

C/CAG STORMWATER COMMITTEE

OCTOBER 21, 2021

**ITEM 1 –
CALL TO ORDER
ROLL CALL
OVERVIEW OF ZOOM PROCEDURES**

ITEM 2 – PUBLIC COMMENT

Item 3 – Issues from C/CAG Meetings

- September:
 - Presentation on 2021 CASQA Awards
 - Presentation on MRP 3.0 Tentative Order and Summary of Oct 12 and 13 Water Board Hearing

Item 4 – Approval of Minutes

- August 19 and September 16, 2021 meeting minutes approval

Item 5 - Announcements

- Annual reports
- Old Industrial Landuse Workgroup meeting #2
- Oct 19 meeting with RWB on regional projects work
- Other

**Item 6 – – Receive
presentation on OneShoreline
priorities and updates**

**Item 7 – Receive a presentation
on “How Healthy is the Bay?”
from the SF Estuary Institute
Regional Monitoring Program**

**Item 8 – Summary of October
12 and 13 Water Board hearing
on Tentative Order of MRP 3.0
and discussion of preliminary
comment matrix**

MRP 3 Tentative Order and Permit Reissuance Process Update

**Stormwater Committee Meeting
October 21, 2021**

Reid Bogert

C/CAG Program Specialist

Overall Comments

- Cumulative impact of many new and enhanced requirements has significant resource implications, including:
 - GI retrofit numeric targets
 - C.3 thresholds and road requirements
 - New monitoring requirements
 - Trash controls and monitoring
 - Unsheltered homeless populations
 - PCBs controls
 - Cost reporting
 - Asset management
 - Additions to "core" provisions (e.g., MS4 mapping & numerous new reporting requirements)
- The overall cost of implementing MRP 3 is anticipated to increase substantially compared to MRP 2
- **Strategically postpone non-essential new requirements**

Overall Comments (cont.)

- Direct staff to work with Permittees to change permit so that implementation is more cost-effective and better tailored to municipal processes/priorities
- Reduce prescriptiveness – incentivize **integrated multi-benefit planning and funding efforts like SSMP and regional stormwater capture projects** in San Mateo County - continue building on previous successes
- **Phase requirements** over multiple permit terms to better align with
 - Local municipal planning and funding timelines
 - Realities of local government funding constraints (e.g., COVID, competing core public services, fee initiative challenges)

C.3 New/Redevelopment

- More regulated projects compared to MRP 2
 - Thresholds for most project types reduced to **5,000 SF**
 - New: large single-family homes regulated at threshold of **10,000 SF**
- Roadway project regulation
 - Changes to maintenance exemptions, thresholds, and roadway reconstruction requirements
 - Public right-of-way projects (**e.g., bike lanes, ADA improvements**) may be regulated under MRP 3

C.3.j. GI Implementation (Retrofit)

- **Long-term numeric goal to be developed during MRP 3** in collaboration with WB staff, EPA, and impartial science experts
- **Short-term GI implementation** – Each Permittee required to treat 3 acres per 50,000 population (prorated)
 - **Orange Memorial Park project** could potentially satisfy for all Permittees
 - In addition, each Permittee must implement or “cause to be implemented” one project with minimum of 0.2 acres treated

C.3.j. GI Implementation (Cont.)

- **October 19 meeting with Water Board, OneShoreline, and Permittee staff**
 - Questions regarding compliance via cost-sharing of construction and/or O&M costs of regional project - Water Board staff indicated flexibility
 - Infiltration vs. filtration, justification likely needed for non-LID
 - Need clear incentives for multiple agencies and to participate and share in costs and benefits of regional projects
 - Recommendation: C/CAG staff to work with ad-hoc WG, SSF, and OneShoreline to develop process for summarizing costs and benefits of specific regional projects and presenting to Water Board staff
 - In the longer term, incorporate C.3.e. regulated project alternative compliance as feasible (e.g., for regulated municipal road projects)

C.8 Water Quality Monitoring

- New LID Monitoring subprovision replaces Creek Status Monitoring
 - Monitor effectiveness, e.g., inform design and implementation of future regional stormwater capture projects
 - If feasible, comply by assisting with and enhancing **401 Water Quality Certification monitoring at Orange Memorial Park** project
 - Various challenges including schedule and technical issues

C.8 Water Quality Monitoring (cont.)

- **New Trash Monitoring subprovision** to verify effectiveness of trash controls, including full trash capture devices – technical, feasibility, and cost concerns – untested methods proposed
- Monitoring about one-quarter of total Program budget under MRP 2 - preliminary cost estimates suggest that total water quality monitoring costs for San Mateo County Permittees will increase by roughly 50%
- Strategically phase out new requirements over multiple permit terms

C.10 Trash Controls

- Enforceable trash load reductions
 - by June 30, 2023 - 90% reduction
 - by June 30, 2025 - 100% reduction (or no adverse impacts to receiving waters)
- **Extend both dates by two years and make 90% reduction a non-enforceable target.**

C.10 Trash Controls (cont.)

- Source Control Credits
 - No credit for existing source control actions, only new actions
 - Credits allowed towards 90% target, not 100%
 - Credits for existing source control actions allowed in MRP 2.0 should remain in MRP 3.0
 - Credits for additional/new source control actions should also be allowed in MRP 3.0
 - **Credits for existing and additional/new source controls should be allowed towards the 100% compliance benchmark**

PCBs Control Measure Implementation in Old Industrial Areas

- New provision: mandatory **445 acres or 81/grams PCBs** load reduction per year (conversion assumes 70% efficiency)
- Performance metrics may not be achievable – thus no clear path to compliance
- Private properties are sources but PCBs containing sediments spread throughout urban landscape over many decades
- Need more time to
 - Gather additional monitoring data to better delineate hot vs. warm vs. cold areas
 - Work with private property owners to turn off tap
 - Plan cost-effective control strategies, including accounting for redevelopment occurring over time

PCBs Control Measure Implementation in Old Industrial Areas (cont.)

- **Old Industrial Work Group** recently convened
 - Top nine agencies that contain more than 90% of old industrial land use areas in San Mateo County
 - Evaluate redevelopment (and potential progressive policies to enhance), source property cleanup, and other potential PCBs controls
 - Winning strategy is to address the sources on parcels, **not apply Band-Aid by treating runoff in the public right-of-way**
 - Good faith effort

10/12-13 Water Board Hearings on Tentative Order

- Presentations by Water Board, program, NGO, and Permittee staff and elected officials
- Focus was on priority issues
 - C.3 and Green Infrastructure
 - Trash
 - Unsheltered Homeless Populations
 - PCBs
 - Water Quality Monitoring
- Testimony from SM County reps:
 - Marie Chuang – C/CAG Chair
 - Jovan Grogan – San Bruno City Manager
 - Randy Breault – Brisbane Public Works Director
 - Reid Bogert – C/CAG staff

Water Board Hearings (cont.)

- WB members discussion highlights – uncertain to lead to changes
 - Addressing roadway water quality impacts important but avoid unintended consequences like less roads being fixed
 - Homelessness provisions: stay in our lane (bacteria & trash water quality impacts), don't hinder many existing municipal efforts, instead complement and give credit for them under permit
 - Maintain option for impactful programs like trash source control credits and creek and shoreline cleanup offsets that help community to connect to their watershed
 - Concern about limited municipal resources and increases in level of effort to implement permit, especially reporting and water quality monitoring
- Staff will work with Stormwater Committee to develop program public comment letter by November 9

Next Steps

- Oct 27 – draft program comment letter
- Oct 28 – BAMSC Steering Committee meeting
- Nov 3 – meet with Water Board staff re monitoring and PCBs (TBD: C.3, trash meetings)
- Nov 4 – special Stormwater Committee meeting
- Nov 16 (?) – submit program public comment letter to Water Board

Att B - Preliminary Draft Comment Matrix

DRAFT 10-20-2021

	A	B	C	D	E	F
1	C.15 Exempted and Conditionally Exempted Discharges					
2	Subprovision	Description of Change from MRP 2.0 to MRP 3.0 (text change in TO in red)	Change from Admin Draft to TO?	Key Issues/Concerns	Priority	Response/Recommendation
3	C.15.b.i.(2) Pumped Groundwater, Foundation Drains, and Water from Crawl Space Pumps and Footing Drains	Updated EPA sampling methods and reporting limits. Added chromium III, manganese, and chlorine, total residual reporting limit to (b)(ii) table.	N	Total Residual Chlorine is not an appropriate sampling parameter for groundwater and should be removed from the table.	L	Remove total residual chlorine from the list of sampling parameters.
4	C.15.b.iii Discharge Type – Emergency Discharges of Firefighting Water and Foam	Significant change in requirements.	Y	Described in the rows below. Over-regulation of firefighting activities during emergency situations. Municipal Fire Department representatives do not believe these specific requirements are needed or appropriate. Adds requirements for Permittees regarding things over which they have no jurisdiction. Greatly increases reporting requirements.	H	See rows below.
5	C.15.b.iii Discharge Type – Emergency Discharges of Firefighting Water and Foam	(1) Emergency Discharges – Discharges resulting from emergency firefighting activities		This is repetitive of Subprovision title.	L	Delete and reformat numbering.
6	C.15.b.iii - (2) Regional Coordination	(a) Permittees shall collectively convene a regionwide Firefighting Discharges Working Group (Working Group) together with Water Board staff – and other stakeholders identified in Provision C.15.b.iii.(2)(vi), below – to identify and evaluate opportunities to reduce the impacts of emergency discharges to the MS4 associated with firefighting activity. The Permittees shall collectively (e.g., through the Working Group):	Y	No issues identified We support the idea of a Working Group to discuss potential issues with emergency firefighting discharges. There are a significant amount of new requirements with very little knowledge, background or research to support them. There are statements in the Fact Sheet that demonstrate a lack of understanding of Fire Departments, fire response and post-fire clean-up. Without this basic understanding it is detrimental to include so many new, specific requirements. For example, the Fact Sheet states: "The Permittees estimate that a portion of fires are fought not with municipal resources, but by private firefighting crews." This is not accurate. There are no "private" firefighting crews we are aware of in the Bay Area. During meetings with RWB staff Permittees expressed concern that not all Permittees, e.g. cities, have direct oversight over the Fire Departments that operate in their jurisdiction. These Fire Departments are still public agencies. For example, the Alameda County Fire Department operates in the City of Emeryville. Another example is the Menlo Park Fire District (MPFD) that provides fire protection services to Menlo Park, East Palo Alto, Atherton and portions of Unincorporated San	NA	

Item 9 – Review and approve recommended list of site visits for regional projects and approve Final Regional Stormwater Capture Projects Opportunities Analysis Memo

Opportunities Analysis + Recommended Site Visits

- 74 sites ranked and prioritized in preliminary opportunities analysis based on three step screening, performance eval and ranking
- 14 sites rose to the top from CW analysis
- Added trash layers and westside groundwater basin

Opportunities Analysis + Recommended Site Visits

- Feedback from most jurisdictions with sites identified
- 22 sites including 4 high-ranking sites not recommended by cities to advance for concept
 - 3 Caltrans sites/1 alternative site recommended
- 15 sites with positive feedback but not recommended by project team (Caltrans/Low ranking
- 25 no feedback/low ranking
- Additional engagement:
 - Jefferson School District (Daly City) + San Carlos School District
 - County Airports – San Carlos Airport Site

Opportunities Analysis + Recommended Site Visits

CWID	JURISDICTION	DESCRIPTION	VISIT?
CWSMC038	UNINCORPORATED	Playfield - Benjamin Franklin Intermediate School (Jefferson Elementary School District)	Yes
CWSMC036	DALY CITY	Daly City Dept. of Library & Recreation Services	Yes
CWSMC033	REDWOOD CITY	Downtown parking lot next to City Hall	Yes
CWSMC020	UNINCORPORATED	Redwood Shores Vacant Lot	Yes
CWSMC034	HALF MOON BAY	Riparian area (Pilarcitos Creek) near Sewer Authority Midcoastside treatment plant	Yes
	BURLINGAME	Ray Park	Yes
	SAN CARLOS	Tierra Linda Middle School (linked to schoolyard greening project)	Yes
	SAN MATEO	San Mateo Public Works Corporation Yard	Yes

Final Regional Projects Opportunities Analysis Memo

- August - circulated Draft Preliminary Analysis Memo to SWC/NPDES TAC/NDS and Project TAC
- Feedback from C/CAG and consultants, San Mateo County + OneShoreline
- Most comments were suggested clarifications/corrections
- Several comments regarding structure and summary of methodology to clarify approach
- Comments regarding relationship to Stormwater Resource Plan methods and opportunities list
- Some comments regarding the methodology in terms of underlying data and prioritization criteria
- Resolving additional comments from EOA

Staff Recommendation

- Conditional approval of list of recommended site visits and Final Regional Projects Opportunities Analysis Memo contingent on review/consideration of comments from EOA on analysis methodology and underlying data
- Any changes that result in modifications to the site visit list will be communicated via email and if needed agendaized for a future meeting

**Item 10 – Review and approve
recommendation to approve
entering into an agreement
developing the Climate
Resilience Resources Guide:
Part I**

Climate Resilience Resources

Guide: Part I

- Annotated bibliography of climate resilience resources:
 - Planning/design/performance/implementation
 - Technical guidance on improving GSI responsiveness to climate impacts – new design guidance for sizing/dimensions/plant palettes, etc.
- Responsibilities:
 - Project management/timeline/deliverables
 - Lead on consultant selection
 - Invoice approvals
 - Project reporting to Global Philanthropies Partnership
 - C/CAG has no fiscal/consultant contract responsibilities

Climate Resilience Resources Guide: Part I

- C/CAG staff as project lead
- Responsibilities:
 - Project management/timeline/deliverables
 - Lead on consultant selection
 - Invoice approvals
 - Project reporting to Global Philanthropies Partnership
- C/CAG has no fiscal/consultant contract responsibilities

Staff Recommendation

- Approve recommendation to C/CAG Board at their November 18, 2021 meeting to approve C/CAG entering into an agreement with Global Philanthropies Partnership, specifying C/CAG as “project lead” on developing the *Climate Resilience Resources Guide: Part I*

Item 11 – Regional Board Report

Item 12 – Executive Director’s Report

Item 13 – Member Reports

Item 14 – Adjourn