

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, May 16, 2024

**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 Webinar:

<https://us02web.zoom.us/j/87242884758?pwd=cHhsazN2SEJrUzJLZzZLUTRocXE4Zz09>

Zoom Webinar ID: 872 4288 4758

Passcode: 139997

Join by Phone:

Call in Number: (669) 900-6833

Zoom Webinar ID: 872 4288 4758

Passcode: 139997

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.

- | | | |
|---|--------------------------|--------------|
| 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. INFORMATION - Receive presentation on the draft C/CAG Strategic Plan framework and provide input on the proposed mission, vision, goals, objectives, and performance measures. | Charpentier
/Iacofano | Pages 1-2 |
| 4. ACTION – Review and approve March 21, 2024 Stormwater Committee Meeting minutes. | Breault | Pages 3-7 |

5. ACTION – Review and approve Draft Updated SMCWPPP Duly Authorized Representative Policy and recommendation to circulate a Joint Letter to the Regional Water Quality Control Board from SMCWPPP member agencies authorizing C/CAG Duly Authorized Representatives.	Bogert	Pages 8-17
6. INFORMATION – Receive information and provide input on the Draft Fiscal Year 2024-25 Stormwater Program Budget.	Bogert	Pages 18-19
7. INFORMATION – Receive stormwater program related information and announcements.	Bogert	Pages 20-23
8. Regional Board Report	Regional Water Board Staff	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 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: May 16, 2024

To: Stormwater Committee

From: Reid Bogert, Stormwater Program Director

Subject: Receive presentation on the draft C/CAG Strategic Plan framework and provide input on the proposed mission, vision, goals, objectives, and performance measures

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

RECOMMENDATION

That the Stormwater Committee (Committee) receive a presentation on the draft C/CAG Strategic Plan framework and provide input on the proposed mission, vision, goals, objectives, and performance measures.

FISCAL IMPACT

The total not to exceed amount for the development of C/CAG's first strategic plan is \$130,623. The adopted Fiscal Year 2023/2024 Budget includes funding for an agency strategic plan. This project will be funded with a combination of general operation funds, Congestion Relief Program funds, and contributions from the Stormwater and Energy programs.

BACKGROUND

With the successful completion of the Agency's Equity Assessment and Framework, and the significant policy and regulatory changes effecting the transportation, energy and stormwater fields, C/CAG started the process to develop its first Strategic Plan to cover the next three to five years. Through a competitive procurement process, MIG Inc. (MIG) was selected to perform this work.

The Consultant will provide information on the strategic plan development process, and facilitate a discussion on the proposed mission, vision, core values, goals, objectives, and performance measures.

Attachment 1 showcases the draft Strategic Plan framework.

EQUITY IMPACTS AND CONSIDERATIONS

This item improves the administration/operations of C/CAG. C/CAG is currently implementing its Equity Assessment. The strategic planning process may identify additional desired equity

outcomes or strategies.

ATTACHMENTS

1. Draft C/CAG Strategic Plan Framework - (The document is available on the C/CAG website (see “Additional Materials”) - <https://ccag.ca.gov/committees/stormwater-committee/>)

C/CAG AGENDA REPORT

Date: May 16, 2024
To: Stormwater Committee
From: Reid Bogert, Stormwater Program Director
Subject: Review and approve the March 21, 2024 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 March 21, 2024 Stormwater Committee meeting minutes as drafted.

BACKGROUND/DISCUSSION

None.

ATTACHMENTS

1. Draft March 21, 2024 Stormwater Committee Minutes

STORMWATER COMMITTEE
Thursday, March 21, 2024
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 table. In addition to the Committee members, also in attendance were Reid Bogert (C/CAG staff), Sean Charpentier (C/CAG Executive Director), Matt Nichols (City of Half Moon Bay), Jonathan Woo (City of Half Moon Bay), Fatima Khan (City of East Palo Alto), Matthew Ruble (City of South San Francisco), Sultan Henson (County of San Mateo), Sarah Deicke (County of San Mateo), Anwar Mirza (City of East Palo Alto), Hae Won Ritchie (City of San Bruno), Jessica Lee (City of San Carlos), Nidhi Thanki (City of San Carlos), Dolan Shoblo (City of Brisbane) and Ileana Alvarado (EOA). Vice Chair Ovadia called the meeting to order at 2:50 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 – No comments were received from the public.
3. ACTION – The Committee approved the draft January 18, 2024, Stormwater Committee Meeting minutes. Motion: Member Bautista (City of Millbrae); Second: Member Lee (City of San Bruno). Vote: Motion passed unanimously.
4. INFORMATION – Announcements on stormwater related issues:
 - i. C/CAG Board updates from February 2024 – Approved a support letter for AB 1798 from Diane Papan. The bill is aimed to require Caltrans, the SWRCB, the Department of Toxic Substances Control, and the Department of Fish and Wildlife to develop a programmatic environmental review process to prevent toxic compounds generated from vehicle tires from entering salmon and steelhead trout-bearing waters. The bill will also require Caltrans to include a proposal to run a pilot project to demonstrate the effectiveness of GSI treatment measures and other control measures to reduce the potential impacts of these toxic compounds.
 - ii. Fiscal Year 2023-24 Draft Annual Report Forms – These Forms were developed by the Bay Area Stormwater Collaborative (BAMSC) on behalf of all MRP Permittees and were submitted to the RWB for approval of the Executive Director on March 1, 2024. The documents are currently undergoing the RWB review process.
 - iii. Upcoming Duly Authorized Representative (DAR) Approvals – Towards the end of March 2024, the C/CAG’s Stormwater Program Director will request approval via email from each Co-Permittee current DAR for the forthcoming Countywide Program and Regional Project submittals to the RWB:
 - o WY 2023 Urban Creeks Monitoring Report (due April 2, 2024)
 - a) Part A – LID Monitoring Status Report
 - b) Part B – Regional Trash Monitoring Status Report
 - c) Part C – Pesticides and Toxicity Monitoring
 - d) Part D – POC Monitoring, including Regional BAMSC Receiving Water Limitations Report/Monitoring Plan Addendum
 - o Regional Comprehensive Bioassessment Report (due April 2, 2024)
 - o Revised Old Industrial Control Measures Plan for PCBs and Mercury (due April 2, 2024)
 - o Regional Cost Reporting Framework and Guidance Manual (no due date, but planned for submittal by end of March 2024)

- iv. Regional Water Board staff review of Fiscal Year 2023 Annual Reports – RWB staff emailed comments and questions on the FY 2022-23 Annual Reports to C/CAG member agencies. An extension for responses to comments was granted to February 16. CCAG requested information, and all 21 member agencies have submitted responses to the RWB.
- v. PCBs Old Industrial Landuse Control Measures Plan (OICMP) – RWB staff requested revisions to the initial OICMP submitted to the RWB in March 2023. The revised plan was finalized including a memorandum with the key elements of the revised plan. The OI Work Group met on March 1, 2024, to discuss these changes, and comments on the revised plan were due March 20, 2024. The revisions reflect, in general, the approach required to achieve both the PCBs load reduction targets and the associated resources required to support the enhanced program. The revised plan must be submitted to the RWB Executive Director for approval by April 2, 2024.
- vi. Cost Reporting Updates – BAMSC has completed required minor changes to the Bay Area Framework and Guidance Manual in response to RWB comments. The Countywide Program plans to conduct training this Spring and begin preparation for tracking costs in FY 2024-25. The first cost reporting submittal to the RWB is due September 2025. Additionally, the revised draft State Policy is now expected to be released in late April/early May, with potential adoption in summer 2024 and first reporting year of FY 2025-26.
- vii. Asset Management (AM) Updates – EOA will assist C/CAG and Permittees by facilitating the C/CAG AM Work Group and developing a template and guidance for the AM Plans. The BAMSC Regional Work Group has initiated discussions on consistent approaches to evaluating the condition of assets and required actions to maintain required performance levels. Also, the SMCWPPP AM Work Group held its initial meeting in February 2024. AM Plans must be submitted to RWB by September 2025.
- viii. Grants – C/CAG staff shared the status of three recent grant-funded projects to support MRP implementation and broader GSI planning and implementation goals. These projects are:
 - o WOW Regional Trash Monitoring Project: The project team has completed the first year of trash outfall monitoring. The project team has developed an Outfall Trash Monitoring Progress Report for WY 2023 activities. This report and the Urban Creeks Monitoring Report will be submitted via the Countywide Program to the RWB and U.S. EPA as part of the WOW project deliverables by April 2. The next deliverables will include the Receiving Water Trash Monitoring Plan and Quality Assurance Project Plan for the receiving water monitoring. Submittal of these documents to the RWB for the Executive Officer approval is due July 31, 2024.
 - o San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan: The project team submitted a \$59 million grant to NOAA for implementation funds to support the implementation of GSI projects at different scales, including completion of design/permitting/construction of seven “One Watershed” pilot projects, a pilot workforce development program, several programmatic expansions to integrate the existing regional approach to stormwater management, etc. Kick-off meetings for the Technical Advisory Committee (TAC) and the Equity Priority Community Group (EPCWG) are scheduled for March 20 and April 3, respectively.
 - o Sustainable Streets Design Pilot Program Grant (STAG): C/CAG has secured \$850,000 in federal funding via the U.S. EPA STAG Community Grant Program, which will support the implementation of up to five sustainable streets projects identified and conceptualized in the 2021 Countywide Sustainable Streets Master Plan (i.e., projects focused on underserved and at-risk communities in East Palo Alto, Colma, Daly City, San Mateo County, and South San Francisco). Three projects were confirmed at the time the application was submitted.
 - o A delegation from C/CAG (including 2 C/CAG Board members and C/CAG staff) visited Washington DC in March and met with congressional representatives to discuss this fiscal year’s NOAA grants and other transportation-related funding requests. C/CAG will continue to evaluate funding and financing opportunities to support MRP compliance.

5. INFORMATION – Received information on options for potential changes to the Countywide Stormwater Program certification and submittal process for the Municipal Regional Stormwater Permit – CCAG staff delivered a presentation summarizing the MRP requirements relative to signatory authority for document submittals, submittal processes currently employed by Co-Permittees (i.e., Co-Permittee individual submissions via DAR, countywide program reports, and regional reports), and the proposed options for the Countywide Program approval process. The applicability, process description, and considerations corresponding to the options for the Countywide Program approval process regarding MRP compliance submittals at the countywide and regional scales were explained. Relevant information is below:
 - i. Delegate authority to the Sub-committees – In this option, Sub-committees review/comment on countywide and regional documents, and as finalized, C/CAG program staff are authorized to certify and submit on behalf of Co-Permittees (e.g., only for standard submittals as AR forms). Some considerations are that it reduces oversight, but it is more streamlined and efficient.
 - ii. Delegate authority to the Stormwater Committee – For this alternative, the Stormwater Committee approves compliance submittals on behalf of Co-Permittees at regularly scheduled meetings. This option creates greater oversight but less flexibility in approving submittals on behalf of the co-permittees by the Countywide Program Director or C/CAG’s Executive Director.
 - iii. Maintain current DAR approval process – The current process requires email DARs for approval to certify/submit documents, and the Countywide Program Director or C/CAG Executive Director certifies and submits on behalf of the Co-Permittees via email transmittal or uploads to the RWB via a File Transfer Protocol (FTP) website. For this option, no immediate action is required. It creates a more significant burden of communications for the ongoing submittal process by the Countywide Program Director or C/CAG’s Executive Director on behalf of Co-Permittees.

C/CAG staff requested feedback and guidance from the Committee to develop a joint letter (i.e., among the 22 MRP Co-Permittees in San Mateo County) that would document the different options and scenarios for certifying and submitting MRP compliance reports and other related documents to the RWB and the U.S. EPA Region 9. The draft letter will be presented for consideration by the Committee at a future meeting.

6. INFORMATION – Received information on potential Caltrans and San Jose Conservation Corps and Charter School (SJCC+CS) partnership for litter abatement efforts – At the November 30, 2023, Stormwater Committee meeting, the SJCC+CS delivered a presentation that included an overall description of the history, program components, work currently performed by the SJCC+CS in partnership with agencies such as Santa Clara County, City of San Jose, and CalTrans to provide trash cleanup services (e.g., from homeless encampments), clean hazards on roads, and vegetation management (e.g., providing maintenance to bioswales). Recently, C/CAG staff has engaged SJCC+CS and Caltrans in evaluating opportunities in San Mateo County to support litter abatement and other maintenance activities that could be mutually beneficial for compliance with the Municipal Regional Stormwater Permit (MRP) related to trash load reduction. C/CAG staff requested feedback from the Committee regarding the feasibility, level of interest, and priority opportunities to implement a litter abatement program in San Mateo County, including the proposed partnership with CalTrans/SJCC+CS.
7. Regional Board Report: None.
8. Executive Director’s Report: C/CAG has a number of vacancies for its committees. The Program will send out a notice with the full list of vacancies. Also, C/CAG will begin the recruiting process for a Senior Program Specialist for the San Mateo Countywide Water Pollution Prevention Program.
9. Member Reports: None.
10. Vice Chair Ovadia adjourned the meeting at 3:43 p.m.

March 21, 2024 Stormwater Committee Attendance				
Agency	Representative (Primary or Alternate)	Attendance		
		In-Person	Remote Voting (AB 2449)	Remote Non-voting
Atherton	Robert Ovardia (Vice Chair) - Public Works Director	X		
Belmont	Peter Brown - Public Works Director	X		
Brisbane	Randy Breault (Chair) - Public Works Director/City Engineer			O
Burlingame	Syed Murtuza - Public Works Director	X		
Colma	Brad Donohue - Director of Public Works and Planning	O		
Daly City	Richard Chiu - Director of Public Works	X		
East Palo Alto	Humza Javed - Director of Public Works			O
Foster City	Andrew Brozyna - Director of Public Works	X		
Half Moon Bay	Maziar Bozorginia - Director of Public Works			O
Hillsborough	Paul Willis - Public Works Director	X		
Menlo Park	Azalea Mitch - Director of Public Works	X		
Millbrae	Sam Bautista - Director of Public Works	X		
Pacifica	Roland Yip - Deputy Director of Public Works			
Portola Valley	Howard Young - Director of Public Works	X		
Redwood City	James O'Connell - City Engineer	X		
San Bruno	Matt Lee - Director of Public Works	X		
San Carlos	Steven Machida - Director of Public Works	X		
San Mateo	Matt Fabry - Director of Public Works	X		
South San Francisco	Eunejune Kim - Director of Public Works			O
Woodside	Yaz Emrani - Director of Public Works			
San Mateo County	Ann Stillman - Director of Public Works	X		
Board	Watershed Management Supervisor			

X - primary or designated alternate representative

O - "other" agency representative/non-voting (see meeting minutes for "other" attendees)

C/CAG AGENDA REPORT

Date: May 16, 2024

To: Stormwater Committee

From: Reid Bogert, Stormwater Program Director

Subject: Review and approve Draft Updated SMCWPPP Duly Authorized Representative Policy and recommendation to circulate a Joint Letter addressed to the Regional Water Quality Control Board and State Water Resources Control Board from SMCWPPP member agencies authorizing C/CAG Duly Authorized Representatives

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

RECOMMENDATION

That the Stormwater Committee (Committee) review and approve the Draft Updated SMCWPPP Duly Authorized Representative Policy (Updated SMCWPPP DAR Policy) for submitting Municipal Regional Stormwater Permit compliance reports on behalf of the SMCWPPP co-permittees to the San Francisco Bay Regional Water Quality Control Board or U.S. Environmental Protection Agency; and that the Committee review and approve a recommendation to circulate a Joint Letter addressed to the Regional Water Quality Control Board and State Water Resources Control Board from SMCWPPP member agencies authorizing C/CAG Duly Authorized Representatives.

BACKGROUND/DISCUSSION

The Municipal Regional Stormwater Permit (MRP) administered by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) includes standard requirements for submission of reports and other required information by co-permittees to the Regional Water Board or the U.S. Environmental Protection Agency (U.S. EPA) Region 9. Relative to signatory authority the MRP includes the following requirement:

“All reports required by this Order and other information requested by the Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting Part V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

e. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));

f. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for

environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and

g. The written authorization is submitted to the Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)”

At the March Stormwater Committee meeting, C/CAG staff presented an information item to solicit input from the Committee on potential updates to the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) Duly Authorized Representatives (DARs) and certification and submission process, specifically regarding certification of MRP compliance reports and documents developed at the countywide scale by SMCWPPP or at the regional scale by the Bay Area Municipal Stormwater Collaborative (BAMSC, previously the Bay Area Stormwater Management Agencies Association, or BASMAA) and submitted on behalf of the SMCWPPP co-permittees (Co-permittees). Staff summarized the need for updating the C/CAG designated Duly Authorized Representatives due to changes in the structure of SMCWPPP regarding the addition of the San Mateo Flood and Sea Level Rise Resiliency District (OneShoreline) as a separate co-permittee under the MRP and other recent changes in the reporting process for the Co-permittees. Staff also proposed ways of streamlining the process for requesting approval of MRP submissions on behalf of the Co-permittee.

The Committee suggested for countywide and regional submittals, C/CAG staff refer all SMCWPPP MRP compliance submittals to the Committee for a recommendation for the Stormwater Program Director or C/CAG Executive Director to certify and submit on behalf of the Co-permittees, as designated DARs authorized by the executive managers of each Co-permittee agency. The Committee also suggested that an email or digital signature option also be explored to ensure that certification and submission of timely reports and documents not be hindered by inability to achieve a quorum at regularly scheduled Committee meetings where recommendations to submit on behalf of the Co-permittees would be considered. Due to constraints within the Brown Act for “serial communications” among members of a legislative body, however, C/CAG staff has determined this option to be infeasible. Instead, the proposed Updated SMCWPPP DAR Policy will allow C/CAG’s DARs to proceed with a certification and submission of countywide or regional MRP compliance documents on behalf of the Co-permittees, as designated DARs of the Co-permittees, in instances where a quorum is not achieved.

To facilitate the process of updating C/CAG’s DARs for countywide and regional MRP compliance submissions on behalf of the Co-permittees, staff has developed a draft joint letter to be signed by the executive managers of all 22 Co-permittees and addressed to the Regional Water Board (Cc’d to the State Water Board), designating C/CAG’s Stormwater Program Director and C/CAG’s Executive Director as DARs of the Co-permittees (see Attachment 1 Draft Joint Letter regarding SMCWPPP DARs). Staff has also developed the Draft Updated SMCWPPP DAR Policy (see Attachment 2), outlining the internal process for developing and proceeding with certification and submission of countywide and regional MRP compliance documents on behalf of the Co-permittees.

C/CAG staff recommends the Committee review and approve the attached Draft Updated SMCWPPP DAR Policy and approve a recommendation to circulate the Joint Letter regarding SMCWPPP DARs for signature by agency executive managers. With approval

from the Committee, C/CAG staff will finalize and circulate the joint letter to the executive managers of each Co-permittee for electronic signature. Staff will include the approved Updated SMCWPPP DAR Policy for reference with the joint letter.

EQUITY IMPACTS AND CONSIDERATIONS

None.

ATTACHMENTS

1. Draft Joint Letter regarding SMCWPPP DARs
2. Draft Updated SMCWPPP DAR Policy

Sent via email: no hard copy to follow

May X, 2024

Ms. Eileen White, Executive Officer

San Francisco Bay Regional Water Quality Control Board

1515 Clay Street, Suite 1400 Oakland, CA 94612

SUBJECT: NOTIFICATION OF DULY AUTHORIZED REPRESENTATIVES FOR THE SAN MATEO COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM

Dear Ms. White,

This is a joint letter from the 21 towns and cities and the County of San Mateo, and the San Mateo County Flood and Sea Level Rise Resiliency District (OneShoreline), which collectively are the co-permittees in San Mateo County (Co-permittees) operating under the Municipal Regional Stormwater NPDES Permit (MRP, CAS612008, Order R2-2022-0018). The intent of this letter is to document updates to the Duly Authorized Representatives of the Co-permittees regarding signing and certifying countywide or regionally-developed MRP required reports and other information requests for submittal to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) on behalf of the Co-permittees.

The San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), a program of the City/County Association of Governments of San Mateo County (C/CAG), was established in the early 1990s to provide municipal stormwater permit compliance support to the Co-permittees in San Mateo County under the initial NPDES stormwater permits which were issued at that time via amendments to the Clean Water Act.

Historically, C/CAG's stormwater program staff have been designated as Duly Authorized Representatives on behalf of the Co-permittees for the purpose of certifying and submitting MRP compliance reports developed at the countywide or regional scale. Due to changes in recent years to the structure of SMCWPPP and reporting process for the Co-permittees, however, including changes in SMCWPPP staff position titles, the establishment of OneShoreline as a separate Co-permittee under the MRP, and modifications in the electronic reporting process for Co-permittee-specific MRP compliance report submittals (i.e., Annual Reports) via the Stormwater Multiple Applications Reporting and Tracking System (SMARTS) platform, the undersigned jointly wish to update the SMCWPPP Duly Authorized Representatives of the Co-permittees. As such, the following positions are duly authorized by to sign and certify countywide or regional MRP compliance related documents on behalf of the Co-permittees:

- C/CAG Stormwater Program Director (or staff with similar responsibility over managing the countywide stormwater program)
- C/CAG Executive Director

This designation will remain in effect until it is changed by the undersigned representatives of the Co-permittees or their successors.

Sincerely,

Name/Title:

Name/Title:

City of Belmont

City of Menlo Park

Name/Title:

Name/Title:

City of Burlingame

City of Millbrae

Name/Title:

Name/Title:

Town of Colma

City of Pacifica

Name/Title:

Name/Title:

City of Daly City

Town of Portola Valley

Name/Title:

Name/Title:

City of East Palo Alto

City of Redwood City

Name/Title:

Name/Title:

City of Foster City

City of San Bruno

Name/Title:

Name/Title:

City of Half Moon Bay

City of San Carlos

Name/Title:

Name/Title:

City of San Mateo

Name/Title:

City of South San Francisco

Name/Title:

Town of Woodside

Name/Title:

San Mateo County

Name/Title:

San Mateo Flood and Sea Level Rise Resiliency District (OneShoreline)

Name/Title:

Cc:
C/CAG Stormwater Committee Members
Len Materman, CEO, OneShoreline
Sean Charpentier, C/CAG Executive Director
Reid Bogert, C/CAG Stormwater Program Director
State Water Resources Control Board, Storm Water Section



DRAFT

Updated SMCWPPP Procedure for Certification of NPDES Permit Required Submissions and Notification of Receipt of Water Board Communication – May 16, 2024

Certification of Municipal Stormwater NPDES Permit Required Submissions

The Municipal Regional Stormwater NPDES Permit (MRP, CAS612008, Order R2-2022-0018), of which the 21 municipalities in San Mateo County and the San Mateo County Flood and Sea Level Rise Resiliency District (OneShoreline) are the San Mateo County co-permittees (Co-permittees), includes the standard requirements for submission of reports and other required information to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) or the U.S. Environmental Protection Agency, Region 9 (U.S. EPA). Relative to signatory authority the MRP includes the following requirement (see full excerpt of Provision V.B Signatory and Certification Requirements in Attachment G Standard Provisions - Reporting of the MRP below):

“All reports required by this Order and other information requested by the Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting Part V.B.2 above, or by a duly authorized representative of that person.”

In general, MRP required reporting may be categorized as follows:

1. Permittee-specific submissions (e.g., Permittee Annual Reports);
2. San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) specific and/or SMCWPPP compilation of co-permittee reports; and
3. Regionally developed reports (e.g., reports and submittals developed on behalf of permittees and countywide programs by the Bay Area Municipal Stormwater Collaborative (BAMSC; previously the Bay Area Stormwater Management Agencies Association, or BASMAA).

Implementation Procedures

The following describes the specific steps for the submission of all MRP-required reports and other information requests from the Regional Water Board or the U.S. EPA Region 9.

1. Co-permittee Specific Reports: Reports in this category include any specific report/information requested by the Regional Water Board or the US. EPA. Co-permittees will certify and submit all co-permittee specific reports via their respective agency Duly Authorized Representatives via the Stormwater Multiple Application for Reporting and Tracking System (SMARTS) tool managed by the State Water Resources Control Board, except for the SMCWPPP specific/compiled reports and regional reports noted below.

2. SMCWPPP and Regionally Developed Reports: Consistent with jointly signed letter from the Co-permittees addressed to the Executive Officer of the Regional Water Quality Control Board dated **May X, 2024**, C/CAG's Stormwater Program Director and C/CAG's Executive Director are duly authorized to certify and submit reports and/or requested information to the Regional Water Board or Region 9 U.S. EPA on behalf of the Co-permittees. Reports in this category include technical reports and mandated MRP compliance documents developed by SMCWPPP at the countywide scale and/or regionally via the BAMSC and submitted on behalf of the Co-permittees. C/CAG staff will implement the following process for certification and submission of countywide and/or regional MRP compliance reports and documents to the Regional Water Board or U.S. EPA:
 - a) C/CAG staff will refer all countywide or regional MRP compliance submittals to the Stormwater Committee for consideration of a recommendation for C/CAG's Duly Authorized Representative to certify and submit compliance documents on behalf of the Co-permittees.
 - b) C/CAG staff's preference is to receive a Stormwater Committee recommendation, and C/CAG staff will make its best efforts to convene a Stormwater Committee meeting to consider the item. However, in the event a quorum of the Stormwater Committee is not achieved when a referral is pending, C/CAG staff will proceed with certification and submission on behalf of the Co-permittees as a designated Duly Authorized Representative.
 - c) C/CAG staff will notify OneShoreline staff separately ahead of any upcoming Stormwater Committee meetings at which SMCWPPP certification and submittal recommendations will be considered.

Additional SMCWPPP Procedure Regarding Notification of Receipt of Regional Water Board Communication

The following steps will be followed to ensure SMCWPPP Co-permittees receive notifications from Regional Water Board or U.S. EPA Region 9.

1. Direct communication with SMCWPPP Co-permittees via Regional Water Board or U.S. EPA Region 9: In many cases, Regional Water Board staff will send email notifications and/or requests for information directly to Co-permittees. SMCWPPP staff have also requested that Program Managers be included in these communications.
2. Stormwater Program Director or C/CAG's Executive Director distribution of communication to Stormwater Committee: Upon receipt of formal correspondence from the Regional Water Board or U.S. EPA Region 9, the Stormwater Program Director or C/CAG's Executive Director will distribute the correspondence to the Stormwater Committee list of contacts via email.

MRP Excerpt from Attachment G Standard NPDES Stormwater Permit Provisions

Attachment G to the reissued MRP (MRP 3.0) provides the following standard requirements relative to the certification of MRP reports:

V.B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions – Reporting Parts V.B.2, V.B.3, V.B.4, V.B.5, and V.B.6 below. (40 C.F.R. § 122.41(k).)
2. All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having Municipal Regional Stormwater Permit NPDES Permit No. CAS612008 Order No. R2-2022-0018 Attachment G Attachment G - 8 responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA). (40 C.F.R. § 122.22(a)(3)).
3. All reports required by this Order and other information requested by the Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting Part V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if: e. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1)); f. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and g. The written authorization is submitted to the Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)
4. If an authorization under Standard Provisions – Reporting Part V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting Part V.B.3 above must be submitted to the Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)
5. Any person signing a document under Standard Provisions – Reporting Parts V.B.2 or V.B.3 above shall make the following certification: “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information,

including the possibility of fine and imprisonment for knowing violations.” (40 C.F.R. § 122.22(d).)

6. Any person providing the electronic signature for documents described in Standard Provisions – Parts V.B.1, V.B.2, or V.B.3 above that are submitted electronically shall meet all relevant requirements of this Standard Provisions – Reporting Part V.B, and shall ensure that all relevant requirements of 40 C.F.R. part 3 (Cross-Media Electronic Reporting) and 40 C.F.R. part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 C.F.R § 122.22(e).)

C/CAG AGENDA REPORT

Date: May 16, 2024

To: Stormwater Committee

From: Reid Bogert, Stormwater Program Director

Subject: Receive information and provide input on the Draft Fiscal Year 2024-25 Stormwater Program Budget

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

RECOMMENDATION

That the Stormwater Committee (Committee) receive information and provide input on the Draft Fiscal Year 2024-25 Stormwater Program Budget.

FISCAL IMPACT

In accordance with the overall Fiscal Year 2024-25 Stormwater Program Budget.

SOURCE OF FUNDS

The Stormwater Program Budget is funded primarily through the NPDES stormwater property fee placed on the County tax roll and a portion of the San Mateo County Measure M vehicle registration fee dedicated to regional stormwater management. A minor portion of the annual budget is funded by remaining funds from the prior vehicle registration fee (AB 1546).

BACKGROUND AND DISCUSSION

Staff has developed the Draft Fiscal Year 2024-25 Stormwater Program Budget, with input from the Ad-hoc Municipal Regional Permit Implementation Committee and will provide a summary presentation of the proposed budget.

With any additional input from the Committee, staff will finalize the proposed Fiscal Year 2024-25 Stormwater Program Budget for inclusion in the overall C/CAG Fiscal Year 2024-25 Program Budget to be presented to the C/CAG Board of Directors for adoption at the June 13 Board meeting.

EQUITY IMPACTS AND CONSIDERATIONS

C/CAG's Stormwater Program is engaged in multiple efforts to increase funding and the equitable distribution of resources related to regional stormwater management issues in San Mateo County to the communities that are most vulnerable socio-economically and least able to respond to added pressures from climate change. C/CAG is currently leading the

OneWatershed Climate Resilience Framework and Community-Led Plan, funded by the Office of Planning and Research's Integrated Climate Adaptation and Resilience Program, which includes a focused community engagement process and will establish a multi-sector framework for water-related climate resilience planning in the county and develop a pilot OneWatershed resilience plan in the flood prone San Bruno Creek Watershed. C/CAG also submitted a grant for \$59 million under the NOAA Climate Resilience Regional Challenge Grant to implement multiple OneWatershed pilot projects in several equity priority communities, including San Bruno, Daly City, Colma and Pescadero in Unincorporated County of San Mateo. If successful, these projects would be constructed within the three-year grant term, and additional watershed studies and pilot projects would be developed in newly identified vulnerable and historically underserved communities.

ATTACHMENTS

1. Presentation of Draft Fiscal Year 2024-25 Stormwater Program Budget (The document is available on the C/CAG website (see "Additional Materials") - <https://ccag.ca.gov/committees/stormwater-committee/>)

C/CAG AGENDA REPORT

Date: May 16, 2024

To: Stormwater Committee

From: Reid Bogert, Stormwater Program Director

Subject: Receive stormwater program related information and announcements

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

RECOMMENDATION

That the Stormwater Committee (Committee) Receive stormwater program related information and announcements.

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 March through April.

1) C/CAG Board updates:

- March – none.
- April:
 - Approved Resolution 24-14 authorizing the C/CAG Executive Director to execute Amendment No.1 to the contract with Geosyntec Consultants for an additional amount not to exceed \$34,073 to complete the NOAA Climate Resilience Regional Challenge grant application, as part of the OneWatershed Climate Resilience Framework and Community-Led Plan project which is funded by the California Governor's Office of Planning and Research.
 - Approved Resolution 24-15 authorizing the C/CAG Executive Director to execute Amendment No.1 to Task Order EOA-16 adding an amount not to exceed \$56,430 for a new total Task Order among not to exceed \$2,454,580 for additional Fiscal Year 2023-24 Municipal Regional Stormwater Permit compliance activities.

2) Regional Water Board staff trash inspections: Following the FY22-23 Annual Report review process, Water Board staff indicated they would be conducting inspections of full trash

capture devices in select jurisdictions. In early April, Water Board staff notified three jurisdictions in San Mateo County (East Palo Alto, Brisbane and Portola Valley) and the Countywide Program Director requesting inspections related to full trash capture devices and ongoing trash control programs. Program staff are available for questions regarding this process for any future inspections and inspection reports.

- 3) PCBs Old Industrial Control Measures Plan: Provision C.11/12.c requires permittees to implement or cause to be implemented treatment control measures, stormwater diversion to wastewater treatment facilities, redevelopment (provided GSI is implemented in compliance with Provision C.3.b), or other control measures to achieve PCBs load reduction. San Mateo County permittees must collectively achieve a load reduction of 81 grams/year (or via controls addressing an equivalent 445 acres) by the end of the permit term. The Countywide Program submitted to the Regional Water Board the revised SMCWPPP PCBs Old Industrial Control Measures Plan (OICMP) on March 29, in accordance with the request for submitting revised plans from Water Board staff in October 2023. The revised OICMP proposes a two-pronged approach for achieving the load reduction goals, and associated resources to support the enhanced program:
1. Targeted implementation program – description of ongoing, enhanced, and new actions that target OI areas located in stormwater catchments containing known or suspected PCBs source areas or evidence of moderately to highly elevated PCBs based on monitoring data, including:
 - a. enhanced monitoring in priority watersheds (including onsite monitoring on potential source properties adjacent to right-of-way sample locations demonstrating moderate to high concentration PCBs) and control measure implementation for moderately contaminated properties;
 - b. ongoing source property identification and abatement for highly contaminated sites in coordination with the Regional Water Board or U.S. EPA;
 - c. targeted implementation of actions to control PCBs in areas that demonstrated moderate PCBs concentrations in catchments but for which a source property is not identified (could include enhanced Operations and Maintenance (O&M) activities, installing stormwater treatment systems in public ROW areas, or diverting stormwater from the catchment to the sanitary sewer.
 2. Other non-targeted implementation program – opportunistic implementation of control measures in OI areas that have yet to be verified as “low concentration” or “moderate to high concentration” catchments through monitoring data; control measures may include Green Stormwater Infrastructure, trash controls and high flow proprietary media-based filtration systems.

SMCWPPP has begun and will continue engaging permittees with high priority catchments for enhanced monitoring and control measure implementation programs to initiate plans for addressing priority catchments and potential source properties for additional monitoring, including onsite monitoring requests. Additional sediment sampling in right of way areas of priority catchments is planned for this Fiscal Year, while potential onsite monitoring of suspected source/moderately contaminated properties will likely begin early next Fiscal Year.

Due to the significant cost associated with water quality monitoring, in addition to increased requirements for trash and Low Impact Development monitoring during the current permit term, SMCWPPP is working with the other Phase I MRP permittees and programs via the BAMSC Steering Committee to develop a proposal for Fiscal Year 2023-24 funding under the newly established U.S EPA Region 9 San Francisco Bay Program Office. The BAMSC programs have submitted a letter to U.S. EPA Region 9 requesting a waiver of the competitive process to access funding this Fiscal Year under a multi-year collaborative grant program that would support monitoring and additional planning work throughout the Bay Area in support of achieving the PCBs/Mercury TMDL. If successful, this grant program would significantly increase SMCWPPP's program support for monitoring related to the OICMP beginning next Fiscal Year and through the remainder of the permit term.

- 4) Cost Reporting Updates: Provision C.20 requires each Permittee to annually prepare and submit a fiscal analysis of the costs incurred to implement MRP requirements, beginning with the 2025 Annual Report (i.e., for FY 2024-25). Following approval by the Bay Area Municipal Stormwater Collaborative (BAMSC) Steering Committee approval in March, the final Bay Area Cost Reporting Framework and Guidance Manual were submitted to the Regional Water Board on March 29. In parallel, State Water Board STORMS unit has developed a draft State Cost Reporting Policy for tracking and reporting municipal NPDES stormwater permit compliance costs at the state level. The State Water Board has issued a notice for public comment on the pending revised Cost Reporting Policy to be release by May 9, with comments due June 25. A hearing is scheduled for June 4. Regional Water Board staff have indicated for the initial MRP required cost reporting in September 2025, permittees will be using the BAMSC Cost Reporting Framework and Guidance. The Countywide Program plans to conduct a training in June and begin preparation for tracking costs in FY 24-25.

- 5) Asset Management Requirement Updates: Provision C.21 requires each Permittee to develop and implement an Asset Management (AM) Plan to ensure the satisfactory condition of all "hard assets", i.e., publicly-owned structural controls that protect water quality (primarily public LID/GI, non-LID treatment, and trash full capture facilities). AM Plans are due to the Water Board by September 2025 (submitted with annual reports.) The Asset Management Plan must include an inventory of assets, data management approach/tools, and an "Operation, Maintenance, Rehabilitation, and Replacement Plan" (O&M Plan). A C/CAG Asset Management Work Group has been formed to discuss AM Plan components and approaches to data management. The Work Group met on February 29 to discuss the requirements and begin discussion on specific topics related to inventory assessment, condition assessment, data management systems and cost forecasting for asset maintenance/replacement. The BAMSC Asset Management Workgroup met on March 25 to discuss potential approaches and criteria for asset condition assessment and is scheduled to meet again in May for additional discussion on revised condition assessment criteria and strategies for addressing trash controls. The SMCWPPP Asset Management Workgroup had its second meeting in April with a presentation of a draft Asset Management Plan Template Outline and will continue tracking the developments at the regional scale to inform the development of template Asset Management Plan and O&M Plan documents at the countywide scale.

- 6) CASQA Call for Abstracts: The CASQA 2024 Annual Conference will be held October 21-23 in Sacramento. The Call for Abstracts for the conference is open and accepting proposals through May 20. SMCWPPP is currently evaluating potential presentation proposals, including a potential award submittal for the Integrated Safe Routes to School and Green Streets Pilot Program and work related to funding and partnership strategies, including recent developments via the OneWatershed Climate Resilience Framework and Community-Led Plan.
- 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 includes currently open solicitations related to stormwater management:
- California Urban and Community Forestry Inflation Reduction Act - \$30M statewide for urban forestry projects including schoolyard greening projects; focused on DACs; no matching fund; due May 30, 2024.
 - 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/>
 - Local Transportation Climate Adaptation Program (LTCAP Cycle 2) – The CA Transportation Commission is developing the FY2024-25 guidelines for the Cycle 2 LTCAP, which funds climate resilience based transportation improvements funding under the Infrastructure Investments and Jobs Act and newly created Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program. The PROTECT program has \$252 million available over five years through 2026. Call for projects estimated to open end of June.
 - Fiscal Year 2024-25 State and Federal Funding – C/CAG staff and consultants continue to work with state and federal representatives on advancing regional scale multi-benefit stormwater capture project implementation funding, including tracking the advancement of climate resilience bonds at the state level.

EQUITY IMPACTS AND CONSIDERATIONS

None.

ATTACHMENTS

None.