

# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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Millbrae ■ Pacifica ■ Portola Valley ■ Redwood City ■ San Bruno ■ San Carlos ■ San Mateo ■ San Mateo County ■ South San Francisco ■ Woodside

## STORMWATER (NPDES) COMMITTEE AGENDA 2:30 PM, Thursday, January 19, 2022

On September 16, 2021, the Governor signed AB 361, which amended certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings remotely via telephonically or by other electronic means under specified circumstances. Thus, pursuant to Government Code section 54953(e), C/CAG Committee 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 Zoom Meeting:

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Meeting ID: 879 2384 6411

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Passcode: 389315

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](mailto: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.

- |     |   |                 |              |
|-----|---|-----------------|--------------|
| 1.  | Call to Order, Roll Call, and brief 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.  | PRESENTATIONS:  |                 |              |
|     | 3.a Receive a presentation from Save the Bay and Climate Resilient Communities on green stormwater infrastructure efforts in partnership with San Mateo County communities. | Currier/Cannedy | Pages 1-2    |
| 4.  | ACTION – Review and approve November 17, 2022 Stormwater Committee meeting minutes.   | Breault         | Pages 3-8    |
| 5.  | INFORMATION – Receive announcements on stormwater related issues.   | Bogert          | Pages 9-12   |
| 6.  | INFORMATION – Receive information regarding MRP 3.0 requirements to develop a Program for Polychlorinated Biphenyls Control Measure Implementation in Old Industrial Areas. | Konnan          | Pages 13-15  |
| 7.  | INFORMATION – Receive information regarding implementation of MRP 3.0 requirements to develop a regional cost reporting framework and methodology.                          | Konnan          | Pages 16-17  |
| 8.  | Regional Board Report   | Mumley          | No materials |
| 9.  | Executive Director’s Report   | Charpentier     | No materials |
| 10. | Member Reports  | All             | No materials |
| 11. | Adjourn   | Breault         | No materials |

**PUBLIC NOTICING:** All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the C/CAG kiosk located at 555 County Center, Redwood City, CA, and on 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](mailto: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. 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:

Senior Program Specialist: Reid Bogert ([rbogert@smcgov.org](mailto:rbogert@smcgov.org))

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

## C/CAG AGENDA REPORT

Date: January 19, 2023

To: Stormwater Committee

From: Reid Bogert, C/CAG Senior Program Specialist

Subject: Receive presentation from Save the Bay and Climate Resilient Communities on green infrastructure efforts in partnership with San Mateo County communities

For further information or questions contact Reid Bogert at [rbogert@smcgov.org](mailto:rbogert@smcgov.org)

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### RECOMMENDATION

That the Stormwater Committee receive a presentation from Save the Bay and Climate Resilient Communities on green infrastructure efforts in partnership with San Mateo County communities.

### BACKGROUND/DISCUSSION

A primary focus of C/CAG's Countywide Stormwater Program is to support its member agencies comply green infrastructure planning and implementation requirements mandated by the Municipal Regional Stormwater Permit (MRP) administered by the San Francisco Bay Regional Water Board. In 2019, all 21 municipalities in San Mateo County submitted green infrastructure plans to the Regional Water Board, detailing how municipalities planned to transition the municipal separate stormwater sewer systems into "green stormwater infrastructure." The "GI Plans" leveraged a countywide hydrology and pollutant reduction model developed by C/CAG, which was initial used to identify and prioritize green infrastructure at different scales throughout San Mateo County as documented in the San Mateo County Stormwater Resource Plan completed in 2017. The GI Plans included modeled targets for green infrastructure implementation on a jurisdictional and countywide watershed-basis forming the basis for achieving long term load reductions via green infrastructure associated with the Polychlorinated Biphenyls (PCBs) and mercury Total Maximum Daily Load water quality objectives set forth in the Water Quality Control Plan for the San Francisco Bay. In 2021, C/CAG completed a comprehensive San Mateo Countywide Sustainable Streets Master Plan, with funding from the Caltrans Climate Adaptation Planning Grant Program, which further evaluated existing planned active transportation projects and new opportunities throughout the county for integrating green stormwater infrastructure with active transportation, Safe Routes To Schools and other transportation investments to reduce the precipitation based impacts of climate change and support water quality requirements within the (MRP). C/CAG staff continue to work with its local agency stormwater representatives and community partners to support broader adoption and support of green infrastructure and sustainable streets implementation.

Save the Bay is a nonprofit organization dedicated to preserving San Francisco Bay and its related estuarine habitat area, and has been a long-term partner of C/CAG and its member agencies in advancing green stormwater infrastructure implementation, especially as it relates to advancing sustainable streets projects, which seek to incorporate the benefits of Complete Streets and green

infrastructure, and more recently focusing on climate resilience with a lens towards the most vulnerable communities. In 2018, Save The Bay published “Bay Smart Communities for a Sustainable Future,” promoting climate adaptation priorities for a healthy Bay and a sustainable Bay Area, which emphasized nature-based solutions and green infrastructure as core strategies towards building community resilience in partnership with environmental justice and equity community partners. Since the completion of the Sustainable Streets Master Plan, Save the Bay has continued to evaluate barriers and opportunities to implementing sustainable streets at the local level, seeking input from the Countywide Stormwater Program and municipalities on how their staff can best support the overall effort, including evaluating options to integrate green jobs and workforce development with green infrastructure programs in San Mateo County as a means to fill the gap in resource needs for green infrastructure maintenance. This past year, Climate Resilient Communities (CRC), a nonprofit located in East Palo Alto whose work focuses on learning from and supporting the specific climate adaptation needs of residents in diverse, under-resourced communities in East Palo Alto and Belle Haven (Menlo Park), initiated a Proposition 68 California Coastal Conservancy Climate Adaptation Planning Grant project to install 25 rain garden and water cistern systems for vulnerable homeowners in East Palo Alto. This project aligns with Save the Bay’s equity-based initiatives and C/CAG’s multi-scale green infrastructure program, and serves as a useful case study in rethinking flood resilience in the Bay Area, with an explicit lens toward equity and nature-based solutions.

Hayley Currier, Policy Manager for Save the Bay, and Cade Cannedy, Resilient Adaptation Program Manger for CRC, will present on Save the Bay’s and CRC’s recent efforts to support sustainable streets and site-scale community adoption of green infrastructure in East Palo Alto and throughout San Mateo County.

#### **ATTACHMENTS**

1. Presentation from Save the Bay and Climate Resilient Communities (due to file size, the presentation is available on C/CAG’s Stormwater Committee website - <https://ccag.ca.gov/committees/stormwater-committee/>)

## C/CAG AGENDA REPORT

Date: January 19, 2023  
To: Stormwater Committee  
From: Reid Bogert, C/CAG Senior Program Specialist  
Subject: Review and approve the November 17, 2023 Stormwater Committee meeting minutes

(For further information or questions contact Reid Bogert at [rbogert@smcgov.org](mailto:rbogert@smcgov.org))

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### **RECOMMENDATION**

That the Stormwater Committee (Committee) review and approve the November 17, 2022 Stormwater Committee meeting minutes, as drafted.

### **BACKGROUND/DISCUSSION**

N/A.

### **ATTACHMENTS**

1. Draft November 17, 2022 Meeting Minutes

**STORMWATER COMMITTEE**  
**Thursday, November 17, 2022**  
**2:30 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 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 October 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.

DRAFT

2022-23 Stormwater Committee Attendance			July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Agency	Representative	Position												
Atherton	Robert Ovadia	Public Works Director		x		x	x							
Belmont	Peter Brown	Public Works Director				x	x							
Brisbane	Randy Breault	Public Works Director/City Engineer				x	x							
Burlingame	Syed Murtuza	Public Works Director		x			x							
Colma	Brad Donohue	Director of Public Works and Planning		x			o							
Daly City	Richard Chiu	Public Works Director				x								
East Palo Alto	Kamal Fallala (through August)/Humza Javed (starting October)	Public Works Director				x	o							
Foster City	Louis Sun	Public Works Director		x		x								
Half Moon Bay	Maziar Bozorginia	City Engineer	C	x	C	x								
Hillsborough	Paul Willis	Public Works Director	A	x	A	x	x							
Menlo Park	Nikki Nagaya	Public Works Director	N	x	N	x	x							
Millbrae	Vacant (May through October)/Sam Bautista (starting November)	Public Works Director	C		C	o	o							
Pacifica	Lisa Petersen	Public Works Director	E		E		x							
Portola Valley	Howard Young	Public Works Director	L	x	L	x	x							
Redwood City	Saber Saraway (through October)/Vacant (starting November)	Supervising Civil Engineer	E		E		o							
San Bruno	Matthew Lee	Public Works Director	D	x	D	x								
San Carlos	Steven Machida	Public Works Director		o		x	x							
San Mateo	Azalea Mitch	Public Works Director		x		x	x							
South San Francisco	Eunejune Kim	Public Works Director		x		x	x							
Woodside	Sean Rose	Public Works Director		x		x	x							
San Mateo County	Ann Stillman	Public Works Director		x		x	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: January 19, 2023  
To: Stormwater Committee  
From: Reid Bogert, C/CAG Senior Program Specialist  
Subject: Receive information on stormwater related announcements

(For further information or questions contact Reid Bogert at [rbogert@smcgov.org](mailto:rbogert@smcgov.org))

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### RECOMMENDATION

That the Stormwater Committee receive information on stormwater related announcements during November and December 2022.

### BACKGROUND/DISCUSSION

C/CAG's Stormwater Committee provides policy and technical advice and recommendations to the C/CAG Board of Directors and direction to technical subcommittees on all matters relating to stormwater management and compliance with associated regulatory mandates from the State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board. Staff provides regular updates on information regarding stormwater compliance and other Countywide Stormwater Program activities, as detailed below for the months of November and December.

#### 1) Recent C/CAG Board updates:

November 10, 2022 meeting:

- Appointment of Public Works Director for the City of Millbrae, Sam Bautista, to the C/CAG Stormwater Committee.
- Approved Resolution 22-99 authorizing the C/CAG Chair to execute Amendment No. 9 to the agreement with the Bay Area Water Supply and Conservation Agency for the Rain Barrel and Rain Garden Rebate Program, adding an amount not to exceed \$20,000 for the Fiscal Year 2022-23 for a new total amount not to exceed \$155,000.
- Approved Resolution 22-101 authorizing the C/CAG Executive Director to execute a grant agreement with Global Philanthropies Partnership, specifying C/CAG as the project lead in developing the Climate Resilience Resources Guide: Part 2.

December 8, 2022 meeting:

- Received a presentation on the Countywide Stormwater Program.

#### 2) FY 2021-22 Annual Report review by Water Board staff:

At the December BAMSC meeting, countywide program staff and permittees were informed Regional Water Board staff have been conducting reviews of the FY21-22 Annual Reports submitted in September. At that time Water Board staff had emailed several permittees from the Santa Clara Program with questions and comments regarding Annual Reports and regarding several provisions of the permit. Countywide Program staff indicated concern regarding communications, including the need for program staff to be included in emails as well as the desire to have clarification on the intent of the report review process and the questions being delivered in email format. Water Board staff summarized staffs' process of reviewing reports for completeness followed by a more thorough review of specific sections of reports. Since the BAMSC discussion, San Mateo Countywide Program staff have been informed of additional reviews of San Mateo County permittee reports and similar emails with what appear to be clarifying questions. The Program Managers of the countywide programs plan to meet with Water Board staff at the end of January to further discuss the Annual Report review and communications process, as well as issues related to recent Water Board staff inspections of Low Impact Development and trash capture projects throughout the Bay Area.

3) Testimony at December 14, 2022 Regional Water Board meeting regarding Caltrans Trash Cease and Desist Order:

At the December 14, 2022 Regional Water Board meeting, the Board received an information item regarding Caltrans Cease and Desist Order (CDO), issued by the Board in 2019, and Annual Report for FY21-22 providing a status on benchmarks towards meeting the Bay Area-wide (District 4) trash load reduction requirements mandated by the Water Board's CDO. Caltrans must demonstrate full trash capture implementation or in combination with alternative measures equivalent to full trash capture, such as source controls to prevent the discharge of trash and trash removal from streets and highways through street sweeping or road maintenance activities. Caltrans must demonstrate 8,800 acres or more have been treated by full trash capture or have achieved full trash capture equivalency by June 30, 2026. C/CAG staff, on behalf of the BAMSC and the MRP permittees and associated countywide programs, provided testimony emphasizing the significant progress permittees have made over the years on installing small and large trash capture projects and additional actions to reduce trash and litter impacts and document trash reductions, including \$250M in capital investments and 40,000 acres of significant trash generating areas being managed. C/CAG staff also emphasized progress on partnerships with Caltrans on large full trash capture projects, including having completed an enhanced opportunities analysis and development of ten new project concepts. Lastly, it was also noted that real challenges remain in siting projects, including permitting issues, finding locations that provide sufficient reduction benefit for partnership, and importantly constraints on timing and eligibility for Caltrans funding support under cooperative implementation agreements. Staff also encouraged Water Board members to work with their staff to work with Caltrans on reviewing and providing input on the methods Caltrans uses to evaluate trash generation rates through visual assessment methods

4) WQIF grant for trash monitoring:

In September, C/CAG staff submitted a grant application on behalf of the Bay Area Municipal Stormwater Collaborative (BAMSC) under the FY22-23 San Francisco Bay Water Quality Improvement Fund (WQIF) Grant Program administered by the US Environmental Protection Agency, Region 9. The project proposal included \$3.6M in grant funds and \$3.6M in local matching funds (to be provided on a population basis among the participating MRP countywide programs) would support receiving water

trash monitoring requirements throughout the Bay Area mandated by Provision C.8.e of the Municipal Regional Stormwater Permit (MRP). The proposal also included an expansion and partnership with Caltrans' "Let's Change This to That" trash reduction outreach campaign, additional technical analyses and resources to support Bay Area trash reduction goals, and a focused trash monitoring symposium convened with external stakeholders to share the results and findings of the project. In December, C/CAG staff received notification from with Region 9 EPA that the project was not awarded funding under the FY22-23 funding cycle. Though the project scored well within the standard funding score range and EPA staff confirmed with additional funds from the federal Omnibus Budget Bill signed by Biden late in December the project is being recommended for funding under the FY23-24 WQIF (there was an additional \$54M allocated for FY23-24). We are pleased to have received this good news and we will continue working at the regional scale to collaborate on initial planning efforts this FY that will support the overall project and also be claimed as in-kind match as appropriate and feasible.

#### 5) Funding and Financing Work Group:

Following discussions with the Committee and the Funding & Financing Ad-hoc Workgroup in fall regarding consideration of options for a countywide funding initiative or combination of strategies towards generating new stormwater revenue to support local stormwater infrastructure needs and increased compliance costs with the reissued MRP, C/CAG staff are developing a proposed small contract with a consulting firm, Colantuono, Highsmith & Whatley (CH&W), which played a key role in supporting and interpreting SB 231 (Hertzberg) when the legislation was signed in 2017. Since then, Michael Colantuono has been engaged with C/CAG staff and the Ad-hoc Workgroup to support the Countywide Program in evaluating potential for non-balloted fees pursuant to changes to the Omnibus Implementation Act of Proposition 215 regarding the definition of "sewer" in relation to stormwater runoff and related requirements for fee generation under the California Constitution. C/CAG staff plan to engage with CH&W for preliminary conversations beginning in FY22-23 to further discuss revenue generation options.

#### 6) FY 2023-24 Stormwater Program Budget Process:

Early in each calendar year the Countywide Stormwater Program develops its program scope and budget for the following Fiscal Year. The process occurs over several months and typically includes engagement with the MRP Implementation Ad-hoc Workgroup in February, initial discussion with the Committee in March, and a draft program budget provided to the Committee in April for development of the overall C/CAG annual budget first presented to the Board in May. C/CAG staff are anticipating the potential need to prioritize core program support services to the municipalities in support of MRP compliance beginning in FY23-24, given there are significant new trash and LID monitoring requirements that will begin in fall 2023. Staff will plan to schedule a meeting with the Ad-hoc Workgroup in February to begin program planning process for next Fiscal Year.

#### 7) Funding Opportunities:

The Countywide Stormwater Program continues to track and evaluate funding opportunities to support program developments and C/CAG's member agencies with opportunities to fund local stormwater projects and programs. The California Grants Portal is a useful resource to track statewide and regional funding opportunities - <https://www.grants.ca.gov/>. The following opportunities are currently open solicitations or programs under development related to stormwater management:

- [Prop 68 Climate Adaptation Funds](#) (California Coastal Conservancy), ongoing, \$5.7M available for the SF Bay Area, including green infrastructure and climate resilience projects/additional statewide appropriations for 2022/23, including \$350M climate resilience projects, \$160M for sea level rise, \$150M for coastal resilience
- [Clean California Local Grant Program Cycle 2](#) (Caltrans), call for projects forecasted for January 2023, \$100M statewide up to \$500M per project
- Fiscal Year 2023-24 State Budget – despite anticipated general fund deficits projected in the Governor’s draft budget released earlier this month, there are anticipated reserves that will support one time funding opportunities for natural resource and climate adaptation funding, including programs focused on urban greening, flood protection and drought resilience. For example, the draft budget includes a proposed new investment of \$135.5M over two years in urban Flood Risk Reduction

#### **ATTACHMENTS**

None.

## C/CAG AGENDA REPORT

Date: January 19, 2023

To: Stormwater Committee

From: Reid Bogert, C/CAG Senior Program Specialist

Subject: Receive information regarding MRP 3.0 requirements to develop a program for implementing control measures to address polychlorinated biphenyls (PCBs) in old industrial land uses

(For further information or questions contact Reid Bogert at [rbogert@smcgov.org](mailto:rbogert@smcgov.org))

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### RECOMMENDATION

That the Stormwater Committee receive information regarding MRP 3.0 requirements to develop a program for implementing control measures to address polychlorinated biphenyls (PCBs) in old industrial land uses.

### BACKGROUND/DISCUSSION

The reissued five-year term of the Municipal Regional Stormwater Permit Order No. R2-2022-0018 (MRP 3.0) was adopted by the San Francisco Bay Regional Water Quality Control Board (Water Board) on May 11, 2022, with an effective date of July 1, 2022. MRP 3.0 includes several new or modified provisions and overall represents a significant expansion of compliance activities at the local and countywide program scales. Provision C.12.c. requires new efforts focused on reducing PCBs in old industrial land uses throughout the MRP area. The permit specifies mandatory acreage treated and associated load reductions for PCBs on a countywide basis for each of the Bay Area countywide program areas to be achieved by the end of the five-year permit term. San Mateo County's portion of the acreage treated and PCBs load reduction mandates are 445 acres and 81 grams/year, respectively. It is anticipated that Permittees will need to play greater direct role in taking actions to address PCBs than in previous permit terms due to these new requirements.

To support compliance with this new permit requirement, the Countywide Stormwater Program convened an Old Industrial Land Use PCBs Workgroup in fall 2021 with representatives from the nine C/CAG member agencies that have more than 90% of old industrial land uses in the county (Attachment 1). Working with each municipality through the Workgroup, the Countywide Stormwater Program is developing a proposed approach for compliance with Provision C.12.c. by San Mateo County MRP Permittees, including the development of a Control Measure Implementation Plan for PCBs in Old Industrial Land Uses, which must be submitted to the Water Board by March 31, 2023.

Staff from C/CAG consultant EOA will provide a progress report on the efforts to-date to develop the Control Measures Plan. This will include the currently projected acreage/load reductions based on information collected from Permittees and the estimated remaining acreage/load reductions "gap" needed to demonstrate compliance. The proposed approach to "close the gap" includes a new proposed program to work with private property owners to reduce PCBs discharges from their parcels, with emphasis on planning and implementing controls in areas shown to have moderate levels of PCBs, via monitoring data collected to-date and additional data to be collected over the permit term. This new program to address properties with moderate PCBs would supplement the Countywide Stormwater Program's existing

program to identify properties with relatively high levels of PCBs and refer to the Water Board for cleanup. Staff will continue the discussion from the previous Stormwater Committee meeting regarding potential challenges to the proposed approach and solicit additional input from committee members.

**ATTACHMENTS**

1. Table of Old Industrial Land Use acreage among San Mateo County municipalities



Table of Old Industrial Land Use acreage among San Mateo County municipalities as of approximately the end of MRP 2.0. The nine member agencies highlighted yellow are participating in an Old Industrial Land Use PCBs Workgroup to support developing a PCBs Control Measure Implementation Plan for Old Industrial Areas in the county.

Municipality	Current Old Industrial (acres)
South San Francisco	1,133
Brisbane	761
San Mateo County	562
Redwood City	445
San Carlos	354
Burlingame	338
Menlo Park	337
San Mateo	238
East Palo Alto	115
San Bruno	76
Millbrae	59
Foster City	49
Belmont	44
Daly City	34
Colma	16
Woodside	6
Hillsborough	3
Atherton	1

**4,571**

## C/CAG AGENDA REPORT

Date: January 19, 2023  
To: Stormwater Committee  
From: Reid Bogert, C/CAG Senior Program Specialist  
Subject: Receive information regarding implementation of MRP 3.0 requirements to develop a regional cost reporting framework and methodology

(For further information or questions contact Reid Bogert at [rbogert@smcgov.org](mailto:rbogert@smcgov.org))

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### RECOMMENDATION

That the Stormwater Committee receive information regarding implementation of MRP 3.0 requirements to develop a regional cost reporting framework and methodology.

### BACKGROUND/DISCUSSION

The reissued five-year term of the Municipal Regional Stormwater Permit Order No. R2-2022-0018 (MRP 3.0) was adopted by the San Francisco Bay Regional Water Quality Control Board (Water Board) on May 11, 2022, with an effective date of July 1, 2022. MRP 3.0 includes several new or modified provisions and overall represents a significant expansion of compliance activities at the local and countywide program scales. Provision C.20 requires development of a regional cost reporting framework and methodology. Based upon the framework and methodology, each Permittee is then required to annually prepare and submit a fiscal analysis of the costs incurred to implement permit requirements, beginning with its 2025 Annual Report (i.e., for Fiscal Year 2024/25). Provision C.20 encourages Permittees to collaboratively develop the cost reporting framework and methodology for purposes of efficiency, cost-savings, and regionwide consistency and comparability.

Provision C.20.b.iv. requires reporting costs for specified program areas that address the following cost categories:

1. Total cost
2. Capital expenditures
3. Land costs
4. Personnel costs
5. Consultant costs
6. Overhead costs
7. Construction costs
8. Operation and maintenance costs
9. Other costs

Other specific permit requirements include:

- Identify costs solely to comply with permit requirements (as listed in Provision C.20.b.iii.).
- Allow comparisons and identification of trends over time.
- Describe the source of funds used to meet the necessary expenditures, including legal restrictions on the use of such funds.
- Identify funding resources shared on a regional or countywide basis.
- Estimate costs for the upcoming fiscal year.

Permittee and countywide stormwater program representatives currently work together to conduct projects of regional benefit through the Bay Area Municipal Stormwater Collaborative (BAMSC). In September 2022, the BAMSC Steering Committee approved a project profile describing the scope of work, estimated budget, and allocation of funding among countywide stormwater programs to develop a regional cost reporting framework and methodology. The products consist of a Cost Reporting Framework (Excel-based workbook) and accompanying Guidance Manual.

A regional Cost Reporting Work Group was formed to direct this effort and provide input on draft products. After review and comment by staff from Permittees, Bay Area countywide stormwater programs, the Water Board, and the USEPA, the final Cost Reporting Framework and Guidance Manual will be submitted to the Water Board by June 30, 2023, per Provision C.20 requirements.

Staff from C/CAG consultant EOA will provide a summary of the new requirements under Provision C.20, present the first draft of the Cost Reporting Framework and Guidance Manual (which was emailed separately to San Mateo County Permittees), and solicit any initial feedback from the Stormwater Committee.

#### **ATTACHMENTS**

None.