

STORMWATER COMMITTEE
Thursday, November 17, 2022
2:30 p.m.

Meeting Minutes

The Stormwater Committee met remotely via Zoom, per C/CAG's shelter-in-place policy and consistent with state and county directives to manage COVID-19. Attendance at the meeting is shown in the attached. In addition to the Committee members, also in attendance were Reid Bogert (C/CAG staff), Sean Charpentier (C/CAG Executive Director), Jay Davis (SFEI), Karen Cowan (CASQA), Krista McDonald (County of San Mateo), Sultan Henson (County of San Mateo), Ben Zarrabi (City of East Palo Alto), Craig Centis (City of Millbrae), James O'Connell (Redwood City), Kristin Kerr (EOA), Jill Bicknell (EOA), Jon Konnan (EOA), Ileana Alvarado (EOA), Kelly Carroll (CSG), Drew (Public). Chair Breault called the meeting to order at 2:35 p.m.

1. Call to Order, Roll Call, and overview of teleconference meeting procedures.

2. Public comment on items not on the agenda: None.

3. PRESENTATIONS:

3.a Received a presentation from Karen Cowan, Executive Director of the California Stormwater Quality Association (CASQA), on CASQA's 2023 program updates. The presentation included institutional achievements, ongoing activities, strategic planning, potential areas of increased investment, and member benefits. Specific topics covered included:

- CASQA Annual Conference. The conference for 2022 was held in person on October 24-26 in Palm Springs. C/CAG delivered three presentations. The 2023 conference is scheduled to take place on September 11-13 in San Diego.
- Legislative committee work/funding. In 2022, CASQA was engaged in discussions on bill AB 2106 which would have required the State Water Resources Control Board to establish a statewide commercial, industrial, and institutional NPDES order regulating stormwater and authorized non-stormwater discharges and update its stormwater data collection systems. This bill was vetoed by the Governor Newsom this past September. Additionally, CASQA supported SB 54, a plastics pollution reduction bill that focused on source control and was signed by Governor Newsom this past June. CASQA also supported asking the Governor's office to include \$500 million in the budget in January 2023 to fund stormwater capture projects.
- Our Water Our World (OWOW) program. CASQA is supporting and building upon this program which has been implemented for about 20 years in the Bay Area. As part of this, CASQA is currently developing an Integrated Pest Management (IPM) Advocate Qualification Program.
- Regulatory work. CASQA recently submitted comments on a commercial, industrial, and institutional permit specific to two watersheds in Los Angeles.
- New Board members. The 2023 CASQA Board of Directors was recently elected, and representation is well balanced among Northern California, Southern California, the Central Coast, and the Central Valley. CASQA subcommittee co-chair nominations are open until November 30, 2022.
- Other priorities are being determined based on a membership survey conducted earlier in 2022. The results will inform an update of CASQA's strategic plan for the next three to five years.

3.b Received a presentation from Jay Davis, the San Francisco Estuary Institute's Lead Scientist, on "How Healthy is the Bay?", i.e., an update from the Regional Monitoring Program (RMP) for Water Quality in San Francisco Bay. A brief introduction was provided, explaining that the program is made possible by the funding and participation of municipalities like C/CAG member agencies. The goal of the RMP is to collect data and communicate information that supports decision making. The presentation was based on a report called The Pulse of The Bay which is the primary way that the RMP communicates information on a water

quality to a broad audience. This year's edition commemorates the 50th anniversary of the Clean Water Act, which back in 1972 was a transformational turning point in the history of Bay Area water quality. Prior to the Clean Water Act and other environmental regulations of the 1970s, the Bay and its shoreline were a dumping ground for minimally treated sewage, industrial wastewater, polluted runoff, and solid waste. The Clean Water Act contributed to a sea change toward protection and restoration of the Bay and the environment in general. Some of the big successes reported were the reduction of trash, improvement of dissolved oxygen, and reduction of flame-retardant chemicals. Remaining challenges include persistent legacy pollutants in sport fish like mercury and PCBs. The average mercury concentration in striped bass is not showing signs of long-term decline and remains well above the water quality objectives. For PCBs, average concentration in the main indicator species, shiner surfperch, has not declined since monitoring began in the 1990s. The RMP has been studying PCBs extensively and multiple studies suggest that these levels can be reduced with reduction of watershed loads including cleanup of contaminated sites in the watersheds and Bay margins.

4. ACTION – The Committee approved the October 20, 2022, Stormwater Committee meeting minutes. Motion: Member Mitch; Second: Member Nagaya. Approved (11:0:2). Member Sayed and Member Petersen abstained.

5. INFORMATION – Announcements on stormwater related issues:

- In November 2022, the C/CAG Board appointed Sam Batista, City of Millbrae Public Works Director, to the C/CAG Stormwater Committee representing the City of Millbrae.
- Workgroup Advancing Regional Projects (WARP) updates: C/CAG is continuing to develop the MOU-based phase of the Regional Collaborative Program to support a regional approach to stormwater management in the County, with a focus on regional stormwater capture projects. This could also include a programmatic approach to distributed green infrastructure. A draft summary report on the Regional Collaborative Program will be released in January.
- Caltrans partnership opportunities: C/CAG has developed 10 concepts for large full trash capture systems in partnership with Caltrans, which has various funding mechanisms available (i.e., financial contribution only to pay for construction, cooperative implementation agreement program). For the Cities that have concepts in hand, Reid offered his assistance to schedule meetings and coordinate with Caltrans.
- Last September, the State Water Board adopted the FY 2022/23 NPDES fee schedule. No increase in stormwater NPDES fees.
- Clean Watershed Needs Survey: US EPA and CASQA are working together to collect information on cost estimates for stormwater compliance throughout the state and the country. C/CAG and the other countywide stormwater programs under the BAMS Collaborative have submitted projected costs for implementation including various planning efforts.
- GI tracking tool: The next phase of work on the tool will be addressing ongoing MRP 3.0 requirements including GI retrofit tracking and the permit's asset management component. Municipal staff will have unique login credentials. Cities can reach out to Reid to get their login credentials.
- C/CAG legislative platform: C/CAG reviews its legislative platform on an annual basis including the consistency of associated policies, and also looks ahead to the next legislative cycle. The adopted 2022 policies were presented to the legislative committee in November 2022. The committee recommended adopting the same policies for 2023, noting that there is a dedicated policy for stormwater-related legislation and support. However, every session includes new legislation that could have beneficial and consequential impacts on the stormwater program and Permittees. C/CAG tracks those bills through the legislative committee and its consultants.
- Funding Opportunities: The following opportunities are currently open solicitations or programs under development related to stormwater management: Tire Derived Aggregate Grant Program from the Department of Resources, Recycling and Recovery, applications due on 12/7/2022, up to \$750K per project, includes LID applications. Additionally, there is an ongoing solicitation through a

Prop 68 Climate Adaptation Fund with \$5.7 million available in the SF Bay Area, focusing on green infrastructure and climate change. Lastly, the Clean California Local Grant program through Caltrans has a second cycle of funds this fiscal year. As a reminder, C/CAG submitted an application for a countywide project that would primarily address illegal dumping issues that was unsuccessful, but C/CAG is looking to submit a separate second application, with some revisions based on feedback from Caltrans on the previous application.

6. INFORMATION – Receive information regarding MRP 3.0 requirements to address non-stormwater discharges associated with unsheltered homeless populations. Kristin Kerr from EOA summarized these permit requirements and a regional collaborative project through the Bay Area Municipal Stormwater Collaborative (BAMSC) to address discharges associated with unsheltered homeless populations and identify control measures. MRP Provision C.17.a.i.(2) requires Permittees to collectively develop a Best Management Practice (BMP) report that identifies effective practices to address non-stormwater discharges into MS4s associated with homelessness that impact water quality and specific milestones for reducing such discharges. This report is due with Permittee September 2023 Annual Reports. To support implementation of this requirement, BAMSC initiated the regional project and a new workgroup in Fiscal Year 2022/23 to develop the regional BMP report. The 2023 submittal will include specific information from Permittees regarding BMPs implemented to date, a BMP effectiveness evaluation report, and Permittee maps that show locations of unsheltered homeless populations in relation to storm drain inlets and/or surface water bodies. Beginning December 2022, EOA will request reports/documents /information on these practices and activities and needs to identify a point of contact from each Permittee for this information. Updated Permittee-specific data and information, including updated BMPs and maps, will need to be submitted with the 2025 Annual Reports.

7. INFORMATION - Receive information regarding MRP 3.0 requirements to develop a Program for Polychlorinated Biphenyls (PCBs) Control Measure Implementation in Old Industrial Areas. Jon Konnan from EOA provided a summary of the requirements, general information on PCBs control measures and load reduction efficiencies, activities of the San Mateo County Permittee Old Industrial PCBs Work Group, the Control Measures Plan proposed framework and schedule, and some potential challenges to addressing these permit requirements using the proposed approach. The permit specifies an estimated acreage of Old Industrial areas that drain to the municipal separate sewer systems and that have not been redeveloped or treated by green stormwater infrastructure (or other control measures). The permit further specifies mandatory acreage treated and associated load reductions for PCBs and mercury on a countywide basis for each countywide program area under the MRP to be achieved by the end of the five-year permit. San Mateo County's portion of the acreage treated, and PCBs load reduction metrics are 445 acres and 81 grams/year, respectively. The proposed approach to meet these requirements includes working with private property owners to reduce PCBs discharges from their parcels. Permittees will need to play greater role in taking actions to address PCBs than previous permit terms due to these new requirements. The Old Industrial Area Control Measure Plan must be submitted to the Water Board by March 31, 2023.

8. Regional Board Report: None.

9. Executive Director's Report: Sean Charpentier reiterated information that he provided in the October 20, 2022, Stormwater Committee meeting, reporting to the Committee that C/CAG is preparing to return to in-person meetings. The governor has indicated that the current state of emergency, absent any unforeseen surges of COVID, would end at the end of February, ending the ability to have wholly remote meetings. C/CAG will continue holding remote meetings until then and plans to host hybrid meetings should the state of emergency be lifted by the end of February. Committee members should plan to return to in-person meetings in March. Remote participation will still be available to members of the public. C/CAG staff is exploring potential legislation that may afford some flexibility around allowing advisory bodies, particularly those as part of a countywide or regional entity, to continue to meet remotely.

10. Member Reports: None.

11. Chair Breault adjourned the meeting at 4:04 p.m.