

# **C/CAG STORMWATER COMMITTEE**

**APRIL 21, 2022**

**Item 1 –**

**CALL TO ORDER**

**ROLL CALL**

**OVERVIEW OF ZOOM PROCEDURES**

# Item 2 – Public Comment

# **Item 3 – ACTION**

## **Nominate and elect Chair and Vice Chair**

# Item 4 - ACTION

## Approval of Minutes

- March 17, 2022 meeting minutes approval

# Item 5 – INFORMATION

## Announcements on Stormwater Issues

- April C/CAG Board meeting items
- WY 2021 UCMR/Annual Report Forms
- RFP for technical support to Countywide Program
- Monsanto PCBs Settlement
- Regional Project and Trash Capture Concepts
- State Legislation
- Other

# **Item 6 – INFORMATION**

## **Receive update on Municipal Regional Stormwater Permit Reissuance**

# **MRP Reissuance Update**

**C/CAG Stormwater Committee Meeting  
April 21, 2022**

**Reid Bogert - C/CAG**

**Jon Konnan and Jill Bicknell, EOA, Inc.**



# Format of May 11<sup>th</sup> MRP 3.0 Adoption Hearing

- One-day hearing – MRP 3.0 is main item (9:00 a.m. start)
- Hybrid meeting – recommend speakers attend in person
- Speakers must submit cards, either on-line or in-person
- Slides must be provided in advance (by May 9) – Water Board IT person will run the slides
- Requested changes to permit language may be shown on slide (submittal of hard copies to Water Board is TBD)

# Agenda for May 11<sup>th</sup>

## MRP 3.0 Adoption Hearing

- Water Board staff presentation
- Permittee coordinated presentation (20-30 min)
  - Working with BAMSC on issues and speakers
- Elected officials
- Major stakeholders (environmental NGOs, EPA, etc.)
- Individual Permittees, legal counsel, members of the public, other speakers
- Water Board member discussion/questions/decisions

# 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 3.0 is anticipated to increase substantially compared to MRP 2.0

# Remaining MRP 3.0 Major Issue Areas

- C.3 – New & Redevelopment
- C.8 – Water Quality Monitoring
- C.10 – Trash Load Reduction
- C.12 – PCBs
- Other provisions

## C.3 New/Redevelopment

- Regulated projects/lower thresholds
  - Revised TO contains same regulated projects and thresholds
  - Delays implementation by 1 year (to July 1, 2023) for most changes
  - July 1, 2023 cutoff for final discretionary approval for private projects (funded and construction scheduled for public projects)
- Special Projects
  - Changes to Category C, Affordable Housing Projects, to make income levels consistent with CA Housing & Community Development Dept.
  - Implementation date is July 1, 2022 (not delayed)
  - C/CAG guidance on new criteria for this category is in progress

## C.3 Public ROW Projects

- Utility trenching added as a regulated project if replace  $\geq 1$  acre of contiguous impervious surface
    - Discussions ongoing with WB staff on limiting this to major reconstruction
  - Road maintenance and public works projects regulated if replace  $\geq 5,000$  SF contiguous impervious surface\*, including
    - Removing/replacing asphalt or concrete pavement to the top of the base course or repairing the base course
    - Extending the pavement edge or paving graveled shoulders
    - Upgrading from dirt to gravel, chip seal, asphalt, or concrete
- \* Specifically exempts discontinuous projects such as sidewalk gap closures, sidewalk section replacement, and ADA curb ramps

## 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) within permit term
  - Large cities’ targets capped at 5.0 acres (reduced from 10.0 acres)
  - Can be met at countywide scale (San Mateo County target reduced to 43.3 ac)
  - **Orange Memorial Park project** may satisfy countywide target for all Permittees
  - In addition, each Permittee must implement or “cause to be implemented” one project with minimum of 0.2 acres treated – flexibility on how this is done
  - BAMSC ask: Use 1 ac/50,000 pop per original proposal
- **Regional projects**
  - WB staff did not include requested language in Fact Sheet recognizing benefits
  - Added work group to discuss benefits of non-LID treatment measures

# C.8 Water Quality Monitoring

- Creek Status Monitoring (e.g., creek health bioassessment) eliminated
- Pollutants of Concern monitoring remains (e.g., mercury and PCBs)
- Pesticides and Toxicity monitoring remains
- LID monitoring new to MRP 3.0
  - Objective: evaluate effectiveness of SW treatment (e.g., to inform TMDL implementation)
  - Based on new analysis conducted by WB staff, level of effort substantially increased in revised TO
  - Due date for initial plan pushed back somewhat



# C.8 Water Quality Monitoring

- Trash monitoring new to MRP 3.0
  - Two main components – both for areas of MS4s controlled to the Low trash generation level
    - Monitoring trash loading from MS4 outfalls that drain Low areas
    - Monitoring trash loading in receiving waters that receive runoff from Low areas
  - No precedent for some monitoring methods
  - Revised TO
    - Delays due date for initial plan pushed back by 1 year
    - Delays start of outfall monitoring by 1 year and start of in-stream monitoring by 2 years
    - Reduces number of in-stream sites

# C.8 Water Quality Monitoring

- Brand new in revised Tentative Order: Receiving Water Limits (RWL) monitoring
  - Motivated by BayKeeper comments on original TO – WB deems legal vulnerability
  - Added 5 samples per program for the new RWL monitoring (4 wet, 1 dry)
  - Required submittal of RWL assessment report by March 31, 2023
    - ID relevant WQOs for assessing compliance with RWLs and analytes (potential to exceed WQOs in receiving water)
    - ID waterbodies to monitor, locations within waterbodies, and sampling schedule

# C.8 Water Quality Monitoring (cont.)

- Most important overall issues
  - Lack of technical feasibility for large amount of wet weather monitoring (e.g., insufficient storms and/or capacity, untested methods)
  - Substantial increases in costs
- BAMSC working to develop priority asks for adoption hearing such as
  - Spread out large number of wet weather sample events into next permit term
  - Provide flexibility to allow goals to be achieved over entire permit term instead of annual minimums

# 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)
- BAMSC working to develop priority asks for adoption hearing such as
  - Extend trash load reduction dates by at least one year
  - Do not sunset source control credits and cleanup offsets
  - Clarify confusing crediting structure and timelines

# C.12.c. 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
- Control Measures Plan due date pushed back to March 2023
- MRP 2.0 numeric target for PCBs reduction via GI by 2040
  - Incorporated into some GI plans
  - Appears to be superseded by new provisions in MRP 3.0
    - C.3.j. Numeric retrofit targets (not linked to PCBs)
    - C.12.c. Numeric PCBs load reductions (by GI and/or other controls)

# C.12.c. PCBs Control Measure Implementation in Old Industrial Areas (cont.)

- SM County Permittee Old Industrial Work Group
  - 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
  - Private properties are sources but PCBs containing sediments spread throughout urban landscape over many decades
  - Winning strategy is to address the sources on parcels, not apply Band-Aid by treating runoff in the public right-of-way

# C.12.c. PCBs Control Measure Implementation in Old Industrial Areas (cont.)

- BAMSC working to develop priority asks for adoption hearing such as more time needed to
  - Gather additional monitoring data to better delineate hot vs. warm vs. cold areas and demonstrate compliance
  - Plan cost-effective control strategies, including accounting for redevelopment occurring over time
  - Work with private property owners to turn off tap

# C.17. Discharges Associated with Unsheltered Homeless Populations

- No substantial changes in revised Tentative Order
- BAMSC now recommending individual Permittees address as desired
- Previous comments from SM County Permittee include
  - Expansive mapping, tracking, and reporting requirements would be an undue administrative burden and provide limited water quality benefit - focus on water quality protection
  - Remove the requirement for BMPs report and instead require that Permittees communicate about successful BMPs and share information via a countywide or regional workshop
  - Remove the requirement to map unsheltered homeless populations
  - Permittees with no known homeless encampments or unsheltered populations should be exempt



# Other Provisions

- SM County Permittees requested postponement until future permit terms. Given revised TO, following provisions now lower priority to BAMSC
  - C.15.b.iii Emergency Discharges of Firefighting Water and Foam – revisions include:
    - Clarified overall intent - Firefighting Discharges Working Group is free to develop guidance for most effective and achievable BMPs/SOPs
    - Clarified that BMPs/SOPs previously listed as examples are recommended (not required) and moved them into Fact Sheet
  - C.21. Cost Reporting
    - Delayed cost reporting framework submission date by 6 months to June 30, 2023
    - Delayed annual fiscal analysis by 1 year to 2025 Annual Report (FY 2024/25)
  - C.22. Asset Management – moved up submittal of Climate Change Adaptation Report to 2026 Annual Report (from 2027)

# Coordinating for May 11 Adoption Hearing

- Plan to work with BAMSC and permittees/program reps on key messages for final redline changes to permit
- Work with MRP Implementation Ad-hoc WG on and others interested in speaking at the hearing
  - Speaker registration/in-person/remote
  - Elected officials/management representatives

**Item 7 – INFORMATION**  
**Receive update and provide  
feedback on development of  
the Fiscal Year 2022-23  
Countywide Water Pollution  
Prevention Program budget**



# **Countywide Program Preliminary Budget FY 2022-23**

**Reid Bogert**  
Senior Program Specialist

San Mateo Countywide Water  
Pollution Prevention Program



SAN MATEO COUNTYWIDE  
**Water Pollution  
Prevention Program**

Clean Water. Healthy Community.

[www.flowstobay.org](http://www.flowstobay.org)

C/CAG Stormwater Committee  
April 21, 2022

# Preliminary 22-23 Budget

	NPDES Fund	Measure M	AB 1546	Total
Est. Starting Balance	\$1,750,000	\$273,000	\$184,000	\$2,207,000
Est. Revenue	\$1,705,000	\$1,000,000 <sup>1</sup>	\$2,500	\$2,707,500
Available for Expenditures	\$2,955,000 <sup>2</sup>	\$1,273,000	\$62,000 <sup>4</sup>	\$3,337,000
Preliminary Budget <sup>3</sup>	\$2,307,000	\$1,000,000	\$30,000	\$3,124,000
Ending Balance	\$648,000 <sup>2</sup>	\$273,000	\$32,000	\$953,000
Reserve Balance	\$120,000			

<sup>1</sup> Includes \$40k in Measure M Administration funds for professional services

<sup>2</sup> Not including \$500k reserved for potential countywide funding initiative

<sup>3</sup> Does not include grant project revenues or expenditures (California Resilience Challenge grant)

<sup>4</sup> Does not include funds committed to EPA SRTS/GI Pilot Project

# Preliminary 22-23 Budget

## PRELIMINARY - Summary of MRP 2.0 and Draft FY2022-23 Countywide Program Budget by Cost Category and Fiscal Year

(Costs rounded to thousands and based on Fiscal Year budget estimates)

Annual Cost Categories	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	Preliminary 2022/23
<b>Fixed Admin Costs</b>								
Administration (Exec Dir)	\$ 30,000	\$ 35,000	\$ 35,000	\$ 40,000	\$ 40,000	\$ 41,000	\$ 40,000	\$ 40,000
Professional Services (staff)	\$ 107,000	\$ 183,000	\$ 367,000	\$ 357,000	\$ 390,000	\$ 430,000	\$ 482,000	\$ 420,000
Admin Allocation (overhead)	\$ 15,000	\$ 25,000	\$ 30,000	\$ 40,000	\$ 45,000	\$ 47,000	\$ 55,000	\$ 55,000
Dues/Memberships	\$ 45,000	\$ 41,000	\$ 45,000	\$ 44,000	\$ 45,000	\$ 45,000	\$ 17,000	\$ 23,000
Distributions (rain barrel)	\$ 20,000	\$ 25,000	\$ 25,000	\$ 20,000	\$ 15,000	\$ 5,000	\$ 18,000	\$ 40,000
Misc./Travel/Training	\$ 8,000	\$ 10,000	\$ 10,000	\$ 6,000	\$ 6,000	\$ 7,000	\$ 6,000	\$ 7,000
<b>Total Fixed Admin</b>	<b>\$ 225,000</b>	<b>\$ 319,000</b>	<b>\$ 512,000</b>	<b>\$ 507,000</b>	<b>\$ 541,000</b>	<b>\$ 575,000</b>	<b>\$ 618,000</b>	<b>\$ 585,000</b>
<b>Fixed Consultant Costs</b>								
Regional Monitoring Program	\$ 90,000	\$ 95,000	\$ 95,000	\$ 98,000	\$ 101,000	\$ 105,000	\$ 104,000	\$ 115,000
Annual Tax Roll Services	\$ 18,000	\$ 18,000	\$ 18,000	\$ 19,000	\$ 18,000	\$ 18,000	\$ 18,000	\$ 19,000
BASMAA*	\$ 150,000	\$ 74,000	\$ 129,000	\$ 75,000	\$ 47,000	\$ 50,000	\$ -	\$ -
State Lobbyist	\$ 36,000	\$ 36,000	\$ 36,000	\$ 36,000	\$ 39,000	\$ 39,000	\$ 39,000	\$ 39,000
Federal Advocate**								\$ 48,000
Petition/Unfunded/Contingency	\$ -	\$ 40,000	\$ 50,000	\$ 90,000	\$ 50,000	\$ 50,000	\$ 100,000	\$ 100,000
<b>Total Fixed Consultant</b>	<b>\$ 294,000</b>	<b>\$ 263,000</b>	<b>\$ 328,000</b>	<b>\$ 318,000</b>	<b>\$ 255,000</b>	<b>\$ 262,000</b>	<b>\$ 261,000</b>	<b>\$ 321,000</b>
<b>Budgeted Revenue/Expenditures</b>								
Total Available Funds***	\$4,628,000	\$4,982,000	\$3,331,000	\$2,690,000	\$2,620,000	\$3,156,000	\$ 3,716,000	\$4,290,000
Total Fixed Costs (admin + consultant)	\$ 519,000	\$ 582,000	\$ 840,000	\$ 825,000	\$ 796,000	\$ 837,000	\$ 879,000	\$ 906,000
Total Discretionary Available (for stormwater technical support)	\$4,109,000	\$4,400,000	\$2,491,000	\$1,865,000	\$1,824,000	\$2,319,000	\$ 2,837,000	\$3,384,000
Total Planned Expenditures (fixed + discretionary budgeted)****	\$4,232,000	\$4,071,000	\$3,244,000	\$2,690,000	\$2,603,000	\$2,475,000	\$ 3,151,000	\$3,337,000
<b>Est. Ending Balance</b>	<b>\$ 396,000</b>	<b>\$ 911,000</b>	<b>\$ 87,000</b>	<b>\$ -</b>	<b>\$ 17,000</b>	<b>\$ 681,000</b>	<b>\$ 565,000</b>	<b>\$ 953,000</b>

\*BASMAA dissolved in 2020-21

\*\*Federal Advocate contract split between Congestion Relief and NPDES Fund

\*\*\* Includes starting balance + revenue - \$500,000 reserved for future funding initiative

\*\*\*\* Planned Expenditures for FY 2022-23 include est. roll-over budget from FY 2021-22, increase in existing task order budget for 2021-22 Annual Reporting needs, planned Program support for Bay Area Hydrology Model (BAHM) updates, and placeholder budget for continuing work with schools



TEO COUNTYWIDE

Water Pollution Program

...f. Healthy Community.



# Preliminary 22-23 Budget

## PRELIMINARY - Fiscal Year Technical Stormwater Consultant Budgets for MRP 2.0 and Budgets for Fiscal Year 2022-23

(Fiscal Year 2015/16-2021-22 approved technical consultant budgets)

Support Category	Contractor*	2015/16	2016/17	2017/18	2018/19**	2019/20	2020/21	2021/22	Preliminary 2022/23***
General Support to Program Manager	EOA	\$ 135,406	\$ 113,424	\$ 98,830	\$ 114,232	\$ 132,224	\$ 161,508	\$ 335,076	\$ 160,000
Subcommittee Support	EOA	\$ 105,084	\$ 148,382	\$ 146,968	\$ 188,728	\$ 163,808	\$ 171,792	\$ 171,792	\$ 150,000
Training	EOA	\$ 106,656	\$ 68,624	\$ 76,732	\$ 42,276	\$ 61,240	\$ 55,174	\$ 88,250	\$ 100,000
Annual Reporting	EOA		\$ 48,092	\$ 48,092	\$ 53,416	\$ 38,400	\$ 40,322	\$ 40,332	\$ -
Green Infrastructure Planning	LWA & URD	\$ 78,756	\$ 202,395	\$ 470,484	\$ 123,821	\$ 88,885	\$ 42,219	\$ 105,700	\$ 250,000
Public Information and Outreach	SGA	\$ 350,650	\$ 325,000	\$ 325,000	\$ 275,000	\$ 250,000	\$ 250,000	\$ 260,000	\$ 220,000
Water Quality Monitoring	EOA	\$ 353,779	\$ 640,527	\$ 684,509	\$ 581,960	\$ 474,854	\$ 500,927	\$ 510,948	\$ 700,000
Trash Load Reduction	EOA	\$ 232,356	\$ 259,204	\$ 350,934	\$ 338,462	\$ 305,806	\$ 291,480	\$ 372,193	\$ 350,000
Mercury and PCBs Load Reduction	EOA/LWA	\$ 183,143	\$ 434,040	\$ 261,597	\$ 292,810	\$ 205,706	\$ 71,854	\$ 298,124	\$ 130,000
Stormwater Resources Plan	LWA	\$ 159,678	\$ 66,505						
Staff Augmentation	EOA/LWA							\$ 215,518	
Cost Reporting	TBD								\$ 25,000
Unsheltered Populations	TBD								\$ 50,000
Asset Management	TBD								\$ 50,000
<b>Total</b>		<b>\$ 1,705,508</b>	<b>\$ 2,306,193</b>	<b>\$ 2,463,146</b>	<b>\$ 2,010,705</b>	<b>\$ 1,720,923</b>	<b>\$ 1,585,276</b>	<b>\$ 2,397,933</b>	<b>\$ 2,185,000</b>

\*Contractors for FY 2022/23 and beyond TBD pending current request for proposals process

\*\*Program cuts in 2018/19 due to projected revenue shortfall relative to planned expenditures

\*\*\* Preliminary estimates for FY 2022/23 stormwater technical consultant budgets, not including likely carryover from FY 2021/22, e.g., Annual Report costs for Sept 2022 under MRP 2.0

# Preliminary 22-23 Budget

■ Revenue/Available Funds	
• Interest Earnings	\$12,000
• NPDES Fund (Property Fees)	
– Four cities not on tax rolls	\$152,00
– Net tax roll	\$1,540,000
• Measure M (Vehicle Fees)	
– Administration Allocation (cost)	\$40,000
– Regional Stormwater	\$960,000
• AB 1546 (Old Vehicle Fees)	
– Interest earnings	<u>\$2,500</u>
	TOTAL: \$2,707,500



# Preliminary 22-23 Budget

- Anticipated Expenditures
    - Administration (Exec Dir): \$40,000
    - Professional Services (staff): \$420,000
    - Admin Allocation (overhead): \$55,000
    - Dues/Memberships: \$23,000
    - Distributions (rain barrel): \$40,000
    - Miscellaneous/Travel/Training: \$7,000
    - Avail. For Technical Support: \$2,752,000
- TOTAL: \$3,337,000

# Preliminary 22-23 Budget

- Anticipated Expenditures
    - Administration (Exec Dir): \$40,000
    - Professional Services (staff): \$420,000
    - Admin Allocation (overhead): \$55,000
    - Dues/Memberships: \$23,000
    - Distributions (rain barrel): \$40,000
    - Miscellaneous/Travel/Training: \$7,000
    - Avail. For Technical Support: \$2,752,000
- TOTAL: \$3,337,000

# Preliminary 22-23 Budget

- Consulting Services

- “Fixed” costs

– Regional Monitoring Program	\$115,000
– Required contribution to SF Bay monitoring	
– County fees (NPDES assessment)	\$2,300
– Annual Tax Roll Services	\$20,000
– BASMAA	\$0,000
– C/CAG share of regional compliance projects	
– State Lobbyist	\$39,000
– Federal Lobbyist	\$48,000
– Petition/Unfunded/Contingency	\$100,000
– CASQA (Pesticides regulatory)	<u>\$4,000</u>

\$328,300

- Available for SW Technical Support:

\$2.43 M

# Preliminary 22-23 Budget

- Anticipated Roll-over Consulting Services/Tech Support for work planned in FY21-22

- Task Order EOA-13 (Gen Support) \$40,000
  - Trash Subcommittee/MRP 3.0 Coordination in July and FY21-22 Annual Reports
- Task Order EOA-14 (WY22 Monitoring) \$300,000
  - Subcontractor Invoicing for FY21-22 work
  - Likely authorizing work for 2<sup>nd</sup> half WY22 monitoring (\$150,000)
- Task Order LWA-07 \$130,000
  - GI Tracking Tool and FY21-22 Annual Reports
- Task Order SGA-07 \$10,000
  - FY21-22 Annual Reports
- Task Order URD-03 \$6,000
  - Finish O&M video/training resource next FY

TOTAL: \$486,000

# Preliminary 22-23 Budget

- Anticipated Consulting Services/Tech Support
    - General Support + WQ Monitoring \$1,320,000
      - General Program Support, Subcommittee Support, Training, Water Quality Monitoring, Trash, Portions of Mercury & PCBs
    - GI/Regional Collaborative Planning \$200,000
      - RAA, Modeling, GI Tracking Tool, Regional Collaborative
    - Outreach/COE \$255,000
      - Public Education and Outreach, Teacher Institute
    - GI Design Guide/Pilot Projects \$50,000
      - Green Infrastructure
    - Cost Reporting Support \$25,000
    - Unsheltered Populations Support \$50,000
    - Asset Management Support \$50,000
    - BAHM update (co-funded with other programs) \$25,000
- TOTAL: \$1.93 Million**

# Preliminary 21-22 Budget

- Ending Balance
  - NPDES Fund (Property Fees) \$648,000
    - Restricted (Funding Initiative) (\$500,000)
  - Measure M (Vehicle Fees) \$273,000
  - AB 1546 (Old Vehicle Fees) \$32,000
  - Total Unplanned/Unrestricted: **\$953,000**
  
- Reserve Balance \$120,000

# Preliminary 22-23 Budget

- Considerations
  - Revenue may be somewhat variable due to COVID
  - BAMSC likely to have some coordinated “projects of regional benefit” – hence \$100K placeholder for contingency
  - Staffing structure uncertainty
  - Countywide funding initiative allocation discussion
  - May want to consider additional planning studies, grant support, modeling, funding/financing support, etc., as Stormwater Program evolves
  - Maintain higher balance at start of MRP 3.0

**Item 8 – INFORMATION**  
**Receive copy of the Final**  
**Regional Project Study Memo**  
**as Part of the Advancing**  
**Regional-Scale Stormwater**  
**Management in San Mateo**  
**County Project**



# Item 9 – Regional Board Report

# Item 10 – Executive Director’s Report

# Item 11 – Member Reports

# Item 12 – Adjourn