

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton ■ Belmont ■ Brisbane ■ Burlingame ■ Colma ■ Daly City ■ East Palo Alto ■ Foster City ■ Half Moon Bay ■ Hillsborough ■ Menlo Park
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, September 21, 2023

**San Mateo County Transit District Office
1250 San Carlos Ave, 2nd Fl. Auditorium,
San Carlos, CA**

*****HYBRID MEETING - IN-PERSON AND BY VIDEOCONFERENCE*****

This meeting of the Stormwater Committee will be held in person and by teleconference pursuant to Government Code Section 54953(e). Members of the public will be able to participate in the meeting remotely via the Zoom platform or in person at the location above. For information regarding how to participate in the meeting, either in person or remotely, please refer to the instructions at the end of the agenda.

Join by Zoom:

<https://us02web.zoom.us/j/87923846411?pwd>

Zoom Meeting ID: 879 2384 6411

Password: 389315

Join by Phone:

Call in Number: (669) 900-6833

Zoom Meeting ID: 879 2384 6411

Password: 389315

Persons who wish to address the 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. Spoken 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.

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|---|-------------|--------------|
| 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. ACTION – Review and approve April 20, 2023 Stormwater Committee meeting minutes. | Breault | Pages 1-5 |
| 4. ACTION – Review and recommend Board approval of the revised draft Stormwater Committee Guidelines to include alternates. | Charpentier | Pages 6-11 |
| 5. INFORMATION – Receive announcements on stormwater related issues. | Bogert | Pages 12-16 |

6. INFORMATION – Receive presentation on MRP 3.0 implementation updates.	Bogert	Pages 17-18
7. Regional Board Report	Mumley	No materials
8. Executive Director’s Report	Charpentier	No materials
9. Member Reports	All	No materials
10. Adjourn	Chair	No materials

PUBLIC NOTICING: All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Court Yard, 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 Board meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members, of the Board. 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 Crume at (650) 599-1406 to arrange for inspection of public records.

ADA REQUESTS: Persons with disabilities who require auxiliary aids or services to participate in this meeting should contact Mima Crume at (650) 599-1406 or mcrume@smcgov.org by 10:00 a.m. prior to the meeting date.

PUBLIC PARTICIPATION DURING HYBRID MEETINGS: During hybrid meetings of the C/CAG Stormwater Committee, members of the public may address the Committee as follows:

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 with the Subject line “Stormwater Committee Meeting Comment”.
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 Committee members, made publicly available on the C/CAG website along with the agenda. Emails received less than 2 hours before the meeting will be provided to the Committee members and included in the administrative record of the meeting as soon as practicable.

Spoken comments will be accepted during the meeting in person and through Zoom. Public comments will be taken first by speakers in person followed by via Zoom. Please read the following instructions carefully:

***In-person participation:**

1. If you wish to speak to the Committee, please fill out a speaker's slip located on the 2nd floor auditorium side table against the wall. If you have anything that you wish distributed to the Committee and included in the official record, please hand it to the C/CAG staff who will distribute the information to the Committee members and staff.

***Remote participation:**

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 the C/CAG staff or Chair call for the item on which you wish to speak, click on "raise hand." The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called on to speak. If calling in via phone, press *9 to raise your hand and when called upon press *6 to unmute.
5. When called, please limit your remarks to the time allotted.

If you have any questions about this agenda, please contact C/CAG staff:

Executive Director: Sean Charpentier scharpentier@smcgov.org

Stormwater Committee Staff: Reid Bogert rbogert@smcgov.org

C/CAG AGENDA REPORT

Date: September 21, 2023

To: Stormwater Committee

From: Reid Bogert, Program Director

Subject: Review and approve the April 20, 2023 Stormwater Committee meeting minutes

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

RECOMMENDATION

That the Stormwater Committee (Committee) review and approve the April 20, 2023 Stormwater Committee meeting minutes, as drafted.

BACKGROUND/DISCUSSION

N/A.

ATTACHMENTS

1. Draft April 20, 2023 Meeting Minutes

STORMWATER COMMITTEE

Thursday, April 20, 2023

2:30 p.m.

Draft Meeting Minutes

The Stormwater Committee meeting was held in a hybrid format (i.e., in-person and videoconference) pursuant to Government Code Section 54953(e). Committee members met in-person at the offices of the San Mateo County Transit District in the City of San Carlos. Municipal staff (not part of a legislative body of C/CAG) and members of the public could participate remotely via the Zoom platform or in-person at the location above. 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), Jennifer Lee (City of Burlingame), Hae Won Ritchie (City of San Bruno), Krista McDonald (County of San Mateo), James O'Connell (City of Redwood City), Carlyle Ann Young (public). Chair Breault called the meeting to order at 2:31 p.m.

1. Call to Order, Roll Call, and a brief overview of teleconference meeting procedures.
2. Public comment on items not on the agenda – None.

Chair Breault announced a proposed modification to the agenda to conclude the meeting in honor of Kevin Robert Perry, a long-time consultant to C/CAG's Stormwater Program, who passed away in April 2023. Motion: Member Ovadia; Second: Member Donohue. Approved (11:0:0).

3. ACTION – The Committee approved the draft March 16, 2023 Stormwater Committee meeting minutes contingent on multiple corrections to the attendance sheet, including marking Belmont as a non-voting representative, Brisbane as absent, Colma as a non-voting representative, Daly City as present, and County Unincorporated as present. Motion: Member Willis; Second: Member Ovadia. Approved (10:0:1). Member Bautista abstained.
4. ACTION – The Committee nominated and elected a Committee Chair and Vice Chair for the next 12-month period. Vice Chair Ovadia opened the floor for nominations for the Chair position. Chair Breault was nominated to continue as Chair of the Committee. Motion: Member Willis; Second: Member Brown. No other nominations for Chair were proposed. Approved (11:0:0). Chair Breault then opened the floor for nominations for Vice Chair. Motion: Chair Breault; Second: Member Donohue. No other nominations for Vice Chair were proposed. Approved (11:0:0).
5. INFORMATION – Announcements on stormwater related issues:
 - i. April 2023 C/CAG Board Updates – None.
 - ii. CASQA 2023 Annual Conference and Call for Abstracts – Information was provided regarding registration and Calls for Abstracts and Awards for the upcoming California Stormwater Quality Association Annual Conference in San Diego, September 11-13.
 - iii. Duly Authorized Representative Approvals – Information was provided for three upcoming submittals to the Regional Water Quality Control Board (Regional Water Board) under year-one implementation of the Municipal Regional Stormwater Permit (MRP), for which Duly Authorized Representative approvals will be requested by Stormwater Program staff, including submittal of the SMCWPPP Low Impact Development Plan due May 1, 2023, the Regional Trash Monitoring Plan (a partnership project of the Bay Area Municipal Stormwater Collaborative) due July 31, 2023, and the Regional Cost Reporting Framework and Methodology due June 30, 2023.
 - iv. MRP 3.0 Permit Amendment – Staff provided a summary of the MRP 3.0 Provision C.3 related

permit amendment process and timeline. The Regional Water Board is planning an permit amendment pertaining to multiple sub-provisions of Provision C.3, and permittees and program representatives throughout the Bay Area have coordinated with Water Board staff over the last year to propose implementable permit amendment language in support of intended water quality and stormwater program goals related to new road reconstruction project requirements and impacts on Disadvantaged Communities; Special Project Category C provisions related to affordable housing criteria for Low Impact Development credits; and options for Alternative Treatment Systems to support flexibility for implementing all of Provision C.3. Staff noted a SMCWPPP Comment Letter is planned for responding to the Administrative Draft Permit Amendment, due by May 5, 2023.

- v. FY 2023-24 State Water Resources Control Board NPDES permit fees – Staff noted the State Water Resources Control Board is anticipating surplus funds from the Municipal NPDES Stormwater Permit Fee under the Waste Discharge Fund for Fiscal Year 2023-24 and that there may be a decrease of approximately 3% for the upcoming Fiscal Year permit fees based on current projections and information shared at recent stakeholder engagement workshops.
 - vi. Office of Planning and Research Integrated Climate Adaptation and Resilience Program (ICARP) Adaptation Planning Grant Program application – Staff announced the C/CAG led submission of an application under the Integrated Climate Adaptation and Resilience Program Adaptation Planning Grant Program administered by the Governor’s Office of Planning and Research to complete the proposed San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan. C/CAG staff submitted the application for \$649,648 in grant funding (no match requirement) on behalf of the project co-applicants (OneShoreline, County Office of Sustainability, the Bay Area Water Supply and Conservation Agency (BAWSCA), the City of San Bruno, the City of South San Francisco’s Water Quality Control Plant and Climate Resilient Communities). This effort will build off of prior Green Infrastructure planning work and other regional resilience efforts to further prioritize multi-benefit stormwater projects with a lens towards addressing shared climate risks to water resources and infrastructure, community-specific vulnerabilities and collaborative planning and implementation.
 - vii. Funding Opportunities – The Countywide Stormwater Program continues to track and evaluate funding opportunities for local stormwater projects and programs. Several opportunities related to green infrastructure and climate change resilience were summarized. In addition, C/CAG staff is working to develop direct member funding requests through their congressional representatives for sustainable streets projects in several jurisdictions, especially those with underserved communities. It was noted that the request submitted to CA’s Congressional Representatives was included for \$850,000 in the Assembly Committee on Transportation, Housing and Urban Development Appropriations proposal to fund a Sustainable Streets Design Pilot Project Program.
6. INFORMATION – C/CAG’s stormwater program consultant Jill Bicknell with EOA, provided information on the revised Cost Reporting Framework and Guidance Manual documents developed by the Bay Area Municipal Stormwater Collaborative (BAMSC). As encouraged by the MRP under Provision C.20, Bay Area permittees have worked collaboratively to develop the cost reporting framework and methodology to support mandatory cost reporting on stormwater permit compliance starting with the FY24-25 Annual Reports. The initial draft Framework and Guidance Manual have been revised after meetings with State Water Board staff and Regional Water Board staff. The revised materials have been circulated to permittees and programs for review/comment. Bicknell summarized changes to the draft framework, including consolidating cost categories under Program Management; modifying cost reporting for capital and operations and maintenance costs for costs related to Provisions C.2, C.3, C.10; adding an “Other Related Municipal Programs” category for work such as street sweeping and catch basin inlet cleaning that didn’t fit in the existing categories; modifying Personnel and Overhead to provide more flexibility in reporting costs; and providing options for Future Cost reporting. Bicknell shared an example of the framework worksheet to

demonstrate how to fill out the categories and provided a summary of the discussions with the State Water Board Strategy to Optimize Resource Management for Stormwater (STORMS) project to develop a cost-reporting policy and online submittal process with the intent of having Phase I and II permittees coordinate submittal of cost data from their Annual Reports on an annual basis through the State Board Stormwater Multiple Applications for Reporting and Tracking (SMARTS) system. MRP permittees and program representatives have met with the STORMS project staff to coordinate the development of the BAMSC cost reporting framework and guidance and the STORMS framework and policy to ensure good alignment and consistency, though the BAMSC reporting framework will be complete before the public draft STORMS materials are fully develop and finalized for public review. Program representatives and permittees met with the STORMS team on April 12 and received overall positive feedback on the latest BAMSC cost reporting resources with some minor requested considerations. Comments on the BAMSC materials are due April 28, following which C/CAG staff will distribute the final revised materials and will follow-up with a Duly Authorized Representative Approval request prior to submittal to the Regional Water Board via the BAMSC Steering Committee by June 30, 2023.

7. Information – C/CAG staff provide a summary of the Preliminary FY23-24 Countywide Stormwater Program Budget, after having initial discussion with the MRP Implementation Ad-hoc Work Group on budget priorities and constraints. With increasing water quality monitoring costs anticipated for FY23-24 through the end of the current MRP term, C/CAG staff worked with C/CAG’s stormwater program consultants to develop a proposed scope of work for technical support services to the program in the upcoming Fiscal Year. The Draft Budget reflects several proposed reductions in non-compliance related tasks to ensure a balanced budget for next Fiscal Year and the out years of the current MRP, focusing on the categories of Public Education and Outreach under Provision C.7, Subcommittee meetings, and other non-compliance tasks in Green Infrastructure planning. Staff also proposed reducing the program contingency budgets to help offset future increased costs. Staff summarized next steps in finalizing the FY23-24 Program Budget with additional input from the Ad-hoc Work Group and to finalize the budget to present to the C/CAG Board of Directors in draft form at the May Board meeting as part of the overall C/CAG Program Budget for FY23-24, prior to a planned approval of the overall program budget for FY23-24 in July.
8. Regional Board Report: None.
9. Executive Director’s Report: None.
10. Member Reports: None.
11. Chair Breault adjourned the meeting at 3:32 p.m.

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	C A N C E L E D	x	C A N C E L E D	x	x	C A N C E L E D	x	C A N C E L E D	x	x		
Belmont	Peter Brown	Public Works Director				x	x		x		o	x		
Brisbane	Randy Breault	Public Works Director/City Engineer				x	x		x			x		
Burlingame	Syed Murtuza	Public Works Director		x			x		x		x	x		
Colma	Brad Donohue	Director of Public Works and Planning		x			o		x		o	x		
Daly City	Richard Chiu	Public Works Director				x			x		x			
East Palo Alto	Kamal Fallala (through August)/Humza Javed (starting October)	Public Works Director				x	o		x		x	x		
Foster City	Louis Sun	Public Works Director		x		x			x					
Half Moon Bay	Maziar Bozorginia	City Engineer		x		x			x		x	x		
Hillsborough	Paul Willis	Public Works Director		x		x	x		x		x	x		
Menlo Park	Nikki Nagaya	Public Works Director		x		x	x		x		x			
Millbrae	Vacant (May through September)/Sam Bautista (starting November)	Public Works Director				o	o		o		o	x		
Pacifica	Lisa Petersen	Public Works Director					x		x		x/r/nv			
Portola Valley	Howard Young	Public Works Director		x		x	x					x/r/nv		
Redwood City	Saber Saraway (through October)/Vacant (starting November)	Supervising Civil Engineer					o				o			
San Bruno	Matthew Lee	Public Works Director		x		x			x		x	o		
San Carlos	Steven Machida	Public Works Director		o		x	x		x		x			
San Mateo	Azalea Mitch	Public Works Director		x		x	x		x		x	x		
South San Francisco	Eunejune Kim	Public Works Director		x		x	x		x		x			
Woodside	Sean Rose	Public Works Director		x		x	x		x					
San Mateo County	Ann Stillman	Public Works Director		x		x	x		o		x	x		
Regional Water Quality Control Board	Tom Mumley	Assistant Executive Officer												

"x" - Committee Member Attended

"x/r/v" - Committee Member Attended Remotely/Voting under AB 2449 beginning March 2023

"x/r/nv" - Committee Member Attended Remotely/Non-voting beginning March 2023

"o" - Other Jurisdictional Representative Attended

C/CAG AGENDA REPORT

Date: September 21, 2023

To: Stormwater Committee

From: Sean Charpentier, Executive Director

Subject: Review and recommend Board approval of the revised draft Stormwater Committee Guidelines to include alternates

(For further information contact Sean Charpentier at scharpentier@smcgov.org)

RECOMMENDATION

That the Stormwater Committee (Committee) review and recommend Board approval of the revised draft Stormwater Committee Guidelines, which include alternate positions.

FISCAL IMPACT

There is no fiscal impact related to this item.

SOURCE OF FUNDS

Not applicable.

BACKGROUND

C/CAG's Stormwater Committee was convened in November 2012 and was created to provide policy input and recommendations to the C/CAG Board of Directors on issues pertaining to compliance with the Municipal Regional Stormwater Permit, administered by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board). The Committee is comprised of director-level staff from C/CAG's 21 member agencies and a non-voting staff from the Regional Water Board.

The Committee Guidelines were revised by C/CAG staff in 2020 following the changes to Committee meeting procedures as a result of the impacts of COVID-19. Since then, discussions at the Congestion Management Program Technical Advisory Committee ensued regarding a request for the inclusion of alternates, ensuring contingency coverage in situations where a jurisdiction's representative is unavailable.

To remain consistent between staff-level advisory Committees, C/CAG staff recommend a similar model be adopted for including alternates on the Stormwater Committee and for streamlining the appointment process. As detailed in the Revised Draft Stormwater Committee Guidelines (Attachment 1), staff recommend designating membership positions or specified staff

as primary Committee members and alternates. The intent is to ensure the desired staff level positions with responsibility for compliance with the Municipal Regional Permit are maintained on the Committee and/or are designated as alternates and to streamline the process of managing for changes in staffing, whereby the C/CAG Board of Directors will approve the updated Guidelines and designated Committee positions or specified staff holding designated positions. This would streamline the appointment process and reduce the need for City Managers to recommend and the CCAG Board of Directors to approve a new member during staff transitions, as has been the policy to-date.

Staff emailed current Committee members on September 13 with a Google Doc to collect each agency's designated positions/appointees. At the September meeting, staff recommends review and approval of a recommendation for Board approval of the Revised Draft Stormwater Committee Guidelines.

ATTACHMENTS

- 1) Revised Draft Stormwater Committee Guidelines - redlined

Stormwater Committee Guidelines

Established: November 8, 2012

Revised: December 22, 2020/September 21, 2023

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Description

The 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.

The following are the general issues typically addressed by the Committee:

- Review and provide recommendations for the Countywide Water Pollution Prevention Program (Countywide Program)'s annual budget as part of the overall C/CAG budget approval process.
- Authorize submittal of countywide and regional compliance documents on behalf of their respective agencies for activities performed via C/CAG through the Countywide Program or the Bay Area Stormwater Management Agencies Association.
- Convey relevant program and compliance information and direction to appropriate staff and departments within their jurisdictions.
- Form ad-hoc work groups to address particular stormwater-related issues on an as-needed basis.
- Discuss and provide policy recommendations on stormwater issues, such as:
 - funding stormwater compliance activities at the local and countywide level;
 - unfunded mandate test claims;
 - permit appeals and litigation;
 - reissuance of the Municipal Regional Permit;
 - permit requirements, especially those related to new and redevelopment, monitoring, and pollutants of concern, including trash, mercury, PCBs, and pesticides;
 - training and technical support needs for municipal staffs
 - legislation and statewide policy issues impacting member agencies

Membership

The Stormwater Committee includes director-level ~~appointees-staff~~ with decision-making authority for implementing stormwater management programs within the member agencies in compliance with requirements in the Municipal Regional Permit. There is one representative from each of the 21 member agencies, ~~recommended by City/Town/County Managers~~, and one non-voting executive management representative from the Regional Water Quality Control Board staff, ~~all appointed by the C/CAG Board.~~ ~~There are no term limits and members may be removed and replaced as needed.~~

Term Limits

- There are no term limits for the Stormwater Committee. Members can remain on the Committee indefinitely or until a member voluntarily relieves themselves from the membership.

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Chair and Vice Chair

- The Chair and Vice Chair for the Stormwater Committee are annually nominated and voted upon by Committee members at a regularly scheduled meeting. The Chair manages the Committee meetings by calling the meeting to order, leading the Committee through the agenda topics, monitoring meeting discussion to ensure all discussion remains on topic, and leading the motion and approval of all action items. The role of the Vice Chair is to support the Chair and act as a stand in should the Chair be unable to attend a meeting.
- There are no term limits.

Selection and Appointment Process

To streamline the process and ensure continuous representation, the Roster Table can include designated positions and/or individually named appointments. The Roster Table also includes a Primary Member and an Alternate Member.

The C/CAG Board of Directors shall approve all appointments of Primary and Alternate Members.

Designated positions are executive level positions where there may be only one position (ie Public Works Director) in the agency or there may be multiple positions (i.e., having multiple Deputy Public Works Directors).

The C/CAG's Board of Directors will approve the appointment of these designated positions, effectively automatically appointing the staff member filling the designated position.

For designated positions where there are multiple positions, the jurisdiction or agency will need to propose a member by name, and the C/CAG Board will need to approve such appointment on an individual basis.

The City Manager or equivalent will notify the C/CAG Executive Director of any changes to the personnel filling the designated positions, or changes to the named positions themselves. The C/CAG Board will approve changes to the designated positions or name as necessary.

Interim or Acting appointments by the appropriate Executive to the designated positions where there is only one position (i.e., Public Works Director) are acceptable.

Primary Members

- Primary Stormwater Committee members for C/CAG's member agencies shall be the Public Works Director, City Engineer/Managing Engineer (or equivalent) held by a single person, or a staff member holding a comparable executive position identified by the jurisdiction or agency with responsibility for compliance under the Municipal Regional Permit.
- The Regional Water Quality Control Board member shall be the Watershed Management Supervisor or a specified staff holding a comparable executive position identified by the Regional Water Quality Control Board.

Alternate Members

- Each agency can have an alternate member.

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- The alternate for C/CAG's member agencies can be the City Engineer/Managing Engineer or Assistant or Deputy Director of Public (or equivalent) held by a single person, or a staff member holding a comparable executive position identified by the jurisdiction or agency with responsibilities for compliance under the Municipal Regional Permit.
- The alternate for the Regional Water Quality Control Board member can be the Watershed Management Manager or a staff member holding a comparable executive position identified by the Regional Water Quality Control Board.
- The alternate has the authority to cast votes in lieu of the primary member.
- Attendance of an alternate member will not be recorded as attendance for the primary member.

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The Roster Table below identifies the primary and alternate Stormwater Committee members, either by designated position or by name, where necessary, of the 2023 Stormwater Committee:

<u>Member Agency</u>	<u>Primary Stormwater Committee Member</u>	<u>Alternate</u>
<u>City of Atherton (Vice Chair)</u>	<u>Director of Public Works</u>	<u>TBD</u>
<u>City of Belmont</u>	<u>Director of Public Works</u>	<u>Assistant Public Works Director</u>
<u>City of Brisbane (Chair)</u>	<u>Director of Public Works/City Engineer</u>	<u>Deputy Public Works Director</u>
<u>City of Burlingame</u>	<u>Director of Public Works</u>	<u>Assistant Public Works Director</u>
<u>City of Daly City</u>	<u>Director of Public Works</u>	<u>City Engineer</u>
<u>City of East Palo Alto</u>	<u>Director of Public Works</u>	<u>City Engineer</u>
<u>City of Foster City</u>	<u>Director of Public Works</u>	<u>Manager of Engineering</u>
<u>City of Half Moon Bay</u>	<u>Director of Public Works</u>	<u>TBD</u>
<u>City of Menlo Park</u>	<u>Director of Public Works</u>	<u>Assistant Public Works Director</u>
<u>City of Millbrae</u>	<u>Director of Public Works</u>	<u>City Engineer/Deputy Public Works Director</u>
<u>City of Pacifica</u>	<u>Deputy Director of Public Works/City Engineer</u>	<u>City Engineer/Deputy Public Works Director</u>

<u>City of Redwood City</u>	<u>City Engineer</u>	<u>Senior Civil Engineer, Ahmad Haya</u>
<u>City of San Bruno</u>	<u>Director of Public Works</u>	<u>Deputy Director of Public Works, Hae Won Ritchie</u>
<u>City of San Carlos</u>	<u>Director of Public Works</u>	<u>City Engineer</u>
<u>City of San Mateo</u>	<u>Director of Public Works</u>	<u>Deputy Public Works Director</u>
<u>City of South San Francisco</u>	<u>Director of Public Works/City Engineer</u>	<u>Deputy Public Works Director</u>
<u>San Mateo County</u>	<u>Director of Public Works</u>	<u>Deputy Director Engineering & Resource Protection</u>
<u>Town of Colma</u>	<u>Director of Public Works and Planning</u>	<u>Deputy Public Works Director/City Engineer</u>
<u>Town of Hillsborough</u>	<u>Director of Public Works</u>	<u>Deputy Director</u>
<u>Town of Portola Valley</u>	<u>Director of Public Works</u>	<u>None</u>
<u>Town of Woodside</u>	<u>Director of Public Works/Town Engineer</u>	<u>Deputy Town Engineer</u>
<u>Regional Water Board</u>	<u>Watershed Management Supervisor</u>	<u>Watershed Management Manager</u>

Chair and Vice Chair

The Chair and Vice Chair for the Stormwater Committee are annually nominated and voted upon by Committee members at a regularly scheduled meeting. The Chair manages the Committee meetings by calling the meeting to order, leading the Committee through the agenda topics, monitoring meeting discussion to ensure all discussion remains on topic, and leading the motion and approval of all action items. The role of the Vice Chair is to support the Chair and act as a stand-in should the Chair be unable to attend a meeting.

Meeting Location and Frequency

The Committee generally meets on a bimonthly basis depending on need on the third Thursday of the month at 2:30 PM at the San Mateo County Transit District Office in the 2nd Floor auditorium, 1250 San Carlos Avenue, San Carlos. Public notices for Committee meetings are posted in accordance with Brown Act requirements on the ground floor of the same location, as well as on the C/CAG website. Since March 2020, in response to COVID-19 public health directives, meetings have been held virtually via Zoom.

Attendance

C/CAG AGENDA REPORT

Date: September 21, 2023

To: Stormwater Committee

From: Reid Bogert, Program Director

Subject: Receive information on stormwater related announcements

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

RECOMMENDATION

That the Stormwater Committee receive information on stormwater related announcements from May through September 2023.

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 May through September.

1) Recent C/CAG Board updates:

- May 11, 2023 – Received a copy of the Agreement with Brown and Caldwell for technical support to develop the San Mateo County OneWatershed Framework and Community-Led Resilience Plan in Fiscal Year 2022-23 for an amount not to exceed \$20,000.
- June 8, 2023 – Received a presentation on C/CAG's Countywide Stormwater Green Infrastructure Program; approved Resolution 23-58 authorizing the C/CAG Chair to execute Amendment No. 10 to the Agreement with the Bay Area Water Supply and Conservation Agency for the Rain Barrel and Rain Garden Rebate Program, extending the term to June 30, 2024 to provide rebates during Fiscal Year 2023-24 for no additional cost and a total Agreement amount not to exceed \$155,000; approved Resolution 23-59 authorizing the C/CAG Executive Director to execute Task Order EOA-16 with EOA for an amount not to exceed \$2,398,150 for Fiscal Year 2023-24 for technical support services to the Countywide Stormwater Program; approved Resolution 23-60, authorizing the C/CAG Executive Director to execute Amendment No. 1 to the outside legal counsel retainer with Colantuono, Highsmith & Whatley PC, extending the term to June 30, 2025

and adding an additional amount not to exceed \$10,000 for a new total contract amount not to exceed \$28,000 to support the Countywide Stormwater Program with stormwater funding discussions.

- July 13, 2023 – Approved Resolution 23-69 authorizing the C/CAG Executive Director to accept a grant from the U.S. Environmental Protection Agency under the San Francisco Bay Water Quality Improvement Fund for a grant amount of \$3,366,000 to complete the Watching Our Watersheds Regional Trash Monitoring Project.
 - September 14, 2023 – Appointment of Andrew Brozyna, Public Works Director, for the City of Foster City, and Brad Underwood, Interim Public Works Director for the City of San Mateo, to the Stormwater Committee; Review and approval of Resolution 23-80 authorizing the C/CAG Executive Director to execute a Partnership Agreement with the Co-Applicants of the San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan (Project) and to execute an Agreement with the California Governor’s Office of Planning and Research for an amount not to exceed \$649,648 in ICARP grant funds to complete the Project; received a copy of the SMCWPPP Comment Letter on the MRP Permit Amendment Tentative Order to the Regional Water Quality Control Board, dated August 21, 2023 and a copy of C/CAG’s Letter of Intent regarding the proposed San Mateo County OneWatershed Climate Resilience Infrastructure Implementation Project under the National Oceanic and Atmospheric Administration’s Climate Resilience Regional Challenge, dated August 28, 2023.
- 2) Fiscal Year 2022-23 Annual Reports: The Fiscal Year 2022-23 Annual Reports are due for submittal to the Regional Water Quality Control Board by no later than 5 p.m. Pacific Standard Time on October 2, 2023 via online submission on State Water Resources Control Board Stormwater Multiple Applications for Reporting and Tracking (SMARTS) system. Each permittee in San Mateo County must submit their respective Annual Reports and the Countywide Stormwater Program Annual Report via SMARTS through an e-authorized Legally Responsible Party (LRP) account, or linked Duly Authorized Representative/Data Entry Person account. The State Water Board has provided updated guidance on setting up and certifying e-authorization for LRP accounts and linking other data submittal accounts, which was distributed to the Committee in early August 2023. Permittees were invited to submit Draft Annual Reports for review by EOA by September 1. The Draft Program Annual Report was circulated on September 5, with comments due September 19. Pending any revisions, C/CAG staff plans to circulate the final Program Annual Report by September 22.
- 3) Grants: C/CAG’s staff has pursued two recent grant-funded projects to support MRP implementation and broader Green Stormwater Infrastructure (GSI) planning and implementation goals. The projects include the Regional Trash Monitoring Watching Our Watersheds Project (in partnership with the other Phase I MRP stormwater programs in the Bay Area) with funding from the San Francisco Water Quality Improvement Fund, administered by Region 9 of the US Environmental Protection Agency (US EPA), and the

San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan (in partnership with multiple regional partners focused on climate resilience for water infrastructure in San Mateo County) with funding from the Integrated Climate Adaptation and Resilience Program Adaptation Planning Grant Program administered by the California Governor's Office of Planning and Research (OPR). The following provides a status on each grant:

- Regional Trash Monitoring Project:

Following the C/CAG Board approval of Resolution 23-69, authorizing the C/CAG Executive Director to enter into a grant agreement with the US EPA for a grant amount of \$3,366,000 to complete the project, and following execution of said agreement, C/CAG staff developed a Request for Proposals (RFP) in coordination with representatives from each of the partnering countywide stormwater programs to procure consultant services to deliver the full scope of work under the grant. Staff provided a summary and recommended approval of the RFP at the August 24 Bay Area Municipal Stormwater Collaborative (BAMSC) Steering Committee). Staff subsequently released the RFP on August 31 on C/CAG's Request for Proposals website and broadly distributed the opportunity through the California Stormwater Quality Association, BAMSC, and Caltrans Certified Disadvantaged Business Enterprise Database. Proposals are due October 5, 2023 no later than 5 p.m. Pacific Standard Time via email to C/CAG's Stormwater Program Director. Staff anticipate executing a Consultant Agreement in November with a recommendation from the Stormwater Committee and approval from the C/CAG Board.

- San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan:

In August, C/CAG and the project partners (co-applicants), including OneShoreline, the Bay Area Water Supply and Conservation Agency (BAWSCA), San Mateo County Office of Sustainability, City of San Bruno and City of South San Francisco (Water Quality Control Plant) met with the OPR grant managers to discuss the next steps towards developing a Grant Agreement between C/CAG (lead applicant) and OPR and a Partnership Agreement between C/CAG and the co-applicants. C/CAG also worked with the project partners and the OPR to modify the application scope and budget to include a subtask to develop a grant application under the National Oceanic and Atmospheric Administration Regional Resilience Challenge to fund implementation of several pilot "OneWatershed" projects and to expand and formalize C/CAG's existing Regional Collaborative Stormwater Program in support of regional MRP requirements and climate resilience goals through multi-benefit regional stormwater projects and distributed GSI. The C/CAG Board will consider approving Resolution 23-80, authorizing the C/CAG Executive Director to execute a Partnership Agreement with the co-applicants and to execute a Grant Agreement with OPR. Following execution of said agreements, C/CAG staff will work with the project partners to develop and release an RFP for consultant support services to complete the project. Staff anticipate executing a Consultant Agreement in November or December with a recommendation from the Stormwater Committee and approval from the C/CAG Board.

4) FY 2023-24 State Water Resources Control Board NPDES permit fees:

California State Water Code Section 13260 requires each person who discharges waste or proposes to discharge waste that could affect the quality of the waters of the state to file a report of waste discharge with the appropriate regional water board and to pay an annual fee set by the State Water Resources Control Board (State Water Board), the funds from which are deposited in the Waste Discharge Permit Fund (WDPF). Water Code Section 13260 requires the State Water Board to adopt, by emergency regulations, an annual schedule of fees for persons discharging waste to the waters of the state. Water Code Section 13260 further requires the State Water Board to adjust the annual fees each fiscal year to conform to the revenue levels set forth in the Budget Act. State Water Board Staff review all WDPF programs' fees on an annual basis and hold several stakeholder meetings throughout the year that coincide with the various iterations of the Governor's Budget.

The NPDES permit fee did not increase in FY22-23 from the prior year. The following summarizes the latest information on FY23-24 NPDES stormwater permit fees from recent workshops:

- Overall, the stormwater program is forecasted to over collect by 2.1%. This is the second consecutive year that the stormwater program is forecasted to over collect.
- However, for the second consecutive year, the proposed fees are expected to remain the same (no decrease or increase), with the potential exception of certain industrial fees
- Certain industrial fees may increase, some may decrease – the State Water Board is proposing to move from a flat fee to a tiered fee based on acreage:
 - i) >0 to <1 Acres = 5% decrease
 - ii) 1 to <5 Acres = 4% decrease
 - iii) 5 or more = 5% increase
- Fees must be approved by the Water Board, currently scheduled for September 19, 2023 - https://www.waterboards.ca.gov/resources/fees/stakeholder/docs/2023/2023_fees_stakeholdermtgs.pdf

5) Funding and Financing Workgroup: The Countywide Stormwater Program continues to evaluate funding and financing options to support MRP compliance and other stormwater management needs at the local level. The Funding and Financing Workgroup was convened in April to discuss the status of current funding options, including the feasibility of stormwater revenue options under SB 231 (Herzberg), and the potential for C/CAG to play a role in advancing options at the countywide or local scale. It was noted, following a District of Appeal Court case regarding the San Diego Regional Stormwater Permit, the options for SB 231 related exemptions from Prop 218 voter-approval requirements for stormwater fees have been broadly deemed intractable, because the Court upheld that the exemptions are unlawful under SB 231 due to the distinctions identified in Prop 218 regarding “sewer” as distinguished from “flood control.” The case did substantiate increased options for funding a broader array of trash reduction related work, including trash capture systems.

6) 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 includes currently open solicitations related to stormwater management:

- Clean Water State Revolving Fund – including stormwater infrastructure projects with dedicated funds for the San Francisco Bay region; ongoing; no match; low interest loans with potential principal forgiveness for Disadvantaged/Severely Disadvantaged Communities - <https://www.grants.ca.gov/grants/clean-water-state-revolving-fund-cwsrf-program-construction-2/>
- State Coastal Conservancy Grant Program – including projects that improve public access, natural resources, climate resilience; ongoing; grant amount between \$200,000 and \$5,000,000; no match; information workshop on September 28, 2023 - <https://scc.ca.gov/grants/>
- Fiscal Year 2023-24 State Budget and legislation – there were two primary water/infrastructure bonds introduced in the State Legislature this year with relevance for green stormwater infrastructure/flood and drought protection; however, the Governor has indicated the bonds will be postponed until the November 2024 ballot; additionally, ACA 1 (Aguiar-Curry) was passed by the Legislature which will place a measure on the November 2024 ballot and would lower the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation (GO) bonds and special taxes for affordable housing and public infrastructure projects.
 - SB 867 (Allen) - [Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023](#)
 - AB 1567 (Garcia) - [Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023](#)
 - ACA 1 (Aguiar-Curry) - https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220ACA1

ATTACHMENTS

None.

C/CAG AGENDA REPORT

Date: September 21, 2023
To: Stormwater Committee
From: Reid Bogert, Program Director
Subject: Receive presentation on MRP 3.0 implementation updates

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

RECOMMENDATION

That the Committee receive presentation on MRP 3.0 implementation updates.

BACKGROUND/DISCUSSION

On June 30, 2022, with support from the Countywide Stormwater Program, C/CAG's 21 member agencies and the San Mateo County Flood and Sea Level Rise Resiliency District (OneShoreline) completed implementation of year-one of the reissued Municipal Regional Stormwater Permit (MRP 3.0), which became effective July 1, 2022 and is set to expire June 30, 2028.

As documented during the MRP 3.0 permit reissuance and adoption process, the new permit has substantially increased and expanded provisions, including expanded requirements under Provisions C.3 (Green Infrastructure and New/Redevelopment), C.8 (Water Quality Monitoring), C.10 (Trash Load Reduction), C.11/12 (Pollutants of Concern), and new provisions, including C.15 (Fire-Fighting Discharges), C.17 (Unsheltered Populations), C.20 (Cost Reporting) and C.21 (Asset Management). While some provisions are being phased in somewhat gradually, many require new implementation programs and reporting mandates with initial compliance submission and reporting mandates during the first year of implementation under the reissued permit. In parallel, Regional Water Board staff, countywide stormwater programs and permittees throughout the MRP region have participated over the past year in workgroup meetings focused on several subprovisions of C.3 to address directives from the Regional Water Board members during the permit adoption hearing to provide a report on MRP 3.0 implementation progress and outcomes and to consider a permit amendment in the first year of the permit regarding impacts of new roadway requirements on Disadvantaged Communities, Special Project Category C (Affordable Housing) criteria, and options for Alternative Treatment for Regulated Projects. Following release of the MRP Permit Amendment Tentative Order in early August, C/CAG staff submitted a Comment Letter on August 21 on behalf of the San Mateo County permittees addressing the proposed changes to the regulations. The Stormwater Program Director is also coordinating at the regional level with the other countywide stormwater program managers to coordinate testimony at the permit amendment hearing scheduled for October 13, 2023.

Staff will present on the progress to-date on implementing year-one of the reissued MRP, accomplishments and challenges, future compliance efforts on the horizon, and a summary of the planned permit amendment adoption hearing process.

ATTACHMENTS

None.