

STORMWATER COMMITTEE
Thursday, September 21, 2023
2:30 p.m.

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 and SMCWPPP Program Director), Sean Charpentier (C/CAG Executive Director), Kim Springer (C/CAG staff), Derek Beauduy (Regional Water Quality Control Board), Craig Centis (City of Millbrae), Jennifer Lee (City of San Mateo), Elizabeth Wada (City of Belmont), Melissa Ross-Perkins (County of San Mateo), Sultan Henson (County of San Mateo), Krista McDonald (County of San Mateo), James O'Connell (City of Redwood City), Jon Konnan (EOA), Jill Bicknell (EOA), Bonnie de Berry (EOA), Kristin Kerr (EOA), and Ileana Alvarado (EOA). Chair Breault called the meeting to order at 2:41 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.
3. ACTION – The Committee approved the draft April 20, 2023, Stormwater Committee meeting minutes. Motion: Member Lee (City of San Bruno); Second: Member Underwood (City of San Mateo). Vote: Motion passed unanimously (13:0:0).
4. ACTION – With the purpose of ensuring contingency coverage in situations where a jurisdiction's representative is unavailable, C/CAG staff updated the draft Stormwater Committee Guidelines to specify alternates for the Stormwater Committee members. The Guidelines were also revised to streamline the process of managing changes in staffing by allowing agencies the option of designating a position within their organization (e.g., Public Works Director) rather than a specific individual. On September 13, 2023, staff emailed a request to each current Committee member to provide each agency's up to date designated member and alternate (person or position for each). The Committee approved the revised draft Stormwater Committee Guidelines, contingent on allowing jurisdictions to update their membership on the roster before submitting to the C/CAG Board. Motion: Vice Chair Ovadia (Town of Atherton); Second: Member Murtuza (City of Burlingame). Vote: Motion passed unanimously (13:0:0).
5. INFORMATION – Announcements on stormwater related issues:
 - i. May through September 2023 C/CAG Board Updates – Some of the updates detailed in the Stormwater Committee packet were highlighted: at the June 8, 2023 meeting, C/CAG authorized the execution of Task Order EOA-16, which is the primary consulting services task order for the Countywide Stormwater Program for FY 2023-24. Also, the Board received a presentation on C/CAG's Countywide Stormwater Green Infrastructure Program. At the July 13, 2023 meeting, C/CAG approved Resolution 23-69 authorizing the C/CAG Executive Director to accept a grant from the U.S. EPA under the San Francisco Bay Water Quality Improvement Fund to implement the Watching Our Watersheds Regional Trash Monitoring Project.
 - ii. FY 2022-23 Annual Reports – This year, Annual Reports are due October 2, 2023, via online submission to the Regional Water Quality Control Board (RWQCB) via the SMARTS system. Permittees must submit their respective Annual Reports through an e-authorized Legally Responsible Party (LRP) account or a linked Duly Authorized Representative / Data Entry Person

account. The draft Program Annual Report was emailed to Permittee representatives on September 5, with comments due September 19. The final Program Annual Report will be provided to Permittees by September 22.

- iii. Grants – C/CAG staff shared the status of two recent grant-funded projects to support MRP implementation and broader Green Stormwater Infrastructure (GSI) planning and implementation goals. These projects are:
 - Regional Trash Monitoring Project: as mentioned above, the C/CAG Board authorized the C/CAG Executive Director to enter into a grant agreement with the USEPA for a grant amount of \$3,366,000 to implement the project. The agreement was executed, and C/CAG staff developed a Request for Proposals (RFP) in coordination with representatives from each of the partnering Bay Area 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. On August 31 staff broadly distributed the RFP with proposals due October 5, 2023. Staff anticipates that, following a recommendation from the Stormwater Committee and approval from the C/CAG Board, a Consultant Agreement for assistance with implementing the project will be executed in November.
 - San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan: This project will bring together multiple partners to develop a framework for climate resilience for water infrastructure in the County. It will 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 a resolution to authorize the C/CAG Executive Director to execute a Partnership Agreement with the co-applicants and to execute a Grant Agreement with the California Governor's Office of Planning and Research (OPR). Currently, C/CAG staff is planning an RFP process to obtain consultant support with the project. Staff anticipates that, following a recommendation from the Stormwater Committee and approval from the C/CAG Board, a Consultant Agreement for assistance with implementing the project will be executed in November or December.
- iv. FY 2023-24 State Water Resources Control Board NPDES permit fees – California State Water Code Section 13260 requires waste dischargers to waters of the state to file a report of waste discharge with the appropriate RWQCB and to pay an annual NPDES permit fee set by the State Water Resources Control Board (State Water Board). The State Water Board adopts an annual schedule of fees and is required annually to evaluate adjusting the fees to conform to the revenue levels set forth in the Budget Act. The State Water Board forecasts surplus funds (2.1% over collection) for FY 2023-24 from municipal NPDES stormwater permit fees. However, for the second consecutive year, the proposed municipal fees are expected to remain the same. Approval of the fees by the State Water Board is currently scheduled for its September 19, 2023 meeting.
- v. Funding and Financing Work Group – C/CAG staff informed the Committee that the Program continues to evaluate funding and financing options to support MRP compliance and other stormwater management needs at the local level. A District Appeals Court case determined that there are no viable options for SB 231 related exemptions from Prop 218 voter-approval requirements for stormwater fees. However, the same case identified potential options for trash reduction implementation funding (e.g., inlet-based devices funded through Permittee trash franchise agreements).
- vi. Funding Opportunities – The Countywide Stormwater Program continues to track and evaluate opportunities to support C/CAG's member agencies with funding of local stormwater projects and

programs. The California Grants Portal (<https://www.grants.ca.gov/>) is a useful resource to track statewide and regional funding opportunities. Currently open solicitations related to stormwater management were reviewed and are summarized in the agenda package for today's meeting.

6. INFORMATION – The Committee received a presentation from Reid Bogert on the status of MRP 3.0 implementation. The presentation included updates on priority challenges, accomplishments, and lessons learned for various Program components and MRP provisions. The full PowerPoint presentation will be available on C/CAG's website. A few highlights are summarized below:

- *Program Budget and Future Funding.* Priority challenges include increased compliance costs, especially for Water Quality Monitoring, and RWQCB Executive Officer approval process leading to further cost increases (e.g., for Water Quality Monitoring, PCBs Control Programs, Unsheltered Populations, and Cost Reporting). During FY 2023-24, Program staff will continue to work with the Funding and Financing Work Group and technical and legal experts to explore potential mechanisms to increase revenue for permit compliance assistance and continue to explore grant funding opportunities.
- *Provision C.3 and Green Infrastructure (GI).* C/CAG is continuing to support implementation of municipal GI plans and evaluation of opportunities for GI infrastructure to meet numeric retrofit targets at the local and/or countywide scale. The final version of SMCWPPP's new Regulated Products Guide will be shared with Permittees by the end of September. Additionally, a draft Interim MOU-Based Regional Collaborative Program Report has been completed. C/CAG is supporting planning and design of regional SW capture projects and has also facilitated discussions of strategies to share ongoing costs for O&M at the Orange Memorial Park project in South San Francisco, as a case study.
- *Provision C.8 Water Quality Monitoring.* Priority challenges include new requirements in this provision for costly types of monitoring that are new to the MRP and Bay Area (Trash and Low Impact Development Monitoring). In addition, comments received on a Trash Outfall Monitoring Plan may lead to the expansion of requirements via the RWQCB Executive Officer approval process. Program accomplishments during FY 2022-23 included obtaining WQIF grant funding for implementing a Trash Receiving Water Monitoring Plan. In addition, progress has been made on Trash Outfall and LID Effectiveness Monitoring (sites identified, permitted, and the equipment installation is underway).
- *Provision C.10 Trash Load Reduction.* The main challenges for the implementation of this provision are the achievement of the new trash load reduction benchmarks (i.e., 90% by June 2023 and 100% by June 2025), which result in additional costs for siting new full trash capture devices/systems (capital and ongoing costs for operation and maintenance) and implementing a new inspection program to address trash from private land drainage areas.
- *Provision C.12 PCBs Controls.* Priority challenges in this provision include the requirement for San Mateo County Permittees to address PCBs in 445 acres of old industrial land use area or to achieve 81 grams per year of PCBs load reduction from such areas.
- *Provision C.15 Emergency Firefighting Discharges.* Implementation of this provision during FY 2023-24 will include the development of a Regional BMP Report that addresses emergency firefighting discharges.
- *Provision C.17 Unsheltered Homeless Populations.* This new provision involves several complexities, including the need for engagement from other municipal departments or agencies (not previously involved in stormwater-related issues) to collect data that will allow Permittees to evaluate BMP effectiveness. In FY 2022-23, a Regional BMPs Report for Addressing Non-Stormwater Discharges Associated with Unsheltered Homeless Populations was completed and submitted with Permittee Annual Reports.
- *Provision C.20 Cost Reporting.* In FY 2022-23, Permittees collaborated regionally to submit a Final Draft Cost Reporting Framework and Guidance Manual for RWQCB Executive Officer approval.

Conditional approval with some minor comments was received on these products. The State Water Board separately released a draft statewide cost reporting policy on August 17, 2023. A final policy may be adopted around February or March of 2024. SMCWPPP will continue working with other MRP countywide programs and RWQCB and State Water Board staff to try to achieve consistency between the MRP framework and the statewide policy.

- Provision C.21 Asset Management. By June 2025, Permittees are required to develop and implement Asset Management plans for publicly owned, water quality-related hard assets. Starting in FY 2025-26, Permittees must report annually on Asset Management plan implementation in their Annual Reports.
- MRP 3.0 Amendment. SMCWPPP submitted comment letters on the Administrative Draft and Tentative Order of a proposed MRP 3.0 Amendment. A public RWQCB hearing is scheduled for October 11, 2023.

7. Regional Board Report: Derek Beauduy noted that RWQCB staff has reviewed Permittee Trash Non-Compliance Reports and has drafted responses that are currently under review by management.
8. Executive Director's Report: None.
9. Member Reports: None.
10. Chair Breault adjourned the meeting at 3:27 p.m.