

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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

STORMWATER (NPDES) COMMITTEE AGENDA 2:30 PM, Thursday, October 17, 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

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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.

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|--|----------------|--------------|
| 1. Call to Order, Roll Call, and brief overview of teleconference meeting procedures. | Breault/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 September 19, 2024 Stormwater Committee Meeting minutes. | Breault | Pages 1-4 |
| 4. ACTION – Review and approve a recommendation for C/CAG’s Duly Authorized Representative to certify and submit the Revised Regional Low Impact Development (LID) Monitoring Plan and Quality Assurance and Project Plan (QAPP) to the San Francisco Bay Regional Water Quality Control Board on behalf of the San Mateo County permittees. | Bogert | Pages 5-6 |

5. INFORMATION – Receive presentation on Fiscal Year 2024-25 SMCWPPP outlook.	Bogert	Pages 7-8
6. INFORMATION – Receive information on proposed U.S. Environmental Protection Agency Community Change Grant application.	Bogert	Pages 9-12
7. INFORMATION – Receive stormwater program related information and announcements.	Bogert	Pages 13-15
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: October 17, 2024
To: Stormwater Committee
From: Reid Bogert, Stormwater Program Director
Subject: Review and approve the September 19, 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 September 19, 2024 Stormwater Committee meeting minutes as drafted.

BACKGROUND/DISCUSSION

None.

EQUITY IMPACTS AND CONSIDERATIONS

This item is necessary for the administration/operations of C/CAG.

ATTACHMENTS

1. Draft September 19, 2024 Stormwater Committee Minutes

STORMWATER COMMITTEE

Thursday, July 18, 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), Sultan Henson (County Sustainability Department), Noah Craney (City of Burlingame), Anwar Mirza (City of East Palo Alto), Sven Edlund (City of San Mateo), Aidan Cecchetti (Regional Water Board), Gregg Dieguez (Midcoast Community Council), Carlyle Anne Young (public), Bonnie de Berry (EOA). Chair Ovadia called the meeting to order at 2:32 p.m. Note – Regional Water Board staff “other” representative joined the meeting at 3:40 p.m. after roll call was taken.

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 July 18, 2024, Stormwater Committee Meeting minutes. Motion: Member Fabry (City of San Mateo); Second: Member Donohue (Town of Colma). Vote: Motion passed (15:0:1). Chair Breault abstained.
4. ACTION – The Committee approved the Draft SMCWPPP Fiscal Year 2023-24 Annual Report contingent on any pending revisions to be included in the Final Report. Member Murtuza motioned approval with an opportunity to review the final report and provide comment prior to finalization; Second: Member Machida. Vote: Motion passed unanimously (16:0:0).
5. INFORMATION – The Committee received information and announcements on stormwater related issues, including the CASQA 2024 Annual Conference in Sacramento, Oct 20-23, 2024; an notice that the C/CAG NOAA Climate Resilience Regional Challenge grant application was not selected for award; FY23-24 Annual Reporting process; updates following the Sept 11, 2024 San Francisco Bay Regional Water Quality Control Board information item focusing on trash load reduction requirements; formation of a regional Long-term GSI Technical Workgroup to address MRP related GSI goals; a status update on the implementation of right-of-way and onsite monitoring under the SMCWPPP PCBs Old Industrial Control Measures Plan and efforts to secure a US EPA San Francisco Bay Program non-competitive grant to support increased monitoring and control measure requirements; Fiscal Year 2024-25 proposed NPDES Stormwater Permit fees set by the State Water Resources Control Board; action items regarding the San Mateo County Civil Grand Jury Report regarding litter and sanitation in areas adjacent to restaurants; and current stormwater funding opportunities.
6. Regional Water Board Report – None.
7. Executive Director’s Report: None
8. Member Reports: Members shared local program information and inquired about several MRP related topics:
 - Member Donohue commented on the challenges associated with current MRP cost reporting

requirements. Staff suggested potentially providing feedback to the Regional Water Board at an upcoming Board meeting.

- Member Fabry inquired about the status of regional stormwater capture projects that C/CAG has helped advance in recent years and whether the Orange Memorial Park Regional Project will satisfy current MRP C.3.j GSI retrofit targets at a countywide scale. Reid Bogert reported on the status of projects emphasizing the value of projects that can support compliance with C.3.j GSI retrofit targets, e.g., Orange Memorial Park or the San Bruno Regional Project at I-280/380. Bogert summarized the status of a technical memorandum that provided the basis for demonstrating equivalency of “greened acres treated” or impervious areas managed by regional projects, focusing on the area treated by the Orange Memorial Park Project as an example of how the area treated can be translated into credit towards the countywide target for C.3.j. in San Mateo County. Bogert suggested that while the Regional Water Board has been receptive to the analysis, there are ongoing discussions regarding how San Mateo County permittees may leverage the Orange Memorial Park project to comply with this permit provision. Bogert also emphasized C/CAG’s ongoing role in seeking state and federal grants to support implementation, as well as partnerships with Caltrans.
- Member Mitch inquired about whether there was a legal analysis associated with the technical memo C/CAG developed regarding demonstrating equivalency of green infrastructure benefits with large-scale stormwater capture projects that may divert from a channel or storm drain. Staff reported that while no legal analysis has been completed to substantiate the ability to claim credits at a countywide scale via Orange Memorial Park, the permit is clear that the goal may be achieved at a countywide scale and does refer to Orange Memorial Park as an opportunity to claim credit for at least a portion of the countywide target.
- Chair Breault shared news that the City had recently successfully passed a modest Proposition 218 compliant stormwater fee for commercial properties.

9. Chair Breault adjourned the meeting at 3:16 p.m. The next meeting is scheduled for October 17, 2024.

Sept 19, 2024 Stormwater Committee Attendance				
Agency	Representative (Primary or Alternate)	Attendance		
		In-Person	Remote Voting (AB 2449)	Remote Non-voting
Atherton	Tim Au - Associate Engineer (Alternate)	X		
Belmont	Nisha Patel - Public Works Director	X		
Brisbane	Randy Breault (Chair) - Public Works Director/City Engineer	X		
Burlingame	Syed Murtuza - Public Works Director	X		
Colma	Brad Donohue - Public Works Director	X		
Daly City	Richard Chiu - Director of Public Works	X		
East Palo Alto	Humza Javed - Director of Public Works	X		
Foster City	Andrew Brozyna - Director of Public Works	X		
Half Moon Bay	Maziar Bozorginia - Director of Public Works			
Hillsborough	Paul Willis - Public Works Director			
Menlo Park	Azalea Mitch - Director of Public Works	X		
Millbrae	Ahmad Haya - City Engineer (Alternate)	X		
Pacifica	Roland Yip - Deputy Director of Public Works	X		
Portola Valley	James Sandoval - Interim Town Engineer			
Redwood City	Tanisha Werner - Director of Transportation and Engineering	X		
San Bruno	Hae Won Ritchie - Deputy Director of Public Works (Alternate)	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			
Woodside	Yaz Emrani - Director of Public Works			
San Mateo County	Ann Stillman - Director of Public Works	X		
Regional Water Quality Control Board	Watershed Management Supervisor	O		

X - primary or designated alternate representative

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

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C/CAG AGENDA REPORT

Date: October 17, 2024

To: Stormwater Committee

From: Reid Bogert, Stormwater Program Director

Subject: Review and approve a recommendation for C/CAG's Duly Authorized Representative to certify and submit the Revised Regional Low Impact Development (LID) Monitoring Plan and Quality Assurance and Project Plan (QAPP) to the San Francisco Bay Regional Water Quality Control Board on behalf of the San Mateo County permittees.

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

RECOMMENDATION

That the Stormwater Committee (Committee) review and approve recommendation for C/CAG's Duly Authorized Representative to certify and submit the Revised Regional Low Impact Development (LID) Monitoring Plan and Quality Assurance and Project Plan (QAPP) to the San Francisco Bay Regional Water Quality Control Board on behalf of the San Mateo County permittees.

BACKGROUND/DISCUSSION

Provision C.8.d, Low Impact Development (LID) Monitoring of the Municipal Regional Stormwater Permit (MRP) is intended to evaluate the effectiveness of LID controls implemented pursuant to the MRP. The monitoring conducted under this provision is intended to help better understand the benefits provided by LID, including pollutant load reduction and flow control, at different time and spatial scales. It is also intended to inform the design, construction, operation and maintenance, and future implementation of LID controls. Consistent with Provision C.8.d, via the Bay Area Municipal Stormwater Collaborative (BAMSC), and with support and input from a Technical Advisory Group, the MRP permittees and programs developed the Regional LID Monitoring Plan (Plan) submitted to the San Francisco Bay Regional Water Quality Control Board by May 1, 2023. Consistent with a conditional approval letter from the Regional Water Board received in August 2023, the permittees and programs began implementing the Monitoring Plan in Water Year 2024, with the understanding that the Plan would be revised based on Water Board comments and resubmitted to the Regional Water Board for final approval by the Executive Officer.

Following the first year of LID Monitoring and additional discussion with Water Board staff via the LID Monitoring TAG and other BAMSC regional meetings, the MRP permittees and programs have since revised the Plan and QAPP to address Water Board comments. The revisions are considered minor with no major budget impacts. The most substantive change was

to the Plan itself regarding the replacement of soil moisture monitoring and exfiltration tests with water level monitoring within the targeted LID facilities to provide data for calculating the water balance.

With a recommendation from the Committee, following the distribution of the Revised Plan and QAPP to the MRP permittees and program staff for review (distributed on October 10 to SMCWPPP permittees, with a comment deadline of October 16), and any comments/revisions made therein, C/CAG's Duly Authorized Representative will certify and submit the Revised LID Monitoring Plan and QAPP to the Regional Water Board by October 31, 2024.

EQUITY IMPACTS AND CONSIDERATIONS

This item is necessary for the administration/operations of C/CAG.

ATTACHMENTS

The following attachments are available on the C/CAG website (*See "Additional Agenda Materials" for the relevant Stormwater Committee meeting*) at: <https://ccag.ca.gov/committees/stormwater-committee/>

1. Revised Regional LID Monitoring Plan
2. Revised Regional LID Monitoring Plan QAPP

C/CAG AGENDA REPORT

Date: October 17, 2024
To: Stormwater Committee
From: Reid Bogert, Stormwater Program Director
Subject: Receive presentation on Fiscal Year 2024-25 SMCWPPP outlook.

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

RECOMMENDATION

That the Stormwater Committee (Committee) receive a presentation on Fiscal Year 2023-24 SMCWPPP outlook.

BACKGROUND/DISCUSSION

The San Mateo County Countywide Water Pollution Prevention Program (SMCWPPP or Program) provides compliance support to the 21 municipalities in San Mateo County and the San Mateo County Flood and Sea Level Rise Resiliency District who are co-permittees under the Municipal Regional Stormwater Permit (MRP; Order No. R2-2022-0018, also referred to as “MRP 3.0”) administered by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board). The Program issues a Task Order (or Task Orders) to technical support consultants on an annual basis to achieve MRP compliance goals at the local, countywide and regional scales.

MRP 3.0 includes substantially expanded and altogether new provisions that go well beyond the requirements of the previous permit term (“MRP 2.0”). Notably, the reissued permit includes expanded post construction stormwater control measure requirements for public roads and infrastructure as well as new requirements for large single family homes; significantly expanded water quality monitoring requirements for Low Impact Development facilities and trash controls; expanded monitoring and implementation requirements for addressing polychlorinated bisphenols in Old Industrial areas; and altogether new requirements for addressing unsheltered populations and pollutants associated with fire-fighting discharges, NPDES compliance cost reporting and asset management. There are also many new reporting requirements tied to these new and expanded provisions, which requires additional administrative capacity and resources.

As the permit term proceeds, Program staff continue to evaluate priorities and to seek external funding to offset the increase in MRP compliance costs as well as address the funding gap for building stormwater infrastructure that could support MRP compliance and increase watershed resilience in the face of climate change.

Staff will provide a verbal presentation on the current Fiscal Year 2024-25 scope of services and

look ahead towards achieving goals and objectives this Fiscal Year. Committee members will have an opportunity to ask questions and provide input on this year's priorities.

EQUITY IMPACTS AND CONSIDERATIONS

This item is necessary for the administration/operations of C/CAG.

ATTACHMENTS

1. None.

C/CAG AGENDA REPORT

Date: October 17, 2024
To: Stormwater Committee
From: Reid Bogert, Stormwater Program Director
Subject: Receive information on C/CAG's proposed U.S. Environmental Protection Agency Community Change Grant application.

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

RECOMMENDATION

That the Stormwater Committee (Committee) receive information on C/CAG's proposed U.S. Environmental Protection Agency Community Change Grant application.

FISCAL IMPACT

C/CAG staff has authorized its on-call consultant, EOA, Inc. to provide technical support on the development of the proposed Community Change Grant application for an amount not to exceed \$21,500 under the contingency funds included in the existing Task Order EOA-17 for Fiscal Year 2024-25.

SOURCE OF FUNDS

NPDES property related fees designated for the Countywide Water Pollution Prevention Program.

BACKGROUND/DISCUSSION

As an extension to its core function supporting the cities/towns and County of San Mateo and the San Mateo County Flood and Sea Level Rise Resiliency District comply with the Municipal Regional Stormwater Permit (MRP) administered by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board), the San Mateo County Countywide Water Pollution Prevention Program (SMCWPPP or Program) also seeks external funding to advance planning and implementation of multi-benefit stormwater infrastructure projects on a countywide basis. These planning efforts and projects can help directly achieve near- and long-term MRP compliance goals (e.g., meet compliance goals related to Green Stormwater Infrastructure (GSI) implementation targets under provision C.3.j or pollutant of concern load reduction requirements associated with provision C.12.c). Funding for these types of programs and projects can also address intersecting and longer-term water quality, community safety, active transportation, storm drainage infrastructure and climate resilience goals within C/CAG's member agencies.

Leveraging C/CAG's *Implementing One Watershed Climate Resilience Infrastructure in San Mateo County* grant application submitted under the NOAA Climate Resilience Regional Challenge grant last February, C/CAG is currently developing a new proposal for funding under the U.S. Environmental Protection Agency's (U.S. EPA) Community Change Grant Program (CCGP) in partnership with Climate Resilience Communities and several additional collaborators in San Mateo County. The overarching goals of the CCGP are to support substantial investments in community-driven resilience infrastructure and engagement programs that would provide direct climate resilience, pollution prevention and capacity building benefits to eligible Disadvantaged Communities, as defined under the U.S. EPA's program guidelines and requirements. There is a significant focus on reducing public health impacts related to climate change for the most at-risk communities and an emphasis on including multi-benefit and nature-based infrastructure solutions. Track I applications (focusing on implementation) are expected to be funded at a level between \$10-\$11 million, and under the Inflation Reduction Act (IRA), there is no matching fund requirement. The CCGP includes a total of \$2 billion in IRA funds for this one-time grant program.

C/CAG staff have developed an initial set of proposed project components and a plan for developing the application in collaboration with its proposed partners. Applications are accepted on a rolling basis and are due no later than November 21, 2024. Staff will provide a verbal presentation summarizing the proposed application and project components, with an opportunity for Committee member input and feedback.

EQUITY IMPACTS AND CONSIDERATIONS

The U.S. EPA Community Change Grant program is focused explicitly on supporting community-driven projects to reduce climate risks and pollution impacts in designated Disadvantaged Communities, as defined in the grant program Notice of Funding Opportunity. The U.S. EPA has created the [EPA Disadvantaged Community Environmental and Climate Justice Program](#) map to assist potential applicants seeking to identify whether a community is disadvantaged for the purposes of being eligible for funding. The EPA Disadvantaged Communities Environmental and Climate Justice program map includes the following components:

- EPA IRA Disadvantaged Communities 1.0 map
- EPA IRA Disadvantaged Communities 2.0 map
- Any area of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the U.S. Virgin Islands

The grant guidelines map merges versions 1.0 and 2.0 of the EPA IRA Disadvantaged Communities Map.

C/CAG staff has worked with the proposed partners, including several of C/CAG's member agencies, to leverage existing pipeline projects programs that align with C/CAG's Stormwater Program efforts as they relate to associated goals and objectives outlined in C/CAG's Equity Framework and Action Plan. The proposed project components seek to increase investments in priority sustainable streets projects, flood risk reduction infrastructure and other multi-benefit greening projects that advance water quality and community resilience goals in eligible

geographies where existing partnerships and programs are underway. Though not all eligible areas of the county are included with explicit infrastructure or focused community engagement activities in the recommended strategies, C/CAG staff and partners propose to include opportunities for eligible school districts anywhere in the county to participate in a pilot schoolyard tree-planting and staff training program to advance local resilience in high need communities.

ATTACHMENTS

1. Draft CCGP Scope and Budget Table

Item 6 - Attachment 1

U.S. EPA Community Change Grant Strategies and Budget - PRELIMINARY DRAFT

No.	Strategy	Lead	Location	Budget
1 OneWatershed Community Change Infrastructure Planning and Implementation				
a)	Implementation (full or partial) of Sustainable Streets projects in East Palo Alto/Daly City/South San Francisco	C/CAG	EPA/DC/SSF	\$ 5,425,000
c)	San Bruno Walnut Pump Station Retrofit and Creek Restoration	OneShoreline	San Bruno	\$ 5,725,000
e)	San Mateo Countywide OneWatershed Strategic Plan	C/CAG	Countywide	\$ 265,000
2 Community Change Engagement Activities and Pilot Greening				
a)	Expand community capacity-building through rain gardens at residential properties and public sites	CRC	EPA/NFO/RWC/Daly City/San Bruno/SSF	\$ 3,500,000
b)	Schoolyard tree-planting pilot projects/District Resilient Schoolyards Training + Symposium	Canopy/COE/GSA	School Distrctics in eligible DACs countywide	\$ 2,835,000
3 Community Change Workforce Development Pilot Program				
a)	Pilot Green Workforce Development Program focusing on urban forestry and GSI maintenance	JobTrain/Rescape/Canopy	EPA/Menlo Park Pilot	\$ 1,800,000
4 Grant Management/Administration				
a)	C/CAG Admin	C/CAG		\$ 200,000
b)	Grant Management	C/CAG/Consultant		\$ 250,000
Grant Total				\$ 20,000,000

C/CAG AGENDA REPORT

Date: October 17, 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 month of August.

- 1) C/CAG Board updates:
 - September: none.

- 2) FY 2023-24 Annual Reports: The Fiscal Year 2023-24 Annual Reports for the Municipal Regional Stormwater Permit were due on September 30, 2024 via the Stormwater Multiple Applications for Reporting and Tracking System (SMARTS). Based on information provided on the public portal of the SMARTS website, all San Mateo County permittees successfully submitted their Annual Reports by the deadline. For any reports that were submitted without e-authorization will need to be certified by a current Legally Responsible Person (LRP), even if after the submittal deadline. Permittees should also plan to update LRPs and/or Duly Authorized Representatives/Data Entry Persons in SMARTS over the next reporting year before the Fiscal Year 2024-25 Annual Reports are due.

- 3) Long-term GSI Technical Workgroup and New Development Subcommittee Nov 12: MRP Provision C.3.j.ii (4) states that Permittees may, together with Regional Water Board staff and others, collectively form a Technical Working Group (TWG) to discuss long-term green infrastructure goals and recommend long-term percentage reductions in Permittees' impervious surfaces, at individual, countywide and regional scales. The TWG is expected to

be comprised of municipal staff and other experts knowledgeable about planning and processes that can facilitate implementation of GI and existing stormwater requirements and processes to set GSI targets (e.g., RAA planning, TMDL compliance). Four meetings of the TWG, approximately quarterly, are planned for FY 2024-25, and one meeting planned for each of FYs 2025-26 and 2026-27. Program staff has solicited participation on the TWG from members of the Ad-hoc Workgroup Advancing Regional Projects with regional projects underway (representatives from San Bruno, Redwood City, Belmont, South San Francisco, County Unincorporated). Currently, the City of South San Francisco has provided one representative. The first meeting was held on September 13. SMCWPPP also plans to discuss requirements and the status of achieving the C.3.j GSI retrofit targets during MRP 3.0 at the next New Development Subcommittee in November. Program staff will develop a table of the existing eligible acreage achieved by San Mateo County permittees to-date, as well as options for achieving the countywide goal of 43.3 acres of impervious area retrofitted by June 30, 2027.

- 4) State Water Board Cost Reporting Policy: In May 2024, The State Water Resources Control Board (State Water Board) issued its Revised Draft Municipal Stormwater Cost Policy as a statewide cost reporting framework for Phase I and traditional Phase II MS4 permittees. If adopted, the policy would require permittees to use a list of standardized cost categories to track their municipal separate sewer system (MS4 permit) implementation costs and would require permittees to report annual expenditures for implementing their MS4 permits. Bay Area permittees operating under the Municipal Regional Stormwater Permit (MRP) submitted a Revised Bay Area Regional Cost Reporting Framework and Guidance Manual in compliance with provision C.21 of the MRP to Regional Water Board staff on March 29, 2024, subject to Executive Officer approval. The Bay Area cost reporting framework will be used for MRP cost of compliance reporting beginning with the initial reporting this fiscal year (FY2024-25). Program staff has received information from State Water Board staff the intention to follow the model of the Bay Area cost reporting framework to ensure streamlined translation of costs from the regional permit requirements to the State Water Board reporting framework.
- 5) City/County of San Francisco v. U.S. Environmental Protection Agency: In 2020, the City/County of San Francisco filed a lawsuit against the U.S. Environmental Protection Agency (*City and County of San Francisco v. U.S. Environmental Protection Agency (EPA)*) regarding the interpretation and application of the “cause or contribute” language within the Clean Water Act (CWA), specifically related to water quality standards and pollutant discharges. This language in the Clean Water Act’s framework for regulating water pollution refers to a regulatory requirement that prohibits any discharge of pollutants that would “cause or contribute” to a violation of water quality standards. This is especially important in areas where water bodies are already impaired or exceed pollution limits, such as those listed under Section 303(d) of the CWA. The City/County of San Francisco argues that the EPA has been too lenient with respect to enforcing this provision of the CWA as it applies to new water quality standards in the Bay/Delta region, and that a broader interpretation should be used by the EPA to ensure all potential sources of pollution are sufficiently and accurately held accountable for water quality impairments in the Bay. It has argued that the regulations have been too vague and narrowly applied, which could result in outsized local government

investments aimed at unclear water quality objectives. San Francisco submitted a petition to the EPA Board of Appeals during its oceanside permit reissuance in 2019, which was denied. In response the City/County appealed to the Ninth District Court of Appeals, which sided with the EPA (though included a strong dissenting opinion). The City/County has since appealed the case to the Supreme Court, which has agreed to take it up with oral arguments scheduled for October 16, 2024. This could be a precedential case resulting in significant changes in how the EPA reviews/approves/enforces wastewater and stormwater permits, especially where existing impairments and numeric-based effluent limitations are in place (i.e., Total Maximum Daily Loads).

- 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:
- [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. Caltrans has announced the call for LOS/Partnership requests for PROTECT Discretionary Grant Program Cycle 2. The Notice of Funding Opportunity (NOFO) has not been released yet but is expected in October 2024. Agencies planning to apply and seeking a Caltrans Letter of Support (LOS)/Partnership letter should provide requests within 30 days after the NOFO release date.
 - [U.S EPA Bipartisan Infrastructure Law Funds for the San Francisco Bay Water Quality Improvement Fund](#) Fiscal Year 2024-25 Notice of Funding Opportunity – The San Francisco Bay Water Quality Improvement Fund anticipates releasing a Notice of Funding Opportunity in the coming weeks for \$14 million to fund water quality/Bay restoration projects in underserved communities where there are strong relationships with community partners. There's no matching requirement.
 - Fiscal Year 2024-25 State and Federal Funding – The State Legislature passed and the Governor signed a \$10 billion Climate Bond (SB 867 - Allan) to put Proposition 4 on the November ballot, along with a \$10 billion Education Bond. The Climate bond includes a specific callout for stormwater (\$110M for stormwater and \$100M for urban greening). C/CAG's Board of Directors will be considering a SUPPORT position on the bond at its October meeting.

EQUITY IMPACTS AND CONSIDERATIONS

This item is necessary for the administration/operations of C/CAG.

ATTACHMENTS

- 1) None.