learning environments, and making curriculum connections with teachers and students. This builds on existing school-related efforts C/CAG has been implementing, including partnership with the County Office of Education on its environmental literacy program and providing funding for integrated Safe Routes to School / Green Infrastructure projects further described below in the Street-Scale Stormwater Management section.

Green Infrastructure Design Guide

Starting from its award-winning San Mateo County Sustainable Green Streets and Parking Lots Design Guidebook, C/CAG created a new comprehensive [Green Infrastructure Design Guide](#) detailing how GI can be effectively incorporated into both parcel- and street-scale projects, including a library of typical design details.

Street-Scale Stormwater Management

Green Streets via New/Redevelopment

Multiple permittees in San Mateo County are now requiring implementation of street-scale GI as part of new/redevelopment projects, effectively increasing the acreage of impervious area treated through private funds, in many cases also including long-term operations and maintenance. Increasingly, San Mateo County Permittees are requiring frontage improvements that include GI to treat runoff from public rights-of-way, including Redwood City, Atherton, South San Francisco, San Mateo, and Menlo Park. It is important to note that these policies should help address PCBs in adjacent public right-of-way areas during redevelopment in priority old industrial areas.

Countywide Sustainable Streets Master Plan

C/CAG was awarded a nearly \$1 million Caltrans Climate Adaptation Planning grant to develop the San Mateo Countywide Sustainable Streets Master Plan that prioritizes opportunities to integrate GI with planned transportation projects to help adapt the roadway network to a changing climate while simultaneously improving water quality. The Master Plan prioritizes identified transportation needs (pulled from active transportation and Complete Streets plans, Safe Routes to School walk audits, Specific Plans, etc.) for GI integration using numerous technical suitability and co-benefit criteria. As part of the Master Plan, C/CAG modeled future climate impacts on precipitation patterns, advancing the county's understanding of how storm intensity and frequency may change under future climate conditions. The Master Plan includes 11 project concepts illustrative of different Sustainable Street typologies and geographically distributed throughout the county. Included in the appendices is a new Intersection Assessment Tool that allows municipalities to rapidly determine the feasibility of incorporating stormwater curb extensions at an intersection, as well as a complete library of typical design details for Sustainable Street projects. High-resolution drainage delineations were developed for the entire county, further advancing San Mateo permittees' digital mapping of storm drain catchments down to the catch basin scale. The Master Plan also includes model Sustainable Street policy language for permittees to consider adopting, including model Sustainable Streets language for policy documents, a model Sustainable Streets resolution and policy to go beyond typical Complete Streets policies, a model resolution for GI development standards for new buildings, and model conditions of approval for development projects to require Sustainable Streets implementation as part of private development.

From the MRP perspective, the Master Plan prioritizes integration of GI with planned transportation investments to achieve multiple benefits and make the most of limited agency resources, consistent with the strategies outlined above with Figure 1. For the 11 project concepts included in the plan, the total drainage management area treated by the projects is just over 18 acres at a total cost of over \$27 million (please note that these are integrated complete/green street projects, so costs include features not specific to stormwater treatment).

While it is uncertain whether the 11 concepts will proceed to implementation, they are examples of projects that have existing local momentum and are now better situated for pursuing grant funding as a result of the concepts; however, most of them would likely trigger the proposed MRP 3.0 regulated projects threshold for roadway reconstruction and the resultant greened acres would not count toward the mandatory non-regulated acreage requirement in Provision C.3.j. None of them are in old industrial land use areas and would therefore also not support treatment acreage under Provision C.12.c. This is another example of why the proposed changes in MRP

3.0 related to roadway projects should be removed to allow jurisdictions the flexibility to integrated GI in roadway projects when and where it makes sense and is economically feasible.

Safe Routes to School / Green Infrastructure Pilot Projects

C/CAG awarded just over \$2 million to 10 pilot projects throughout the County integrating Safe Routes to School and GI. These projects were funded with equal shares of Safe Routes to School and stormwater program funds, with funds from C/CAG covering up to 85% of construction costs. Eight of the ten projects have been constructed, to-date, and C/CAG staff has been compiling information from each of the projects detailing total costs, relative shares of Safe Routes to School and stormwater costs, and impervious area treated. These results are summarized in Table 1.

Table 1 shows that the average cost per acre treated is approximately \$300K when using just the estimated GI project costs (which are often difficult to clearly separate given the integrated nature of things like paving, concrete gutter work, etc.) or \$590K when using total project costs. The costs also vary, with the projects treating the largest areas being most cost effective, which highlights the importance of incorporating GI into projects where it will have the most benefit in terms of area treated. While these costs are still preliminary as C/CAG and member agency staffs are finalizing results of the pilot program, they are illustrative of likely costs to treat an acre of impervious area within the public right of way. If, for example, San Mateo County Permittees were held to the Administrative Draft requirement to provide 102 treated acres during MRP 3.0 and this was achieved via public right of way projects, it would likely require 80-100 projects similar in scale to the above pilot projects with a GI cost component of around \$30 million (with total project costs likely around \$60 million).

Table 1. San Mateo County Projects Integrating Safe Routes to School and Green Infrastructure

Project Location	Description/Project Elements	Drainage Area Treated (acres)	Green Infrastructure Project Costs	Safe Routes to School Project Costs	Non-participating/ other costs	Total Project Cost	Cost/Acre Treated (GI Costs Only)	Total Project Cost/Acre Treated
Menlo Park	Two linear planters (both sides of street) w/underdrain, new crossing w/flashing beacons, new sidewalks/paths	1.46	\$291,541	\$240,800	\$44,213	\$576,554	\$199,685.62	\$394,900.00
Pacifica	Two curb extensions (both sides of the street) w/o underdrain, new crossing with island passage and flashing beacon	1.25	\$147,392	\$150,246		\$297,638	\$117,913.60	\$238,110.40
County	One "L" shaped planter behind curb w/o underdrain, one mid-block crossing (no stormwater), one crossing with new valley gutter and sidewalk	0.23	\$146,064	\$153,817	\$8,617	\$308,498	\$629,586.21	\$1,329,732.76
Millbrae	Five curb extension/bulbouts w/underdrain, three crossing improvements	1.95	\$349,663	\$157,190	\$396	\$507,249	\$179,314.36	\$260,127.69
Brisbane	Six curb extension/bulbouts w/underdrain, and an island crossing, eight crossing improvements	0.78	\$343,843	\$510,830		\$854,673	\$439,135.38	\$1,091,536.40
Colma	Two mid-block crossings with three curb extensions/bulbouts, w/underdrains and flashing beacons	1.47	\$185,770	\$121,922		\$307,692	\$126,374.15	\$209,314.29
Half Moon Bay	Three bulbouts with five bioretention areas w/o underdrains, new crossings, and additional midblock crossing w/o bioretention	0.48	\$303,554	\$202,369		\$505,923	\$632,403.75	\$1,054,005.83
Daly City	Two bulbouts with three bioretention areas w/underdrains, new crossings and ramps	1.40	\$118,523	\$61,057		\$179,580	\$84,659.29	\$128,271.43
						Average:	\$301,134.04	\$588,249.85

Non-Regulated Green Infrastructure Projects

C/CAG and its member agencies have been proactively building non-regulated GI projects since C/CAG provided its first pilot project funding to four projects in 2007. During the current permit term, municipalities have continued implementing voluntary GI projects consistent with the MRP requirement for “no missed opportunities,” primarily street-scale projects integrated with transportation improvements. C/CAG maintains a [GIS Story Map](#) detailing public GI projects (note: not all are non-regulated). C/CAG also supports its member agencies in tracking GI implementation for purposes of quantifying mercury and PCBs load reductions. The preliminary tally of treated area for non-regulated GI projects (including the Safe Routes to School / GI pilot projects from above) implemented over the current permit term is approximately 30 acres. Again, in comparison, the Administrative Draft’s mandate of 102 acres of voluntary green acres during MRP 3.0 seems nearly impossible, especially when coupled with the proposed reductions in C.3 project thresholds and regulating roadway reconstruction projects. It would require much more detailed analysis to determine how many of the voluntary projects constructed to date would have been regulated under the proposed MRP 3.0 standards, but many likely would have triggered the roadway requirements, therefore removing them from the non-regulated category.

TRASH

In addition to the progressive and substantial efforts made on GI planning and implementation over the current permit term, San Mateo permittees have also made substantial progress on reducing the impacts of trash in stormwater. In response to the trash load reduction mandates established by the Regional Water Board in 2009 (via MRP 1.0) and updated in 2015 (via MRP 2.0), San Mateo County Permittees have made significant investments in trash capture infrastructure, source control ordinance adoption, implementation, and enforcement, and other types of trash control measures. These investments have significantly improved the levels of trash in stormwater and in local surface waters within San Mateo County. All San Mateo permittees are in compliance with the 80% trash load reduction goal, the most recent interim trash load reduction milestone. Additional information on recent actions and steady progress made by San Mateo permittees to address trash is provided below. The adverse impacts that the proposed requirements in provision C.10 of the Administrative Draft MRP would have on this progress to-date and over the next permit term are also summarized.

Infrastructure Investments (Trash Full Capture)

Over the past decade, San Mateo County permittees have invested significant resources towards siting, installing/constructing, and maintaining trash full capture systems. As illustrated in Figure 2, Permittees have successfully installed and continue to maintain nearly 3,000 full capture systems that address over 12,700 acres of land in San Mateo County.

Full capture system capital costs expended to-date to site and install/construct these devices exceeds \$30M. These capital costs are in addition to the investments described earlier associated with Green Infrastructure. A small portion of the capital costs for trash full capture systems have been offset through Cooperative Implementation Agreements (CIAs) between San Mateo Permittees and Caltrans. These include CIAs partially funded large high-flow capacity or regional systems in the Cities of East Palo Alto, South San Francisco, and San Mateo. Other Permittees in San Mateo County have also engaged Caltrans more recently to further explore potential locations for trash capture systems that may have benefits to both parties. It is important to note that CIAs do not fund ongoing operation and maintenance of these devices, even though Caltrans continues to receive the trash reduction benefits associated with these systems. Municipalities spend an estimated \$3.5M annually maintaining full capture systems in San Mateo County. This is in addition to the costs of conducting their baseline

operation and maintenance programs to ensure that the stormwater systems throughout the County are functioning adequately.

San Mateo County Permittee efforts to date to site, install/construct, and maintain trash full capture systems throughout the County has resulted in addressing approximately 52% of the trash that is required to be addressed by provision C.10 of the MRP. The remaining trash is being addressed through combination of source control actions described below.

Source Control Efforts

Ordinances Banning Litter-prone Items

San Mateo Permittees are leaders in the development and implementation of source control ordinances that ban the sale or distribution of certain types of litter-prone items that end up in stormwater and our waterways. Of the 20 Permittees in San Mateo County, 18 have adopted bans on the distribution of single-use plastic grocery bags and 17 have adopted bans on Expanded Polystyrene (EPS) foam food service ware, two of the most frequently observed items in stormwater and local waterways. These Permittees have spent significant resources adopting and implementing these ordinances and have demonstrated the success of these actions through a combination of inspections/enforcement actions and environmental monitoring. Since the bans went into place, the number and extent of these items observed in environment has decreased substantially. Single-use plastic grocery bags and EPS foam food service ware are rarely observed during On-land Visual Trash Assessments (OVTAs) or during creek cleanup events, which demonstrates the benefits of “true” source controls, which reduce the generation of these problematic items before they have a chance to enter the environment.

Building upon the ordinances adopted to-date, the County of San Mateo and other Permittees have recently expanded their ordinances to address other types of disposable plastic food service ware. To-date, six Permittees in San Mateo County have adopted expanded disposable plastic food service ware ordinances that address additional types of litter-prone items (e.g., straws, cups, takeout food ware, etc.). Additional Permittees are considering adoption in the near future. Collectively, these actions will substantially reduce trash levels observed in stormwater over time.

The proposed changes to the trash reduction calculation methods for source controls described in the Administrative Draft would significantly diminish Permittee leadership, the extensive environmental benefits of ordinances developed to date, and provide little impetus for Permittees to move forward with expanded source control actions. Suggested modifications to address this issue are provided in Attachment 2.

Other Source Control Actions and OVTAs

Over the past decade San Mateo Permittees have also significantly reduced trash in their stormwater conveyances through many other types of source controls, including (but not limited to) the following:

- Street Sweeping – many Permittees have evaluated their street sweeping programs and modified accordingly based on their understanding of trash generation.
- Enhanced On-Land Cleanups – Cleanup frequencies in commercial areas have been expanded in many jurisdictions, in collaboration with business districts.
- Illegal Dumping Prevention – The use of cameras, barriers, and other deterrents has expanded significantly in areas with dumping is prevalent.
- Coordination with Waste Haulers – San Mateo Permittees and their waste haulers began the “Litter Work Group” for San Mateo County and conducted a number of roundtables to share experiences and brainstorm solutions to address many different types of trash challenges and identify opportunities to work together on source control implementation.
- Development of Litter Reduction Guidelines for Multi-family Dwellings – The San Mateo Countywide Program developed the *Litter Reduction Toolkit for Multi-Family Dwellings* to provide guidance and identify litter management practices (LMPs) and other tools to prevent and reduce litter at existing and newly constructed multifamily dwelling (MFD) properties within San Mateo County. In collaboration with the waste haulers, Permittees have used the toolkit when evaluating new/redevelopment designs, which can be accessed [here](#).

To demonstrate the levels of trash reduction that has occurred as a result of the actions listed above, Permittees conduct OVTAs consistent with the MRP. Assessments are conducted sites representing a minimum of 10% of street miles in trash generating areas that are not addressed by full capture systems. Each site is roughly 1,000 feet in length and assessments are conducted at each site roughly three times per year. In total 4,000 OVTAs have been conducted to date in San Mateo County, which equates to assessing roughly 750 miles of streets and sidewalks over the past 5+ years. Permittees have spent over \$1M in assessments to-date to demonstrate trash reductions to the Water Board.

Addressing the Remaining Trash Generating Areas

In total, San Mateo County Permittees have made substantial investments in addressing trash in stormwater and have demonstrated attainment of trash reduction goals required by the MRP. Areas with high levels of trash

generation have been the focus of actions to date, with moderate areas also being addressed to the extent possible. Largely, areas with moderate trash generation remain to be addressed in San Mateo County. Of the trash generating areas not addressed by full capture systems, roughly 70% generate moderate levels of trash. Source control actions described above or other types of partial treatment controls (e.g., curb inlet screens) will likely be the control measures selected by Permittees to address trash in these areas. MRP 3.0 should not constrain the flexibility and timelines that Permittees need to achieve the MRP low trash generation goal in these areas. The low hanging fruit (i.e., high trash generating areas) has largely been addressed. Innovative approaches are needed to address the areas with moderate trash generation.

One challenge that Permittees will face during MRP 3.0 is addressing trash on private properties that are not directly connected to the Permittee's storm drainage system (i.e., trash from these properties flows to inlets owned and operated by the property owners, not the Permittees). These "private drainage areas" represent roughly 40% of the trash that is not currently addressed by full capture systems in the County. Although San Mateo County Permittees understand that trash generated in substantial levels on these properties also needs to be addressed, solutions are not as straightforward for these properties as addressing trash in the public right-of-way. As described in our attached comments on the MRP Administrative Draft, flexibility is needed in MRP 3.0 to allow trash from these properties to be addressed over time through programmatic approaches that don't unduly require property owners to install and maintain full capture devices during these times of economic hardship due to the COVID-19 pandemic.

MERCURY/PCBs

Catchment Characterization and Source Property Identification

SMCWPPP's PCBs and mercury control program has focused on monitoring catchments in San Mateo County (referred to as Watershed Management Areas or WMAs) containing high interest parcels with land uses potentially associated with PCBs (e.g., old industrial, electrical, and recycling) and/or other characteristics potentially associated with pollutant discharge (e.g., poor housekeeping, unpaved areas, and storage tanks).

Monitoring objectives have included characterizing pollutant concentrations across the urban landscape and identifying source areas and properties. To-date, composite samples of stormwater runoff have been collected from the bottom of 49 San Mateo County WMAs and over 400 individual and composite grab samples of sediment have been collected within priority WMAs to help characterize the catchments and identify source areas and properties. Most samples were collected in the public ROW. The grab sediment samples were collected from a variety of types of locations, including manholes, storm drain inlets, driveways, streets, and sidewalks, often adjacent to or nearby high interest parcels with land uses associated with PCBs and/or other characteristics potentially associated with pollutant discharge. SMCWPPP's PCBs and mercury monitoring program has also included collecting sediment samples in the public ROW (e.g., from streets and the MS4) by every known PCBs remediation site in San Mateo County, to the extent applicable and feasible.

When a previously unknown potential source property was revealed via the PCBs and mercury monitoring program, SMCWPPP conducted a follow-up review of current and historical records regarding site occupants and uses, hazardous material/waste use, storage, and/or release, violation notices, and any remediation activities. In addition to databases such as EPA's Toxic Release Inventory (TRI) and Envirofacts, and the State of California's Geotracker and Envirostor, some of the most useful records have been found at the San Mateo County Department of Environmental Health.

Four previously unknown potential source properties have been identified in San Mateo County, all in WMA 210 (Pulgas Creek Pump Station South) in the City of San Carlos. SMCWPPP is working with the City of San Carlos to determine next steps for these properties, including additional monitoring and/or potential referral to the Regional Water Board. In addition, SMCWPPP’s PCBs and mercury monitoring program has led to SMCWPPP referring four other properties (two sets of two adjacent properties, all in San Carlos) to the Regional Water Board for potential further PCBs investigation and abatement.

Extent of Industrial Land Use in San Mateo County

The PCBs load reduction credited when a source property is referred to the Water Board is directly proportional to the area of the referred property (acres is the unit used in the load reduction calculation). In September 2018, SMCWPPP conducted an analysis of total industrial area and average industrial parcel size among the four most populous counties in the MRP area, based on county assessor parcel data. Table 3 and Figure 3 show the results (it is important to note that the y-axis of Figure 3 is on a log scale). The total industrial acreage and average industrial parcel size are much lower in San Mateo County relative to the other counties, illustrating the challenge for San Mateo County Permittees to achieve PCBs load reductions via source property referrals relative to the other counties. In particular, even though the total population of Contra Costa County is roughly only 50% greater than San Mateo County, the total industrial acreage and average industrial parcel size in Contra Costa County exceed San Mateo County by roughly a factor of four and six, respectively.

Table 3. Total Industrial Acreage and Average Industrial Parcel Size in Most Populous MRP Counties

	San Mateo County	Alameda County	Contra Costa County	Santa Clara County
Total Industrial Area (acres)	3,043	14,034	12,833	16,039
Average Industrial Parcel Size (acres)	1.25	2.03	7.55	3.00

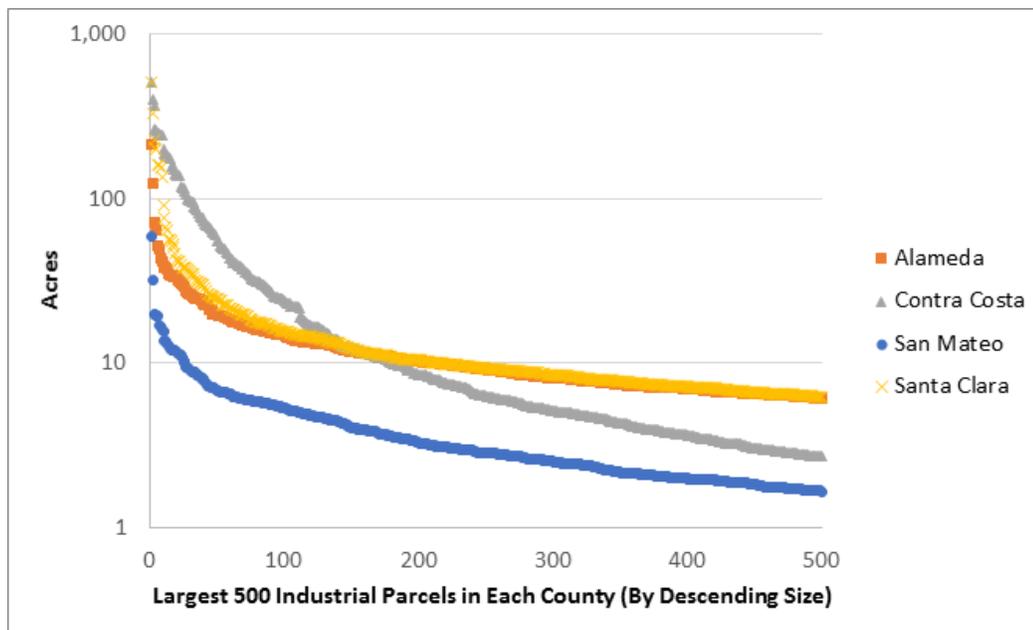


Figure 3. Area of 500 Largest Industrial Parcels in Most Populous MRP Counties

Proposed Enhanced Source Property Identification Efforts

There has been some evidence that attempts to identify source areas in old industrial areas in San Mateo County have reached diminishing returns. However, during the next permit term, San Mateo County Permittees are proposing to enhance these efforts, including applying new techniques, in part via the following special studies that would be conducted under MRP 3.0 Provision C.8 (Water Quality Monitoring):

- Pilot testing PCBs detection dogs to help screen suspect locations and potentially enhance the success of source property identification efforts, as part of integrated PCBs source studies that include working with city inspectors to attempt to gain access to private properties as needed and other techniques in the PCBs toolbox.
- Characterizing PCBs concentrations in additional composite stormwater runoff samples collected from the bottom of selected urban catchments of interest, based on the potential to contain sources of PCBs. Objectives include to help prioritize catchments and inform efforts to identify additional source areas and properties. Interpretation of these data would be informed by Advanced Data Analysis (ADA) techniques under development by SMCWPPP/SCVURPPP and SFEI.