

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

Meeting Minutes

The Stormwater Committee met remotely via Zoom, per C/CAG's shelter-in-place policy and consistent with state and county directives to manage COVID-19. Attendance at the meeting is shown on the attached roster (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.