



**CONTRA COSTA
CLEAN WATER
PROGRAM**

MANAGEMENT COMMITTEE MEETING AGENDA

Wednesday, June 15, 2022

1:30 PM to 3:30 PM

Join Zoom meeting:

<https://zoom.us/j/95398909729?pwd=blhxUkthU1pjYkFjREhncXJtV2NTQT09>

Meeting ID: 953 9890 9729 Passcode: 632133 Dial: 1 669 900 6833
One tap mobile: +16699006833,,95398909729#,,,,*632133# US (San Jose)

If you require an accommodation to participate in this meeting, please contact Michael Burger at 925-313-2360 or at michael.burger@pw.cccounty.us, or by fax at 925-313-2301. Providing at least 72 hours notice (three business days) prior to the meeting will help to ensure availability.

VOTING MEMBERS (authorized members on file)

City of Antioch	Phil Hoffmeister
City of Brentwood	Meghan Oliveira / Allen Baquilar
City of Clayton	Laura Hoffmeister/ Reina Schwartz
City of Concord	Bruce Davis (Vice-Chair)/ Kevin Marstall
Contra Costa County	Michele Mancuso/ Tim Jensen/ Allison Knapp
CCC Flood Control & Water Conservation District	Tim Jensen/ Michele Mancuso/ Allison Knapp
Town of Danville	Bob Russell/ Steve Jones/ Mark Rusch
City of El Cerrito	Stephen Prée/ Will Provost/ Yvetteh Ortiz/ Ana Bernardes
City of Hercules	Mike Roberts/Jeff Brown/Jose Pacheco/Nai Saelee/F. Kennedy
City of Lafayette	Matt Luttrupp/ Tim Clark
City of Martinez	Khalil Yowakim
Town of Moraga	Frank Kennedy (Chair)/ Shawn Knapp
City of Oakley	Billilee Saengcalern/ Frank Kennedy/ Andrew Kennedy
City of Orinda	Scott Christie/ Kevin McCourt
City of Pinole	Misha Kaur
City of Pittsburg	Jolan Longway/ Richard Abono
City of Pleasant Hill	Philip Ho/Ananthan Kanagasundaram/Frank Kennedy
City of Richmond	Joe Leach/ Mary Phelps
City of San Pablo	Amanda Booth/ Karineh Samkian/ Sarah Kolarik/ Jill Mercurio
City of San Ramon	Kerry Parker/ Robin Bartlett/ Maria Fierner
City of Walnut Creek	Lucile Paquette/ Neil Mock/ Steve Waymire

PROGRAM STAFF AND CONSULTANTS

Courtney Riddle, Program Manager	Andrea Bullock, Administrative Analyst
Karin Graves, Sr. Watershed Planning Specialist	Alina Constantinescu, Consultant
Dan Cloak, Consultant	Mitch Avalon, Consultant
Liz Yin, Consultant	Michael Burger, Clerk
Lisa Austin, Consultant	Lisa Welsh, Consultant

NEXT MANAGEMENT COMMITTEE MEETING

Wednesday, July 20, 2022, 1:30 PM

**Contra Costa Clean Water Program
MANAGEMENT COMMITTEE MEETING AGENDA
Wednesday, June 15, 2022**

AGENDA

Open the Meeting/Introductions/Announcements/Changes to the Agenda: **1:30**

Public Comments: Any member of the general public may address the Management Committee on a subject within their jurisdiction and not listed on the agenda. Remarks should not exceed three (3) minutes.

Regional Water Quality Control Board Staff Comments/Reports: **1:30**

Consent Calendar: **1:40**

All matters listed under the CONSENT CALENDAR are considered to be routine and can be acted on by one motion. There will be no separate discussion of these items unless requested by a member of the Management Committee or a member of the public prior to the time the Management Committee votes on the motion to adopt.

- A. **APPROVE** Management Committee meeting summary (Chair)
 - 1) May 18, 2022 Management Committee Meeting Summary
- B. **ACCEPT** the following subcommittee meeting summaries into the Management Committee record: (Chair)
 - 1) Administrative Committee
 - May 3, 2022
 - 2) PIP Committee
 - May 3, 2022
 - 3) Monitoring Committee
 - April 11, 2022
 - 4) Municipal Operations Committee
 - April 19, 2022
 - 5) Development Committee
 - April 27, 2022

Presentations: **1:50**

- A. Filing a Claim for Unfunded Mandates (M. Avalon)
 - a. See staff report for background information
- B. Strategic Plan for Staffing the Clean Water Program (K. Graves)
 - a. See staff report for background information
- C. FY 21/22 Annual Report Forms and Schedule (L Yin)

Actions: None **2:50**

Reports: **2:50**

- A. Status of Monsanto Settlement Agreement (K. Graves)
- B. Report on C.3 training held on May 24, 2022 (see staff report) (D. Cloak)
- C. MRP 3.0 Provision C.3: Urgent Permittee Implementation Items (see staff report) (D. Cloak)
- D. Feedback on Using Social Media and Newsletter Outreach Materials (H. Pierce)
- E. Status of Appealing MRP 3.0 Final Order (see staff report) (M. Avalon)

Updates: **3:05**

- A. Personnel Update (K. Graves)
- B. BAMSC Steering Committee meeting (K. Graves)

Information: **3:20**

- A. Submit documentation of PCBs in applicable building demolition projects (K. Graves)
- B. Annual review/update of website pages and waste disposal information (K. Graves)
- C. CASQA Quarterly meeting "Call to Action: Stormwater is a Resource!", July 14 (see attached) (A. Bullock)
- D. Baykeeper May 31, 2022 letter to the editor regarding MRP 3.0 (see attached) (M. Avalon)

Old/New Business: **3:25**

Adjournment: Approximately 3:30 p.m.

Attachments

Consent Items

1. *Management Committee Meeting Summary May 18, 2022*
2. *Administrative Committee Meeting Summary May 3, 2022*
3. *PIP Committee Meeting Summary May 3, 2022*
4. *Monitoring Committee Meeting Summary April 11, 2022*
5. *Municipal Operations Committee Meeting Summary April 19, 2022*
6. *Development Committee Meeting Summary April 27, 2022*

Presentation Items

7. *Staff Report on Unfunded Mandates Claims*
8. *Staff Report on Strategic Staffing Plan (to be submitted later but before the meeting)*
9. *Annual Report Timeline*

Reports

10. *Staff Report on May 24, 2022 C.3 Training*
11. *C.3 Training Workshop Agenda*
12. *C.3 Training Workshop Survey Responses*
13. *Staff Report on Appealing MRP 3.0 Final Order*

Information

14. *CASQA Quarterly meeting, July 14, 2022*
15. *Baykeeper May 31, 2022 letter to the editor*

UPCOMING CCCWP MEETINGSAll meetings **will not** be held at 255 Glacier Drive, Martinez, CA 94553, but will be held virtually

July 6, 2022 1st Tuesday	Administrative and PIP Committee Meeting 9:30 a.m. – 12:00 noon
July 11, 2022 2nd Monday	Monitoring Committee Meeting, 10am – 12 noon
July 19, 2022 3rd Tuesday	Municipal Operations Committee Meeting, 10am-12 noon
June 22, 2022 4th Wednesday	Development Committee Meeting, 1:30 p.m.-3:30 p.m.
July 20, 2022 3rd Wednesday	Management Committee Meeting, 1:30 p.m.-3:30 p.m.

BAMSC (BASMAA) SUBCOMMITTEE/ MRP 3.0 MEETINGS

Times for the BAMSC (BASMAA) Subcommittee meetings are subject to change.

July 1, 2022	Effective date of MRP 3.0
1st Thursday	Development Committee, 1:30 – 4:00 p.m. (even months)
1st Wednesday	Monitoring/POCs Committee, 9:30 a.m. – 3:00 p.m. (odd months)
4th Wednesday	Public Information/Participation Committee, 1:30 – 4:00 p.m. (1 st month each quarter)
4th Tuesday	Trash Subcommittee, 9:30 a.m.-12 noon (even month)



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MANAGEMENT COMMITTEE MEETING MINUTES

05-18-2022

Attendance:

MUNICIPALITY	ATTENDED	ABSENT
City of Antioch	Phil Hoffmeister	
City of Brentwood	Meghan Oliveira	
City of Clayton	Laura Hoffmeister	
City of Concord	Bruce Davis	
Town of Danville	Bob Russell	
City of El Cerrito	Stephen Prée, Christina Leard	
City of Hercules	Nai Saelee	
City of Lafayette	Tim Clark	
City of Martinez	Frank Kennedy	
Town of Moraga	Frank Kennedy	
City of Oakley	Frank Kennedy	
City of Orinda	Frank Kennedy	
City of Pinole	Misha Kaur	
City of Pittsburg	Jolan Longway	
City of Pleasant Hill	Frank Kennedy	
City of Richmond	Joe Leach	
City of San Pablo	Amanda Booth	
City of San Ramon	Kerry Parker	
City of Walnut Creek	Lucile Paquette	
Contra Costa County	Michele Mancuso, Allison Knapp	
CCC Flood Control and Water Conservation District	Tim Jensen	

Program Staff: Karin Graves, Andrea Bullock, Michael Burger

Program Consultants: Liz Yin, Dan Cloak, Lisa Welsh, Yvana Hrovat, Alina Constantinescu

Members of the Public/Others/Guests:

Introductions/Announcements/Changes to Agenda: Due to the Covid-19 pandemic, the meeting was conducted by video-conference call.

Public Comments: No members of the public called in.

Regional Water Quality Control Board Staff Comments/Reports: Regional Board staff did not call in.



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1. **Roll call was taken and the meeting was convened by the Chair at 1:30 p.m.**
2. **Announcements:** There were no changes to the agenda. The Chair introduced Yvana Hrovat. Karin Graves gave a brief description of her background, noting that Hale & Aldrich would be taking over the technical consulting work for the Development Committee.
3. **Consent Calendar:** The Chair motioned to approve, Jolan Longway (Pittsburg) seconded. The Chair called for a vote. There were no objections or abstentions. The motion passed unanimously and the Consent Calendar items were accepted.
4. **Presentations:**
 - a. **Processing Conditionally Approved Budget Items (K. Graves):** Staff had put together an approach to processing conditionally approved budget items. This approach was presented to the Administrative Committee earlier this month. The current budget was about \$740k over the \$3.5M threshold.

Several items that were related to new work required by the permit or lacked the scope of work to determine the total cost had been approved as conditional items. Historically, once the budget had been approved, work would begin on the projects. These conditionally approved items were proposed to be brought back to the Management Committee for final approval before work would begin. Staff will provide a scope, cost, and schedule of the work for the Management Committee. Staff would also identify the committee and staff responsible for the work and which permit provision required the proposed work.

A staff report including this information would be presented to Management Committee as an action item. If the item was time sensitive, this could be approved by the Administrative Committee with a presentation to the Management Committee. Subcommittees responsible for the provision would have a chance to look over the staff report before it was brought to Management Committee.

- b. **Status of Alternative Compliance System project (A. Booth):** Amanda Booth (San Pablo) began by displaying a power point presentation. It would start with a reminder of what the project entails and end with next steps and questions that remain unanswered.

One of the areas that the project addressed was a way to use resources to better address areas of high PCB and low population. San Pablo, Walnut Creek, Richmond, and Contra Costa County applied for and received an EPA WQIF grant to develop a regional alternative compliance system. The objectives were to find flexibility in compliance, cost



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efficiency through implementation of larger stormwater capture projects, and targeted facility implementation.

The deliverables included were an alternative compliance system (consisting of review of literature on relevant systems across the country and a final report explaining the Contra Costa County system), templates of documents such as MOUs, O&M tracking and reporting forms, and model ordinance updates.

Amanda went on to describe the components of the system and its metrics, and how projects would be funded and maintained through the use of Flood Control Zone 100. Questions from the Committee followed.

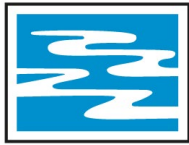
The Chair asked if FC Zone 100 was county wide. Amanda Booth (San Pablo) confirmed this.

Bob Russell (Danville) asked if there was enough space for purchase in the county to do the offsets if many developers/cities chose to use alternative compliance. Amanda Booth (San Pablo) noted that alternative compliance was intended to be on a case-by-case basis and shouldn't be as cost efficient as on-site LID; it is the intent of the Program to encourage on-site LID/GSI except where its construction was not feasible. The Chair asked how identified PCBs source areas factor into this calculation. Amanda Booth (San Pablo) confirmed that they were. Amanda Booth (San Pablo) noted that the Water Board's opposition to the pollutant loading chart was focused on the ratio of alternative compliance acres. It was also suggested that there was a procedure in the system to change the ratios if they were observed to not affect the desired changes.

Jolan Longway (Pittsburg) asked about the non-eligible projects listed on the graphic. Projects in old industrial areas could not purchase acreage in new residential; another old industrial site would have to be used. Bruce Davis (Concord) asked if the off-site projects would be predetermined or would developers be allowed to choose one site over another. Amanda Booth (San Pablo) noted that a project portal would be made available with all off-site areas available. These projects would have rainfall zones listed and developers could find sites that match their project sites. Bruce Davis (Concord) asked about projects that change from unregulated to regulated in the future. Amanda Booth (San Pablo) noted that several options were still being considered.

Lucile Paquette (Walnut Creek) asked if there was a way for the Program to use C.3.j funding to pay for a pilot project under this program.

The Chair asked if Antioch was excluded from the program, as the rainfall zone map did not include Antioch. Amanda Booth (San Pablo) explained that Antioch was excluded for PCBs because Antioch had no PCB requirements, but this system could be applied to pollutants specific to each region.



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The legal review process for the RAC has been completed but final details were still being discussed. The document in the agenda was based on all the discussions already completed.

The tracking system was still under development. It would be an online tool similar to the AGOL. Projects (both regulated and off-site) would be input and the tool would calculate the EAGs to purchase and sell. It would also provide mapping of projects, allow regulated projects to search for relevant projects, and have a reporting function.

Next steps were then discussed in broadly 2 categories: funded and unfunded. The funded items needing to be addressed were to finalize the EAG ratios (summer 2022), establish O&M process, develop templates and MOUs, finalize the summary report (fall 2022), and identify and begin pilot projects (2022-2024). The unfunded items needing to be addressed were to ask the Water Board to amend the MPR to allow the Regional Alternative Compliance system, update documents, develop the CCCWP administration process, and develop implementation strategy.

A workshop on this topic was planned for late summer or early fall 2022. The full system would be presented with a discussion on implementation questions. The goal of the workshop was to get feedback to make recommendation to the Management Committee for budget approval on conditional items. A link to the project website was available in the agenda packet.

- c. **Update on Committee Membership, Rosters, and Voting Members (K. Graves):** Karin Graves began by displaying the Subcommittee Membership chart. A memo on subcommittee assignments was in the agenda packet. All subcommittees have enough members for a quorum except PIP. The Administrative Committee would again need to act as PIP members. While the two meetings would still be combined, staff was proposing to alter the subcommittee times but keeping the overall PIP and Administrative Committee time. PIP would now be 9:00 a.m. – 10:30 a.m. and Administrative Committee would be 10:30 a.m. – 12:00 p.m.

The finalized chart and meeting calendar would be distributed next week. Outlook invites would be sent in the next two weeks.

- d. **Monsanto Settlement Agreement Cost Estimates (L. Welsh):** Geosyntec put together cost estimates to help inform Permittees when deciding to opt in or out of the settlement agreement.

In March, the court approved the settlement from Monsanto. The court found the settlement was a fair and reasonable outcome for both class members and Monsanto.



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Following the approval, the court approved the schedule to send notices to class members by April 18. The deadline to opt out was June 17, 2022. San Mateo and nine cities opted out and filed a separate suit with Monsanto.

The estimate was provided to inform the decision of Permittees, but the legal decisions by Permittees was not under the purview of the Program.

Lisa Welsh noted that the estimates were based on readily available data. The spreadsheet of cost estimates was displayed for the committee. The results from the reasonable assurance analysis indicated that the PCBs TMDL could not be achieved before 2050. These estimates represent the cost from 2020-2050. The most expensive costs were associated with GSI and administrative costs associated with conducting the project. Costs for private remediation were not considered.

The cost ranges from \$500M to \$1B to achieve the TMDL by 2050. There were 7 main control measures countywide, but a simpler approach broken down by permittee was developed to reflect the way the settlement was structured. Only 4 of the control measures had a significant cost impact on Permittees: PCBs in building materials management, source property ID and abatement, GSI, and full trash capture. When broken down by Permittee, the cost estimates were for 2020-2040 and based on the Permittees' stormwater management plans. A range of costs was estimated based on a low, medium, and high cost of GSI.

Frank Kennedy (Pleasant Hill) noted that even if the estimate was significantly off, the payouts were still far under the required costs to clean up the PCBs. Stephen Prée (El Cerrito) asked for clarification on the low, medium, and high labelling as not GSI related and requested that they be added.

Karin Graves noted that she had been asked if the Program as keeping track of which Permittees were opting out. The Program was not tracking this and was unsure if Permittees could share decisions due to legal issues. The Committee discussed sharing information and other cases that could inform the decision of Permittees. Stephen Prée (El Cerrito) asked if there had been discussion with the County regarding whether they were opting out. It was suggested this might be a matter for the City Managers Association. Allison Knapp (Contra Costa County) informed the committee that the County was discussing the matter with county counsel and no decision had been made but the matter would be presented to the Board of Supervisors on June 7. Meghan Oliveira (Brentwood) asked if the Permittees knew if their jurisdiction had received the notices from the plaintiff yet. Several Permittees noted that they had not yet received the notice.

- e. **AGOL Needs Assessment Report (E. Yin):** This meeting concluded the AGOL needs assessment conducted between January and April. The report was part of the agenda



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packet. The purpose of the assessment was to define future needs based on the new MRP requirements. A workgroup had been formed and the workgroup developed a survey. The survey results helped develop recommendations for changes to the AGOL. There are 4 main recommendations:

1. Continue to maintain the AGOL workgroup to provide testing, input and direction on technical issues and provide recommendations.
2. Retain Liz Yin and LWA as the program staff liaison to lead the AGOL workgroup.
3. Prioritize and address the list of technical issues identified in the attached report.
4. Conduct review of available alternatives GIS Systems and web applications in order to inform the development of RFPs for the eventual contract completion of the current AGOL contractor.

Next steps: finalize costs and approve funding to review the draft budget and make recommendations to MC to approve the conditional line item, continue the AGOL workgroup with monthly meetings through December 2022, assist in developing RFQ/RFP to solicit AGOL services before the end of the current PSOMAS contract (June 30, 2022), and continue to address technical issues and future needs.

For the remainder of the Fiscal Year, there are no anticipated additional fiscal impacts. Staff was recommending that unspent funds budgeted to the AGOL Assessment (~\$20k) be used to complete and track some of the high-level tasks in the list of needs/technical issues. If Management Committee approves the current recommendation, staff estimates an additional \$35k would need to be added to the budget for AGOL support in FY 2022-23. Staff was seeking acceptance of these recommendations.

The Chair asked if approval was necessary if the funds had already been budgeted. Karin Graves noted that the approval was more about transparency.

5. Actions:

- a. ACCEPT Nomination(s) for Chair of the Management Committee, CONDUCT a vote of the nominee(s), and APPROVE the election of the Chair for Fiscal Year 2022/2023:** Stephen Prée (El Cerrito) nominated Frank Kennedy, Bob Russell (Danville) seconded. Frank Kennedy accepted the nomination. There were no objections or abstentions. Frank Kennedy was APPROVED as the Chair of the Management Committee for Fiscal Year 2022/2023.
- b. Accept nomination(s) for Vice-Chair of the Management Committee, CONDUCT a vote for the nominee(s), and APPROVE the election of the Vice-Chair for Fiscal Year 2022/23:** The Chair nominated Bruce Davis (Concord) as Vice-Chair, Stephen Prée (El Cerrito) seconded. Bruce Davis (Concord) accepted the nomination. There were no objections or abstentions. Bruce Davis (Concord) was APPROVED as the Vice-Chair of the Management Committee for Fiscal Year 2022/2023.



- c. **APPROVE assignments to Management Committee subcommittees and BAMSC subcommittees as shown in Exhibit A:** Laura Hoffmeister (Clayton) requested to remove themselves from the Administrative Committee as they were inadvertently added to the roster. Meghan Oliveira (Brentwood) requested to be removed from the Administrative Committee due to Brentwood's numerous recent memberships on the committee. Jolan Longway (Pittsburg) volunteered to join the Administrative Committee as the East County representative. Amanda Booth (San Pablo) motioned to approve with changes noted, Michele Mancuso (Contra Costa County) seconded. The Chair called for a vote. There were no objections or abstentions. The motioned passed unanimously and the subcommittee assignments were approved.

6. Reports:

- a. **Status of MRP 3.0 Final Order (K. Graves):** An email had been sent out to Permittees regarding the changes to the Final Order. The Final Order was approved with corrections from Errata 1 and 2 as well as a Supplemental. Errata 1 was regarding the statewide trash amendment and 100% trash reduction deadline; because the language in the statewide amendment specifically references a deadline, the deadline for 100% trash reduction was moved up by 6 months. Errata 2 was mostly non-substantive changes. The Supplemental looked specifically at C.3 and clarified that the new permit requirements wouldn't need to be implemented for 1 year from Permit start. Projects that began in that year would not need to meet the new guidelines.

Some minor changes had been made on the day of the hearing: a correction to the population number for Contra Costa County in table H-1, a change to monitoring and MRP requirements in C.18 based on San Mateo County comments, and language was added in sub-provision C.3.b.ii(1)(b) to add "extending the pavement edge and paving gravel shoulders" to 1 acre. Several issues were raised during key high priority issues: road maintenance and reconstruction in disadvantaged communities, special projects Category C Cost impact and other implementation issues, innovative biotreatment media, and monitoring costs and feasibility. For these four items, the board directed staff to report back to them by August 2023.

The Chair asked when the Errata had been released. Karin Graves confirmed they were released only a week or two before the hearing. The Chair asked if there was a breach of legal procedure in the short release time. It was suggested that there hadn't been a discussion of this, but it was noted that this may not benefit the program to push back on this. The Committee discussed concerns regarding the final motion from the Water Board.

The Committee began a discussion on submitting a petition to potentially appeal the permit. The petition is due 30 days after the date of the permit adoption. Karin Graves



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noted there was another option outside of the appeal: a Time Schedule Order could be filed if the deadlines were not feasible once the permit is adopted which would require Permittees to submit schedules for compliance.

The Chair asked if this was an appeal to the State Board. A petition would need to be filed to preserve the right to appeal the permit. The Committee discussed the short timeline and the historic efficacy of appeals.

- b. Annual Report changes from prior year (E. Yin):** This item was postponed until June.

7. Updates:

- a. Personnel Update (K. Graves):** The Program had interviewed 6 people for the Watershed Management Planning Specialist position vacancies. Out of the 4 finalists, the Program made a final offer to one applicant. More information on program staff vacancies would be presented in June.
- b. BAMSC Steering Committee meeting (K. Graves):** This item was discussed during early topics.
- c. Status of AGOL Assessment project: (E. Yin/K. Graves):** This item was discussed during early topics.

8. Information:

- a. Committee and subcommittee meeting calendar for FY 22/23:** This will be shared with the Permittees in the next week.
- b. AGOL entry request: Watershed Management Areas Control Measures Loads Reduction Annual Report:** This item was discussed during other topics.

- 9. Old/New Business:** The C.3 Workshop was moved to an online Webinar and an access link would be distributed to registrants the day before the webinar.

- 10. Adjournment:** The Chair adjourned the meeting at 4:18 p.m.



ADMINISTRATIVE COMMITTEE SUMMARY

Meeting Minutes

Tuesday, May 3, 2022

11:00 – 12:00

VOTING MEMBERS	ATTENDED	ABSENT
City of Antioch	Phil Hoffmeister (Chair)	
City of Brentwood	Meghan Oliveira	
Town of Danville	Bob Russell	
Contra Costa County	Michele Mancuso	
CCC Flood Control and Water Conservation District	Tim Jensen	
City of Hercules		Jeff Brown
City of Pleasant Hill	Frank Kennedy	

NON-VOTING MEMBERS		
City of Walnut Creek	Lucile Paquette	
City of San Pablo	Amanda Booth	

Program Staff: Karin Graves, Andrea Bullock, Michael Burger

Consultants: Mitch Avalon

Guests:

- 1. Convene meeting and roll call (Chair):** The Chair convened the meeting at 11:02 a.m.
- 2. Announcements or Changes to the Agenda (Committee):** There were no announcement or changes to the agenda.
- 3. Approval of April 3, 2022 Meeting Minutes (Chair):** Michele Mancuso (Contra Costa County) motioned to approve the minutes with no changes, the Chair seconded. The Chair called for a vote. There were no objections or abstentions. The motion carried unanimously. The meeting minutes were approved.
- 4. Status of MRP 3.0 Revised Tentative Order (M. Avalon):** Mitch Avalon noted that there had been new changes to the MRP 3.0 hearing format. The notice for the hearing will be released tomorrow. This will include the Water Board’s summary report of changes from the Tentative Order and an errata sheet for typographical corrections. The meeting will begin at 9:00 a.m. with an effort to expedite any administrative topics. The hearing will start with an introduction and presentation from Regional Board staff followed by permittee presentation and a period of time for elected officials to speak. The elected official timeslot was anticipated to be around 11:00. The Regional Board had requested that, if an elected official had a time constraint that would make it difficult to

attend at 11:00, that they be notified to try and find an alternate time. A computer would be available for speakers to sign in at the auditorium. The Regional Board had secured increased upload speed which means there would be video and audio broadcast from the meeting and for a Zoom call in.

The errata will contain edits only. BAMSC had sent a comprehensive list of changes, but the Regional Board believed some of the changes to be outside the scope of typographical corrections. These changes would need to be discussed at the hearing, though it was unclear how these would be addressed. The issue of utility trenching was still under consideration. The status of LID Monitoring requirements was also uncertain, but Regional Board staff would attend the MPC meeting to discuss C.8. Regional Board staff would also meet with BAMSC on May 4. Additional information regarding the hearing was expected at both of these meetings.

After additional discussions with BAMSC and the PMA Subcommittee, a finalized list of key issues was crafted. There was a requested change from the PMA Subcommittee that an exemption from Road Work requirements for certain projects be added. The errata eliminated the request tied to the extension of 90%/100% trash reduction deadlines. The topic of PCBs comments was changed to focus on work Regional Board must do to address referral properties. Comments on Homeless discharge will now focus on direct discharge control plans rather than a credit/offset for cleaning up homeless encampments.

A tracking spreadsheet for changes to the Tentative Order had been distributed. The Chair asked about the items on the spreadsheet that had been highlighted yellow. These topics were the key issues that had been developed based on the Tentative Order. Mitch Avalon requested that Permittees submit their lists of speakers to him.

Lucile Paquette (Walnut Creek) asked that clarification/definitions be requested on topics with ambiguous language (specifically, the term “adverse impact to creeks” in provision C.10). The committee discussed the potential impact of undefined language.

- 5. Processing Conditionally Approved Budget Items (M. Avalon):** When the budget for Fiscal Year 22/23 was approved, a significant number of items were identified as conditionally approved. These were developed due in part to the significant overages of the budget threshold proposed in the budget. These were also conditional based on the uncertainty of the scope of work, cost estimate to implement, and schedule to start and complete the program/project. Unless otherwise noted, approval of a budget item authorizes staff to proceed to implement the work represented by the budget item up to the item limit. Program staff proposed that these items be brought back to the Committee for subsequent approval. There are a total of 16 conditional items, so staff wants to develop a process that provides the information needed by the Management Committee but is not overly complicated or an undue strain on Program staff’s time. The information compiled for the Management Committee would include the scope, cost, and schedule of the program/project to be formally authorized.

When these conditional items needed to be addressed, Program staff would prepare a staff report including this information and present it to the Management Committee. If timing on the project was critical, then the Administrative Committee would have the authority to consider and approve a conditional item and report out at the next Management Committee meeting for confirmation.

Mitch Avalon asked if there were any other elements that the Committee believed would be desired for consideration of conditional items. The Chair suggested that adding which MRP 3.0 provision required the work be noted in the staff report. It was also suggested that a funding pool for all conditional work rather than line items be used for conditionally approved items in the future. Lucile Paquette (Walnut Creek) suggested that a simple list of the items with their costs be created so that each item could be considered individually and clearly. It was further suggested that these conditional items be sent to the appropriate subcommittee for review before a staff report is created. The Committee discussed ways to easily and clearly present the information.

- 6. Potential PFAS Disposal Assistance (K. Graves):** The Program received a request from Contra Costa County Fire Protection District to assist with identifying funding sources for disposal of PFAS foam. Karin Graves had looked at provisions in MRP 3.0 that required Permittees to coordinate with fire agencies and other stakeholders to reduce impacts of discharges from fire-fighting runoff. Permittees are also required to report annually on ongoing implementation practices which include assisting with prevention and mitigation of adverse impacts of discharges associated with firefighting emergencies. If the foam was disposed of in FY 22-23 permittees could potentially take credit for such an action in the annual report. If the Program helped the CCCFPD find funding, there would be no fiscal impact unless a portion of the costs were paid directly by the Program.

Program staff was requesting direction on this topic. The Chair asked if the permit specifically noted “proactive” mitigation. Karin Graves suggested that this was unclear. Michele Mancuso (Contra Costa County) suggested that there weren’t buyback programs for PFAS and that contacting Airports might provide an idea of avenues for PFAS disposal. Lucile Paquette (Walnut Creek) informed the Committee that there was a workshop on March 30 regarding funding from a PFAs grant program. She shared a link to the Water Board workshop, though it hadn’t yet been uploaded. It was also suggested that PFAS could be given to the Airports, which are federally required to have PFAS on hand. The Committee suggested that it was likely not the Program’s responsibility to pay for or take on the work of investigating disposal options; a coordinated effort was more appropriate. Mitch Avalon noted that there was a workgroup that was being formed or expanded by the new permit to discuss the challenges of firefighting discharges, which would be a better forum to address this topic.

- 7. Approve May 18, 2022 Management Committee Agenda (Committee):** Mitch Avalon displayed the agenda and listed each of the presentations, actions, reports, and information items. He noted that the alternative compliance topic would be discussed, as it had been postponed from the last meeting. Frank Kennedy (Pleasant Hill) suggested that a portion of Action Item C be changed from “BASMAA” to “BAMSC”. Lucile Paquette (Walnut Creek) asked if the changes to Chair and Vice-Chair would take place immediately or after July 1. Mitch Avalon gave a brief explanation of the historical



process and suggested that it would be up to the Chair and nominee regarding the transition, but it would make sense for the current Chair to retain their seat through the end of the May meeting.

Frank Kennedy (Pleasant Hill) motioned to accept the agenda with the noted change, Bob Russell (Danville) seconded. There were no objections or abstentions. The motion passed unanimously. The Management Committee Agenda for May 18, 2022 was approved with the change noted.

8. **Old/New Business:** Karin Graves announced that interviews for the Watershed Management Planning Specialist had been conducted last Tuesday. Four candidates had been selected. One had already accepted another position, but reference checks were underway for the remaining 3. Conditional offers were anticipated in the next week or two.
9. **Adjournment:** The Chair adjourned the meeting at 12:03 p.m.



**PUBLIC INFORMATION/PARTICIPATION COMMITTEE
 MEETING MINUTES**

Tuesday May 3, 2022 9:30 am – 11:00 am

Zoom Meeting

Voting Members	Attended	Absent
City of Antioch	Julie Haas-Wajdowicz	
CCC Flood Control and Water Conservation District	Michele Mancuso	
City of Orinda	Kevin McCourt	
City of San Ramon		Kerry Parker

Administrative committee Members acting as PIP Members	Attended	Absent
City of Brentwood		Meghan Oliveira
Town of Danville	Bob Russell	
Contra Costa County	Michele Mancuso	
City of Hercules		Jeff Brown
City of Pleasant Hill	Frank Kennedy	

Program Staff: Andrea Bullock, Michael Burger, Karin Graves

Consultants: Mitch Avalon, Hilary Pierce

Guests: Finnesha Eastman (Sagent), Amanda Booth (City of San Pablo)

- 1. Introductions, Announcements, and Changes to Agenda (Chair):** There were no changes to the Agenda. Michele Mancuso (Contra Costa County) announced that she would be acting as Chair for the meeting.
- 2. Consent Items Approval (Chair):** Kevin McCourt (Orinda) motioned to approve the consent items, the Acting Chair seconded. The Acting Chair called for a vote. There were no objections or abstentions. The motion passed unanimously and the consent items were approved.
- 3. Video Update (Sagent):** Finnesha Eastman announced that Sagent was currently working on the Fish Risk video and were working with Karin Graves, Melinda Harris, and Hilary Pierce to make adjustments to the video draft. These adjustments were shared with the videographer and a new draft video would be ready for the June 7 meeting.
- 4. Caltrans Outreach Campaign Partnership Update (Sagent):** Finnesha Eastman noted that Melinda Harris (committee Chair) was currently at the Caltrans press release promoting the Caltrans creative partnership. Sagent is working on the media plan and are looking at the list of prioritized outdoor tactics that had been discussed at the last meeting. A finalized plan for the media campaign would be available at the June 7 meeting as well.



- 5. FY 22/23 PIP Committee Meeting Times (H. Pierce/K. Graves):** Hilary Pierce noted that Program staff had been looking ahead to the next fiscal year and were discussing changes to the scheduled time and day of PIP meetings. This was due in part to the new permit provisions managed by PIP that may need additional time to discuss. Feedback was being sought from the Committee.

One option was to begin the PIP meetings 30 minutes earlier. PIP meetings could also end 30 minutes later, but that had the potential to displace the Administrative Committee meeting. Another option would be to increase length of PIP meetings based on need while maintaining the overall PIP/Administrative Committee time frame (9:30 a.m. to 12:00 p.m.), but this would consequently affect the time available for Administrative Committee topics. It was suggested that if there was enough interest in PIP membership that it could be separated from Administrative Committee and the day or time could be changed. Karin Graves requested input or alternate ideas.

Julie Haas-Wajdowicz (Antioch) suggested that it would be ideal to have enough members on PIP Committee to allow for an alternate day. Karin Graves noted that subcommittee membership forms had been distributed and a clearer idea of committee membership would be available by the next meeting. The Committee discussed the importance of having enough time to discuss topics especially at the beginning of a new permit. The Committee discussed the format for future meetings, and it was suggested that in person meetings could create an issue if the meeting time was moved earlier. The Acting Chair suggested adding an additional meeting if the month's topics required it.

- 6. CCCWP Brochures (H. Pierce/K. Graves):** A link to the shared spreadsheet of current brochures had been distributed to the committee. The Program was looking for input on brochure usage, distribution channels, and language translation. The Acting Chair noted that Contra Costa County needed to have materials in Spanish due to federal grant requirements. It was also suggested that San Pablo would need similar accommodations.

The Acting Chair shared the DCD website that describes the solid waste curbside service details throughout the Bay Area. The Committee discussed redirecting to this website from the Program's website.

Hilary Pierce shared two autobody brochures. Julie Haas-Wajdowicz (Antioch) asked what specific requests were being made by staff regarding the brochures: if this was for reprints or edits. Hilary noted that this project began in the Municipal Operations Committee with a request for brochures. Staff catalogued the brochures that the Program had access to. The need for updated language and contact information was then evaluated. Today, Program staff was looking for direction from Permittees on whether the brochures were desired and what portions of the brochures would need to be edited or entirely recreated.

The Municipal Operations Committee ranking of the brochures was shared. The Municipal Operation Committee ranked BMPs brochures for restaurants that need updating and



translation into Spanish as their highest priority. Julie Haas-Wajdowicz (Antioch) suggested any businesses (specifically food services) that have the potential of frequent interaction with inspectors should be the highest importance. The Acting Chair noted that stormwater inspectors and food service inspectors were different groups for the County. The committee discussed coordination between the groups and state authorities that manage the food recovery program.

Julie Haas-Wajdowicz (Antioch) suggested that having food service brochures on hand was desirable. The Acting Chair suggested having a general washing brochure that wasn't focused on any industry. The Water Pollution Prevention for Food Services poster was requested to be uploaded to the Program website by the Municipal Operations Committee and having it available in other languages was suggested. Karin Graves noted that this had also been available in Spanish and Chinese, but the Program didn't have access to the translations.

Hilary Pierce noted that the discussion was helpful and additional feedback was requested if the Committee members thought of other brochures that they would like updated or created.

- 7. Strategic Planning for FY 22-23 (K. Graves):** Karin Graves began by sharing a presentation regarding the planning for the next fiscal year. New consultants had been selected through the RFQ process for outreach work. Outreach requirements under MRP 3.0 are similar to previous permits. Program staff were requesting input on proposed policy direction and outreach planning.

In November, the Management Committee discussed the RFQ process for selecting new consultants. S. Groner and Associates (SGA) had been selected as the primary outreach consultants. Sagent would remain as an alternate. The SGA contract would be in place July 1. The transition period would begin in July while a new contract for Sagent was created. Sagent would continue to assist with the Caltrans partnership and Fish Risk video due to their experience with these projects and SGA would take the lead on other projects moving forward. The Acting Chair noted the challenges that have arisen recently with Sagent. Julie Haas-Wajdowicz (Antioch) noted that SGA had acted as a consultant for the Program before and the Committee discussed their experience.

Karin Graves displayed the permit requirements that PIP will be managing, noting they are mostly the same as previous years. Sub-provisions for which the Program had used outreach consultants were highlighted: paid media and social media campaigns and brochures, school-age children outreach, and portions of the Annual Report.

Program staff proposed a number of policy direction decisions: create an outreach strategy, increase social media following, create trash and dumping prevention materials that can be used by all jurisdictions, apply for trash outreach funding as part of WQIF grant, continue Caltrans partnership for outreach, evaluate providing additional funding to Mr. Funnelhead and/or other preferred outreach content, and design outreach brochures as need are identified. Consideration of the budget limit of \$116k per year was also discussed.



Program staff requested input on outreach planning. Any concerns or direction regarding proposed policy direction, transitioning to a new consultant, or consideration of a budget increase to develop and outreach plan for MRP 3.0 and fund brochure updates. Mitch Avalon asked if the budget increase to develop an outreach plan was for just the plan or outreach in general. Karin Graves suggested that it could be either one or a combination of both. Frank Kennedy (Pleasant Hill) noted that many requirements in the permit required Permittees to rely on the Program's consultants for group activities. Part of the outreach strategy should be to find a way to disseminate outreach materials and reenergize Permittee engagement. Kevin McCourt (Orinda) echoed this sentiment and made note that it was difficult for smaller Permittees to find ways to regularly distribute this information. He further asked why outreach program funding had decreased. Amanda Booth (San Pablo) offered that permit costs had gone up and outreach was a portion of the budget where costs could be decreased without an impact on service. The Management Committee had discussed that funding outreach programs beyond satisfying permit requirements was not needed. The workload had been redistributed to have permittees do more activities which brought the cost of Program-wide activities down.

Karin Graves asked if there were any areas that were not being addressed or needed additional outreach. Amanda Booth (San Pablo) noted that trash was an important topic that needed additional attention. She also suggested that brochures would be useful to have for distribution during inspections; and this was something San Pablo was interested in having. Kevin McCourt (Orinda) suggested that outreach for school age children was very important. Karin Graves asked if Mr. Funnelhead's focus on the oil pollution was sufficient. Kevin McCourt (Orinda) suggested that other topics that could effect change on an individual level should be added (such as litter). The Acting Chair suggested that social media engagement should be discussed with SGA. Mitch Avalon also suggested finding a way to engage each Permittee's Public Information Officer. Bob Russell (Danville) noted that Danville's PIO was happy with the social media information being shared by the Program.

8. Adjournment: The Chair adjourned the meeting at 11:02 a.m.

**Monitoring Committee
Meeting Minutes
April 11, 2022**

VOTING MEMBERS		
MUNICIPALITY	ATTENDED	ABSENT
City of Pittsburg	Jolan Longway	Joe Camaddo (Chair)
CCC Flood Control District	Beth Baldwin (Vice-Chair) Michelle Giolli	
City of Antioch		Phil Hoffmeister
City of Pinole	Misha Kaur	
City of Richmond	Terri Mason	
City of Walnut Creek	Lucile Paquette	
Non-Voting Members		
City of San Pablo	Amanda Booth	
Program Staff and Consultants		
Augmented Staff	Lisa Welsh / Lisa Austin	
Program Staff		Karin Graves
Program Consultant	Mitch Avalon	

- **Introductory Remarks, Announcements, and Changes to the Agenda.** Beth Baldwin opened the meeting with a quorum. Lisa A. announced that the MRP 3.0 revised Tentative Order had not yet been released but is expected to be released before the end of the day. Misha asked if Mitch could provide an update on the status of the Monsanto Settlement.
- **Monsanto Settlement Update.** Mitch provided an update on the status of the Monsanto Settlement. The settlement agreement gives everyone 60 days to opt-in or out. Taking no action is to accept the settlement agreement. In accepting the settlement agreement, permittees are releasing Monsanto from any future claims. The total amount in the settlement agreement for the County is about \$9M, which is much smaller than the actual amount it will cost to treat PCBs under the TMDL. Staff will work with consultants (Geosyntec) to develop cost estimates for PCBs treatment. Marin and San Mateo counties are leaning toward opting out (other programs are still in discussions).
- **March 2022 Meeting Summary.** City of Walnut Creek (L. Paquette) moved to approve the March 2022 meeting summary and the City of Pittsburg (J. Longway) seconded.
- **March 29th MRP 3.0 SC Meeting/MRP 3.0 Revised Tentative Order.** Lisa A. and Mitch reviewed key outcomes from the March 29th MRP 3.0 SC meeting, notably:
 - MRP 3.0 Hearing Logistics:
 - Revised Tentative Order expected today (April 11) and, when released, will be distributed through Management Committee via email/Groupsite.
 - Adoption hearing will be 1 or 2 days starting on May 11.

- Program Staff will review the revised Tentative Order and compile the list of problematic issues for developing testimony and talking points.
 - Mitch will assist with the coordination of elected officials to testify at the hearing as it will be important to hear from local staff.
 - The hearing will likely be hybrid (in-person and virtual). There could be an issue with the bandwidth, necessitating a fully in-person hearing.
- MRP 3.0 Anticipated Changes - LID Monitoring
 - No power analysis for permittees (RWB already did it).
 - The number of samples in the TO has approximately doubled because of a new requirement to do paired inflow with outflow sampling.
 - Sample events can roll into the next year if there are not enough events each year, but it is impractical if there is a build-up of events in years 4 and 5 of the permit term.
 - LID Monitoring Plan deadline was delayed by a few months. It is now due May 1, 2023, instead of March 1.
- MRP 3.0 Anticipated Changes - Trash Monitoring
 - In-stream and outfall monitoring are no longer required to be paired. Outfall monitoring will start in October 2023 and in-stream monitoring in October 2024.
 - CCC must sample at 2 outfall locations and 1 in-stream location, three times a year.
 - Trash Monitoring Plan is due July 31, 2023.
- MRP 3.0 Anticipated Changes – POC Monitoring
 - A new monitoring requirement was added - receiving water limit monitoring, requiring 4 wet and 1 dry season sample over the permit term. Programs will need to develop a monitoring plan in year 1 of the permit term.
 - FY22/23 budget will need to be added for this new requirement. For all the revisions in the revised Tentative Order, CCCWP Staff are tracking budget adjustments that need to be done for FY22/23.
- MRP 3.0 Anticipated Changes – C.11/C.12
 - C.12.c Control Measure Plan pushed back to March 31, 2023.
 - C.12.c acres reduced from 1,119 to 664 acres, in alignment with Santa Clara's value.
 - RWB Staff will allow GSI treatment using GSI sizing criteria that may be different than what is in C.3 with EO approval.
 - C.11/12.c. clause, "implement or cause to be implemented," was added, stemming from comments on private properties. Permittees are encouraged to use their legal authority to require actions on private properties.

- Many of the C.12.g requirements were pushed back by a few months to a year.
 - For C.12.g. PCBs in building materials, it would be helpful for the Program/Consultants to track all Applicable Structures, including those that did not have PCBs > 50ppm. Geosyntec will review databases and conduct a data request, as needed. Also, it would be helpful if the Program/Consultants annually check the OES spills database for PCBs spills.
- **April 6th BAMSC MRP 3.0 C.8 LID and Trash TAG Planning Meeting.** Lisa W. summarized key outcomes from the April 6th internal TAG meeting (Attachment 01a). The TAG will meet every other month, starting in April. Lucile, Michele, Amanda, and Beth will participate in the TAG.
- **C.12.c Old Industrial Area PCBs Control Measure Plan.** Lisa Austin shared that there were no updates on the C.12.c Control Measure Plan this month.
- **Trash Monitoring - Catchment Delineation and Outfall Selection Draft SOW.** Lisa W. reviewed the draft scope of work for catchment delineation and outfall selection for trash monitoring (Attachment 01b). A workgroup will help with the outfall selection process and include Lucile P., Beth B., Joe C., and Amanda B. The first of two anticipated meetings will be in early/mid-May.
- **Water Quality Monitoring Database Development.** Lisa W. described how KEI is working on compiling monitoring data for the Program. Committee members expressed interest in having the monitoring data accessible, and, specifically, having the POCs data in AGOL.
- **Potential Locations for Targeted Creek WQ Monitoring Spring 2022.** Lisa W. described that KEI is looking for potential targeted creek monitoring locations and sites for continuous temp monitoring (could be in Marsh Creek or elsewhere). COLD designated creeks, restoration projects in Lafayette, Three Creeks (Marsh Creek), and lower Walnut Creek could be good places for monitoring.
- **Next Steps / Action Items**
 - Geosyntec to provide cost estimates for PCBs treatment to achieve the TMDL.
 - Staff will share the revised MRP 3.0 Tentative Order through Management Committee when it is released.
 - Geosyntec will work toward compiling a database of all Applicable Structures being demolished, even those without samples that exceeded 50 ppm PCBs.
 - Trash Monitoring/Outfall Selection workgroup will meet in early/mid-May.
 - Lisa W. will follow up with KEI about potential creek monitoring locations.
- **Adjournment.** The meeting was adjourned at 12:00 pm.

Next Scheduled Monitoring Committee Meeting: Monday, May 9, 2022, 10:00 AM- 12:00 noon, Zoom meeting.



**Municipal Operations Committee (MOC)
Meeting Minutes
April 19, 2022**

MUNICIPALITY	ATTENDED [via Web/Phone]
VOTING	
City of Antioch	<i>Phil Hoffmeister, Jeff Cook</i>
City of Brentwood	
City of Concord	
Contra Costa County	<i>Beth Baldwin, Michelle Giolli</i>
Town of Danville	<i>Bob Russell</i>
City of El Cerrito	<i>Stephen Prée</i>
City of Martinez	
City of Pittsburg	<i>Joseph Camaddo (Chair)</i>
City of Richmond	
City of San Pablo	<i>Amanda Booth</i>
City of Walnut Creek	<i>Lucile Paquette</i>
NON-VOTING	
PROGRAM STAFF and CONSULTANTS	
Staff Augmentation	<i>Elizabeth Yin</i>
Staff Augmentation	
Staff Augmentation	
Program Staff	<i>Karin Graves</i>
Program Staff	
GUESTS	

- 1. Introductions/Announcements:** Joe Camaddo (City of Pittsburg) welcomed the group to the Zoom call and asked for announcements. No announcements were made.
- 2. Approval of Minutes:** San Pablo made a motion to approve the February 15, 2022 Meeting Summary. El Cerrito seconded the motion. No objections were raised. The Committee voted to approve the February 15, 2022 Meeting Summary.
- 3. Review MRP 3.0 Final Order.** Elizabeth Yin (Program Staff, consultant) provided a review of the MRP 3.0 Final Order that was released in April 2022 by the SF Regional Water Board. The review consisted of looking at individual provision redlines and identifying if any significant changes to MRP 3.0 Final Order in response to the comments submitted by the Permittees in November 2021. Overall, few significant changes were made in response to the comments, if at all. While the Regional Water Board did identify redlines that clarified the language in some instances, the overall impact of the MRP 3.0 Final Order was not significantly different from the Tentative Order. Program Staff analysis of the changes were consolidated into a table and distributed to Management Committee.

- The Committee discussed how to demonstrate the effort to develop new source controls in response to the proposed limitations of C.10's existing source controls. Antioch suggested that Permittees could generate an addendum to the Trash Load Reduction Plans that state the intention to develop new source control measures and/or ordinances.
 - The Committee also discussed the Program's approach to providing commentary at the May 11th Adoption hearing, as well as identified any potential speakers or parties that identified as speaking during the MRP 3.0 Adoption hearing.
4. **Program Update:** Elizabeth provided an update on ongoing efforts undertaken by Program Staff.
- **AGOL Updates:** Elizabeth let the Committee know that Psomas had performed updates on the AGOL web applications. The updates included streamlining the interfaces of C.3 and C.10 web applications, as well as fixing underlying issues that was preventing reports from being generated. Elizabeth asked the Committee to let her know if any problems with the applications persisted.
 - **Update on Brochure Process:** Elizabeth provided an update on the status of the brochure process. Since the Committee prioritized their applicable brochures, the New Development/Redevelopment Committee and Monitoring Committees were reviewing any needs for updating brochures and providing recommendations to PIP. The next steps in the brochure process were for PIP to consolidate all the updates and to provide a recommendation to Management Committee.
5. **Stormwater Inspector Training:** Elizabeth and the Committee discussed topics and potential areas of interest for the upcoming C4/C5 Stormwater Inspector Training. Committee members were asked to provide a few topics of interest that could add to the training. The Committee provided several suggestions, including: communication with the public/overcoming language barriers, coordination with agencies to clean and abate homeless encampments, SIC code changes and/or MRP 3.0 changes. Michelle Giolli (Contra Costa County) suggests the identification of a case study for illicit discharges and/or source identification studies. The Committee also discussed the potential for holding the training in person, and San Pablo identified that they could host up to 75 people. Ultimately, the Committee decided to hold the training virtually. Beth Baldwin (Contra Costa County) suggested that inspectors from Central San and/or HazMat departments could provide training content.
6. **Old/New Business:**
- Beth Baldwin asked the group if there were solutions for painting catch basins or providing identifiers while in the field. Most Committee members use medallions that are glued on in order to identify their catch basins, but no other solutions were identified for in-field identification of stormwater catch basins.
 - Beth Baldwin also asked if anyone had developed an RFP for onland trash pickup, including a service that would pick up trash in the right of way and conduct an OVTA at the same time.
7. **Adjournment:** Chair Joe Camaddo adjourned at 11:30 AM.



Meeting Summary (Approved)

Development Committee

April 27, 2022

1:30p – 3:30p

Voting Members

Municipality

City of Antioch
City of Brentwood
City of Clayton
City of Concord
Contra Costa County
Town of Danville
City of Lafayette
Town of Moraga
City of Pittsburg
City of Pleasant Hill
City of San Ramon
City of Walnut Creek

Attending

Phil Hoffmeister
Aman Grewal
Laura Hoffmeister
Mitra Abkenari,
John Steere
Bob Russell
Matt Luttrupp, Tim Clark
Frank Kennedy
Joe Camaddo (Chair)
Frank Kennedy
Rod Wui
Joel Camacho, Lucile Paquette

Absent

Program Staff/ Consultants

Mitch Avalon Consultant
Dan Cloak Consultant
Alina Constantinescu Consultant
Yvana Hrovat Consultant

Guests

Amanda Booth City of San Pablo

Introductions, Announcements, and Changes to Agenda

The meeting was held via Zoom. There were no announcements and no changes to the agenda.

Approve Previous Meeting Summaries

On a motion by Lucile Paquette (Walnut Creek), seconded by John Steere (Contra Costa County), the summary of the March 23, 2022, meeting was accepted with certain revisions previously emailed by Lucile.

Recent Regional Water Board Inspections of C.3 Facilities

Regional Water Board staff came out to Concord for inspections of a bioretention installation on a private project (duplex). After this site, Concord staff also recommended that they visit a site under construction. RWB staff did not express any concerns per se; they mentioned that more than anything they were interested in learning and observing C.3 facilities. They will follow-up with an inspection report in the next few weeks.

Municipal Regional Permit 3.0

The [revised tentative order](#) was released April 11, 30 days ahead of the adoption hearing scheduled for May 11. Dan Cloak walked the attendees through the most significant changes related to the C.3 provisions. The discussion is summarized below.

- *C.3.b Definition of Regulated Projects* – Dan shared a spreadsheet (attached to this summary) summarizing the difference in C.3.b requirements in MRP 2.0 and the revised MRP 3.0 TO. Of these, the most important are the inclusion of 10,000+ sq-ft single family homes as regulated projects (currently exempt in MRP 2.0). For all other regulated projects, the threshold of disturbed area was lowered from 10,000 (MRP 2.0) to 5,000 sq-ft (MRP 3.0). Additionally, certain activities related to road maintenance and parking lot renovation (currently exempt in MRP 2.0) will be considered regulated projects in MRP 3.0. Such activities include road projects and utility projects over 1 acre, removing and replacing asphalt or concrete to top of base course or lower, etc. The change, in the Revised TO, to make the 1-acre threshold for road reconstruction contiguous instead of cumulative is important as it greatly reduces the impact of the requirement. All of these changes are effective July 1, 2023.
- *C.3.e Special Projects* – MRP 3.0 retains Special Projects categories “A” and “B”, consistent with CCCWP’s aims and advocacy. Anticipating the loss of Category “C” for Transit Oriented Developments, in early 2020 CCCWP adopted the smaller sizing factors for bioretention facilities in higher-density developments. For most higher-density projects, this is a better solution than non-LID facilities.
- *C.3.g Hydromodification Requirements* – The HM negotiations with the Board reached a roadblock. As evidence of this (and lack of understanding by the Board), Dan showed on-screen a section of the response to comments (p. 98/99 of 146) where it is asserted that the CCCWP approach relies on performance of HM facilities “in the absence of outlet control.” However, the 2006 HMP, editions of the *Guidebook* since that time, and the 2013 and 2017 report submittals to the Water Board all detail the use of an orifice for outlet control. If the Board had endorsed

CCCWP advocacy, it would have required agreement to have peer review of the CCCWP's 2017 report to get an informed and unbiased decision on permit requirements for Contra Costa permittees. Even so, the Revised TO includes a requested clarification that Contra Costa Permittees may use BAHM to demonstrate that approved development projects comply with the permit's HM requirements. This ensures the door is open to setting up a system where BAHM is used to validate designs prepared using the IMP Sizing Calculator.

- C.3.j *Green Infrastructure* Planning and Implementation – The Revised Tentative Order includes a reduction in the Provision C.3.j.ii. numeric requirement for Green Infrastructure implementation. The pro-rata amount is still 3 acres per 50,000 population, but for larger cities the amount is capped at 5 acres rather than 10 acres, and the countywide total requirement is reduced accordingly.

Dan also highlighted some suggested preparatory tasks for Permittee staff planning implementation of MRP 3.0 C.3 requirements.

- Municipalities may want to review their planned capital improvement projects to determine if they are affected by either the 5,000 SF threshold—contiguous—for new pavement (including, for example, safety improvements or turn lanes).
- Similarly, municipalities may want to review CIPs for potential effects of the new requirement for Green Infrastructure for road reconstruction projects that are an acre or more contiguous.
- Planning departments could review the specifics of the non-LID allowance for affordable housing projects with an eye as to whether any potential projects would qualify.

Municipal staff may want to sketch out a path for reaching the Green Infrastructure allocation in Attachment H over the 5-year permit term. Some ways of working toward meeting the allocation:

- The Revised Tentative Order makes it clear that if a municipality requires LID for a non-Regulated project, that impervious area may be counted toward the Attachment H requirements.
- Similarly, retrofit of areas beyond the minimum required for a Regulated Project (for example, Green Infrastructure facilities in street frontage that treat runoff from the street) may also be counted toward the Attachment H requirements.
- There may be low-cost projects on municipal facilities, such as diverting parking-lot runoff to landscape dispersal (self-retaining areas).
- Reviewing projects identified in past years via the “no missed opportunities” requirement for lower-cost opportunities.

Next, Mitch Avalon gave an overview of the adoption hearing process. The meeting will be held in person at the Regional Water Board's headquarters in downtown Oakland. A virtual/call-in participation option is available but the system may not be able to accommodate video calls (only audio). The hearing starts at 9a and the MRP adoption is the main agenda item. Water Board staff will present for 30 minutes, with presentations by

NGOs and permittees next. The presentation on behalf of all Bay Area permittees is being coordinated by BASMC. Public comments will follow. Contra Costa permittees will provide testimony specific to their concerns during this public comment period (2-3 minutes per speaker). Mitch is coordinating the Contra Costa testimony and topics. He shared a document with 6 proposed testimony items/ asks for the Board (attached). These topics and list of speakers are yet to be finalized; Mitch is working with the PMA Committee on these.

AGOL Workgroup

The Program initiated an AGOL Workgroup to address updates to the AGOL platform. The workgroup is meeting regularly through the end of June and several Development Committee are participating. The group recently drafted a report with recommendations for improved AGOL functionality, uses, and desired modifications. The report will be presented to management committee in May.

Planning and Scheduling Annual C.3 Training

This year's C.3 training is scheduled for May 24, 9a to 12:30p, to be held in person at a Shadelands Auditorium in Walnut Creek or virtually if the COVID situation worsens. Flyer was provided in the meeting packet. Dan Cloak reviewed the proposed agenda, including the topics for the panel discussion in the second half of the workshop.

For the workshop agenda item "Changes to Provision C.3 and the *Stormwater C.3 Guidebook*" it was suggested to amend the title to emphasize that MRP 3.0 takes effect in July.

Participants reviewed the list of topics for panel discussion. Discussion included the following:

- For the topic "Coordinating the Design Team to Implement LID," emphasize that the civil, architectural, and landscape drawings need to be coordinated and consistent.
- For the topic "Selecting Plants and Mulch for Bioretention Facilities," include irrigation needs and plant palettes that do not require irrigation.

Several attendees volunteered for the panel. Registration will be announced in the next few days.

Stormwater C.3 Guidebook, 8th Edition

Dan directed the participants' attention to the April 21 memo, "Request for Feedback, Stormwater C.3 Guidebook 8th Edition, Revisions to Chapter 3 (Low Impact Development Design Guide) and New Chapter 6 (Retrofitting with Green Infrastructure). The memo was included in the agenda packet, along with the revised Chapter 3, the new Chapter 6, and a redlined version of Chapter 3.

Dan shared his screen and displayed the revised Chapter 3. He reviewed each of the items tabulated in the April 21 memo, pointing out each case where the text was changed from the 7th Edition.

Discussion included the following points:

- The revision anticipates implementation of the calculator revisions previously

discussed by the Committee.

- Current sizing factors and adjustment equations for HM facilities are retained in the draft.
- For “Special Projects,” the requirement to analyze the feasibility of 100% LID before considering the use of non-LID facilities is emphasized with bolded text. A text box could be added to the table to further draw attention to this requirement.
- The updated Table 3-8 incorporates the changes to Provision C.3.e.ii., the Special Projects Provision, that are in the Revised Tentative Order for MRP 3.0. A table in the Revised Tentative Order presents the same information relating percentages of extremely low-, very-low-, low-, and moderate-income housing to “LID credits,” but in a different format.

Dan displayed the new Chapter 6 and noted the following:

- The Chapter presents a step-by-step procedure for identifying and analyzing potential Green Infrastructure projects.
- The procedure was presented at CCCWP’s May 2021 C.3/Low Impact Development Workshop.
- The Chapter references the Green Infrastructure design resources on CCCWP’s website.

Dan thanked the Committee for their feedback and invited additional comments via email or phone. He noted the Committee will have additional opportunity to review the changes to Chapter 3 and the new Chapter 6 when they receive the complete draft of the 8th Edition.

Report on C.6 Training with ACCWP

The C.6 Training was held on April 30th, virtually, in coordination with the Alameda County Clean Water Program. The virtual training session was [recorded](#) and made available to the ACCWP and CCCWP members. Materials are available at this [link](#) and will also be posted on the Clean Water Groupsite. Over 130 attendees participated, and feedback was very positive.

Open Discussion on C.3 and C.6 Implementation Issues

Frank Kennedy brought up an example of a bioretention installation on a residential lot where the current owner would like to redesign using pavers (so they can have access to the space in the yard). The municipality has requested plans and would like to handle this through an established permitting process.

Next Meeting Date

Wednesday, May 25th, 2022 (1:30p-3:30p)

Adjournment

The meeting was adjourned at 3:33 PM.

Attachments to 4/27/2022, Meeting Summary

- Comparison table of MRP 2.0 and Revised TO for MRP 3.0 C.3.b provisions

MRP 3.0 Revised Tentative Order (4/11/2022): Projects Requiring LID Treatment for Stormwater

	Impervious surface area created or replaced				
Project Type/Description	Threshold Area	MRP 2.0	MRP 3.0	Notes	Subprovision
Parcel-Based Requirements					
Detached single-family home not part of a larger plan of development	Cumulative	Exempt	10,000 SF	1, 2, 3	C.3.b.ii.(6)
Public/private development (e.g. new library on previously undeveloped site)	Cumulative	10,000 SF	5,000 SF	1, 2, 4	C.3.b.ii.(1), (2)
Public/private redevelopment project (e.g. renovated hospital)	Cumulative	10,000 SF	5,000 SF	1, 2, 4	C.3.b.ii.(3)
Renovation of existing public/private parking lots and other pavement (see applicable activities below)	Cumulative	Exempt	5,000 SF	1, 2, 4, 5	C.3.b.ii.(1)
Roads, Sidewalks, and Trails					
New roads, including sidewalks and bike lanes	Contiguous	10,000 SF	5,000 SF	1, 6	C.3.b.ii.(4)
Adding traffic lanes to an existing road	Contiguous	10,000 SF	5,000 SF	1, 6	C.3.b.ii.(4)
New stand-alone trail projects 10 feet wide or wider with impervious surface	Contiguous	10,000 SF	5,000 SF	1, 7	C.3.b.ii.(4)
Sidewalk gap closures, sidewalk replacement, ADA curb ramps not associated with a parcel-based project	Contiguous	10,000 SF	5,000 SF	1	C.3.b.ii.(3)
Road Maintenance Projects					
Reconstructing existing roads, including sidewalks and bicycle lanes (see applicable activities below)	Contiguous	Exempt	1 acre	1, 8, 9	C.3.b.ii.(5)
Utility trenching projects	Contiguous	Exempt	1 acre	1, 8, 9	C.3.b.ii.(5)
Specific Activities: Work Included or Exempt When Calculating Threshold Area of Project (e.g. 5,000 SF, 1 acre)					
Upgrade from dirt to gravel (exempt if built to spec for pervious pavement)		Included	Included		C.3.b.ii.(1)(b)(iii)
Upgrade from dirt/gravel to pavement (exempt if built to spec for pervious pavement)		Included	Included		C.3.b.ii.(1)(b)(iii)
Removing/replacing asphalt or concrete to top of base course or lower		Exempt	Included	1	C.3.b.ii.(1)(b)(iii)
Repair of pavement base (i.e. base failure repair)		Exempt	Included	1	C.3.b.ii.(1)(b)(iii)
Extending roadway edge (e.g., lane widening or safety improvement)		Exempt	Included	1	C.3.b.ii.(1)(b)(iii)
Paving gravel or dirt roadway shoulder		Exempt	Included	1	C.3.b.ii.(1)(b)(iii)
Interior Remodels		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Repair of roof or exterior wall surface		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Pothole and square cut patching		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Overlay gravel on existing gravel		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Overlay asphalt or concrete on existing asphalt or concrete (no increase in area)		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Upgrade from chip seal or cape seal to asphalt or concrete (no increase in area)		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Shoulder grading		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Reshaping/regrading drainage		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Crack sealing		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Pavement preservation that does not expand road prism		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Vegetation maintenance		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)

Notes:

1. Change effective July 1, 2023, per Provision C.3.b.iii.
2. Projects that fall under the planning and building authority of the Permittee
3. Includes addition of an ADU within a lot
4. "Project" includes any frontage improvements
5. Prior to MRP 3.0, implementation of stormwater treatment for renovated pavement has varied by jurisdiction and by project.
6. Caltrans highway projects are excluded
7. Work may be excluded if runoff is directed to a vegetated area
8. Acreage treated with road maintenance projects can count towards minimum Green Infrastructure numeric requirement (Provision C.3.j.ii.).
9. Alternative minimum sizing criteria for bioretention facilities (typically 2% or less of tributary area) may apply



Date: June 15, 2022

To: Management Committee
From: Mitch Avalon, Program Consultant
Subject: Filing Claims for Unfunded Mandates

Recommendation:

Accept report from staff on alternatives to submitting a petition to the State Water Board to appeal MRP 3.0 and provide any comments and direction to staff.

Background:

The primary concern of permittees with the adoption of MRP 3.0 is the increase in compliance costs. If filing a petition with the State Water Board and pursuing subsequent litigation seems a costly effort with little chance of success, are there other options available? There are two options permittees can consider, filing an unfunded mandates claim and/or filing a time schedule order.

Unfunded Mandate Claim. An unfunded state mandate is a requirement imposed by a higher level of government without accompanying revenue to cover the cost of compliance. When the higher level of government, in our case the Regional Water Board, increases permittee compliance costs without commensurate funding, permittees may file a claim with the Commission on State Mandates. The claim is for an unfunded state mandate and therefore must exceed federal requirements. The claim must be filed within one year of the effective date of the new requirement or one year from the date new costs are incurred. To be safe, we should file any claims by July 1, 2023. The contents of the claim must include everything required by state statute, but in general must identify and describe the requirements specific to the mandate and a detailed description of the activities and costs incurred by the mandate. When the claim is filed, Commission staff will determine if the claim is complete or not and return incomplete submittals.

There are two important tests in the government code (Section 17556) that the Commission will analyze to determine if the claim is disqualified as an unfunded state mandate. First, the "statute or executive order imposes a requirement that is mandated by a federal law or regulation and results in costs mandated by the federal government, unless the statute or executive order mandates costs that exceed the mandate in that federal law or regulation." Second, the "local agency

. . . has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.” Senate Bill 231, enacted in October 2017, theoretically allows local agencies to adopt stormwater fees without voter approval. The Water Boards claim this statute allows permittees to sufficiently fund their stormwater programs and stormwater permits are therefore not an unfunded state mandate. The Court of Appeals is currently hearing a case on this issue with a stormwater permit issued to San Diego County. The outcome of this court case could dictate whether a stormwater permit requirement could qualify as an unfunded state mandate.

A typical lengthy and transparent government process begins with the claim submittal to the Commission on State Mandates. When the submittal is complete, Commission staff issue a notice of completion and send the claim out for comments. Claimants have an opportunity to rebut any comments sent to the Commission. Commission staff then prepare a draft proposed decision which is sent out for comment. The proposed decision is then finalized, and a hearing scheduled before the Commission. If the claim is approved by the Commission, then draft proposed parameters and guidelines are prepared to determine the reimbursement amount and distributed for comment. A second hearing is scheduled before the Commission to adopt the decision, parameters, and guidelines. Within 90 days of the Commission’s decision, the State Controller will issue claiming instructions, which permittees would then use to file a claim for reimbursement. Initial reimbursement claims filed with the State Controller must be filed within 120 days of the issuance of the claiming instructions. The Commission, twice each year, reports on the initial claims filed, the number of mandates found to be unfunded, and a statewide cost estimate for eligible costs for each mandate and reimbursement.

It's obviously quite a lengthy and expensive process to be included on the list for appropriation. In terms of the success rate in receiving funds, the following should be considered:

- There are a number of MS4 permittees that filed claims with the Commission and are on the list waiting to be heard
- There were test claims filed for MRP 1.0 and MRP 2.0 that are still waiting for a decision as to whether any or part of their permit can be reimbursable
- For claims that are successful, the State legislature still needs to adopt an appropriation to fund permit work, which they may approve, amend or deny

Time Schedule Order. A Time Schedule Order (TSO) has been used in the past to amend compliance schedules where permittees could not meet the permit requirements associated with final TMDL deadlines for water quality effluent limits. Typically, permittees would discuss a TSO with Regional Water Board staff before filing a request, and if agreeable the Regional Water Board would issue a TSO allowing permittees to comply on a schedule outside of the permit. For example, a TSO for stormwater discharges in the Ballona Creek watershed was granted to give permittees more time to meet the permit requirements. This approach doesn't add funding, but stretching a given amount of funding over time can result in the same positive impact on permittee budgets. It should be noted that a TSO protects permittees from Regional Water Board enforcement actions, but it does not necessarily immunize permittees from citizen suits under the Clean Water Act.

Administrative Committee:

The Administrative Committee discussed and considered the above options and recommends keeping both options open. The Administrative Committee also recommends looking into using a Revised Trash Load Reduction Plan, Impracticability Report, and other similar reports and plans as vehicles for requesting an extension of permit deadlines.

Fiscal Impact:

None at this time.

Attachments:

None.

Fiscal Year 2021/22

PERMITTEE ANNUAL REPORT TIMELINE

June 15, 2022 (Wednesday)	Program staff make FY 2021/22 Annual Report presentation to the Management Committee – Review timeline, forms, and instructions, and answer questions.
June 15, 2022 (Wednesday)	Program staff posts the FY 2021/22 Municipal Annual Report Packets onto the Program’s Groupsite.
June 30, 2022 (Wednesday)	Deadline to enter items into ArcGIS for C.3 and C.10 Trash Applications.
July 30-August 15, 2022	Each permittee reviews and completes SMARTS registration for the Legally Responsible Person (LRP), Duly Authorized Representative (DAR), and Data Entry Person (DEP) as needed. (See instructions and guidance.)
August 26, 2022	Program provides permittees with a template submittal letter for their annual reports.
September 6, 2022 (Tuesday)	Program staff distributes Final Draft Group Program Annual Report and Regional Supplemental Annual Report(s) for Management Committee review.
September 12, 2022 (Monday)	Each Duly Authorized Municipal Representative approves the Final Draft Group Program Annual Report and Regional Supplemental Annual Report(s) and directs the Program Manager to sign and certify the submittals on their behalf.
September 15, 2022	Program staff distributes approved Final Program Annual Report and Regional Supplemental Annual Report(s) via Groupsite for permittees to download.
September 30, 2022 (Friday)	No later than September 30, each permittee uploads and their LRP certifies their annual report in SMARTS. The following PDF documents must be uploaded to SMARTS as part of the annual report: <ul style="list-style-type: none"> 1) Permittee Annual Report 2) Program Annual Report (Volume 1) 3) Attachments to the Program Annual Report (Volume 3)
October 30, 2022	Submit Final Municipal Annual Report as a single PDF to Elizabeth.Yin@pw.cccounty.us or upload to Groupsite.



Date: June 15, 2022

To: Management Committee
From: Mitch Avalon, Program Consultant
Subject: Status of Appeal of MRP 3.0 Final Order

Recommendation:

Accept report from staff on submitting a petition to the State Water Board to appeal MRP 3.0.

Background:

On May 11, 2022, the Regional Water Board held a hearing to consider the adoption of a new stormwater permit, MRP 3.0. At the conclusion of the hearing, the Regional Water Board adopted MRP 3.0 with some minor modifications. The adoption date of May 11, 2022, triggered a 30 day period within which permittees may file a petition with the State Water Board appealing the permit. At the May 18, 2022, Management Committee meeting, the question of whether to appeal the permit or not was discussed. After some discussion, Committee members did not provide direction to staff to prepare a petition to the State Water Board appealing the permit.

The same question was before the Management Committee after the adoption of MRP 2.0 and, though some Bay Area agencies did file a petition with the State Water Board, Contra Costa permittees decided not to do so. There is a significant expenditure of resources to file an appeal and it was felt unlikely that such an appeal would be successful. In addition, there were forces at play trying to make the permit more stringent, at odds with our attempt to make it less stringent. The same factors are in play with MRP 3.0. One of the key nonprofit groups attempting to make the permit more stringent, Baykeeper, declared their intent, in a May 31, 2022 letter to the editor of the East Bay Times, to file a petition with the State Water Board to strengthen the requirements in the newly adopted permit.

The petition to the State Water Board is just the first step in a lengthy process. If a petition is successful then permittees would file a lawsuit challenging the permit requirements, which carries significant costs. The State Water Board hasn't been particularly responsive or helpful in regard to permit appeals. When the Los Angeles regional permit was adopted in 2012 permittees filed an appeal,

and the order to accept the appeal was not issued by the State Water Board until 2015. Lawsuits were then filed challenging the permit, which were not resolved until 2021 and not in the permittees favor. The Program's attorney has noted there is nothing obviously illegal about MRP 3.0, nor is it more burdensome than the requirements of the Los Angeles regional permit where permittees were unsuccessful in their litigation. The State Water Board has broad authority regarding what they can require in a permit, and recent case law from Los Angeles suggests that the Regional Water Boards have a significant amount of discretion when analyzing costs.

Staff informed the Administrative Committee that unless directed otherwise, staff would **not** be preparing a petition to the State Water Board to appeal MRP 3.0 adopted on May 11, 2022. The Administrative Committee discussed whether to direct staff to file a petition with the State Water Board, as a final opportunity, but declined to do so.

Fiscal Impact:

None, as a petition was not filed. If Baykeeper files a petition there will be some costs associated with preparing comments during the administrative process.

Attachments:

None.



Planning, Design, Construction, and Maintenance of Low Impact Development Features and Facilities

Provision C.3 Compliance Webinar

With:

Yvana Hrovat, Haley and Aldrich

Dan Cloak, P.E., Dan Cloak Environmental Consulting

Panelists:

Mitra Abkenari, City of Concord

Ryan Cook, City of Walnut Creek

Phil Hoffmeister, City of Antioch

Frank Kennedy, Kennedy and Associates

Tuesday, May 24, 2022 – 9:00 AM to 12:00 PM

- 9:00 – 9:10** **Greeting**
Karin Graves, Acting Manager, Contra Costa Clean Water Program
- 9:10 – 9:45** **Basics of Provision C.3 and Low Impact Development**
Dan Cloak
- 9:45– 10:15** **Changes to Provision C.3 and the *Stormwater C.3 Guidebook***
Yvana Hrovat
- 10:15 – 10:35** **Green Infrastructure Project Identification and Conceptual Design**
Dan Cloak
- 10:35 – 10:40** **Break**
- 10:40 – 11:55** **Topics in LID Implementation—Panel/Audience Discussion**
- Coordinating the Design Team to Implement LID
 - Key Requirements for Construction Drawings
 - Submittals and Approvals for Bioretention Soils
 - Selecting Plants and Mulch for Bioretention Facilities
 - 100% LID in Higher-Density Projects
- 11:55 – 12:00** **Summary and Wrap-Up**
- 12:00** **Adjourn**

CCCWP Webinar, "Planning, Design, Construction, and Maintenance of Low Impact Development Features and Facilities," Tuesday, May 24, 2022

Post-Webinar Survey: Comments Received

What were the most useful things you learned or discussed at the webinar?

- All the new requirements coming out in 2023
- Retention basin information
- The new requirements explained for MRP 3.0 and the practical applications discussed
- C3 design guidelines
- Submission items the city is looking for
- the changes in the MRP, I liked the City reps putting in real life experience, like the grading on the bioretention getting approved while grader still on site, and landscaper filling up to the inlet on the bioretention these are real issue that is after contractors have left the site.
- changes to MRP 3
- New updates and some terminology I was not familiar with
- Upcoming changes in 2023.
2. Discussion of Green Infrastructure.
- new requirements in the MRP 3.0
- The general importance of CCCWP
- Updates to the permit requirements and proposed changes to the guidebook. Also, insights on approaches that are not working and that are out of favor.
- Permitting, construction and inspection of C3 facilities.
- I really enjoyed the detailed design discussions, especially regarding retrofitting LID. Also for bioretention soils and mulches.
- Incorporation of the C.3 goals and eventual engineering into specific criteria for information on the Construction Drawings
- Good high level coverage of the changes coming.
- LID, Hydromodification, Changes in MRP 3.0, How to use C3 Guidebook 7th Edition
- I didn't previously know that bio-retention facilities can be used for active or passive recreation.

- The changes that are coming and the issues to discuss at the beginning of the project.
- Changes to the requirements, things to consider from a civil engineering perspective
- The most useful things I learned were about the changes to provision C.3
- Great to hear an overview of C.3 requirements and the updates
- The upcoming changes to the C.3 requirements.
- coming changes to the MRP

What did you think of the format, including the panel discussion of current topics?

- Like the format, was a little hard hearing some of the speakers probably from their positioning in front of their mics
- Very good
- This was a more informative than past programs and being on line is also a plus
- Good format
- Well organized.
- great, i think it was great you included a break. It was good as zoom goes. I like in person too.
- Good format, easy to follow
- Well done. With so many people you all did a great job of answering questions and keeping the webinar going.
- it was good and made sense to discuss design after permit provisions
- It's good....a lot of material to cover in a short period of time.
- I have attended both in person and webinar. The webinar was easier to access, but I think it was more restrictive on asking questions. It seemed to be more free flowing discussion when in the meeting instead of on the webinar.
- Good
- The panel was great - they were very engaged and provided useful examples.
- Excellent
- Good info, we could have gone longer on some areas, topics and time spent were valuable.
- Overall it was good. Panel discussion helped to absorb information presented in the first half.

- Format was better than a lot of zoom webinars I've attended. Thank you for typing out the issues/actions in real time as the panelists provided input.
- It was a good format.
- It was straightforward and allowed presentations and discussion to be fairly concise.
- I think the format worked well. Taking notes after each panelist was a very helpful
- Panel was helpful. I am new to C.3, so some things were hard to follow, but probably beneficial for people with more experience.
- It was well organized and included useful information while not going off on useless commentaries.
- panel was excellent to hear regional variation

What could have been done better? Is there a topic you wanted to hear more about?

- Capturing stormwater in underground storage tanks and using as greywater to irrigate bio retention basin and surrounding landscaping
- more information about subterrain collection and filtering for multi-family housing
- Inspection of C3 facilities, special cases, bioretention vs hydromodification
- Good presentation overall!
- I like the pictures describing good bad ugly and why. It might be good to have some LAs and Civil engineers on the panel? It would be good to have a topic about O&M, good bad ugly pics and explanations - gophers, gophers bringing in native soils, irrigation, safety due to structures not taking pedestrian traffic into play (I like the pic with the bridge over the basin), I'd like to see more of that in parking lots.
- I would have preferred much more regarding changes to MRP 3
- I've heard about that Geotech needs to get more involved in the project due to the proximity of the bioretention to the building foundation. Just a suggestion for a topic
- At the end, someone asked a question about green roofs. Maybe a slide or two next time on this topic.
- I think a specific example would be nice, though I can see it being difficult to capture the multitude of scenarios
- It was put together pretty well.
How this might help us with climate change long term....

- I would like to see more of individual City project challenges, where some difficult issue related to the permit was met with an elegant solution.
- When during construction would be the best time to excavate and construct the facilities? To be done right but not in the way of other construction.
- Maybe a little more discussion about lessons learned re: specific BMPs. For example, the conversation at the end regarding vaults and green roofs was very interesting.
- a brief introduction of the terms and definitions
- Would love to hear from CCPW on pavement maintenance costs and strategies related to permit requirements.
- Yes, Water Quality Monitoring
- I would of liked to learn more about budget
- more discussion on source control, reduction of IA by tree canopy etc. shade tree is a big issue and competes for space with bioretention



Date: June 15, 2022

To: Management Committee

From: Yvana Hrovat and Dan Cloak

Subject: Staff Report – Results of the May 24 Provision C.3 Workshop

Since 2004, the Program has sponsored a free C.3 compliance workshop each fiscal year (excepting 2016-2017 and 2018-2019). Workshops typically include an overview of C.3 requirements, implementation procedures, and design guidance in accordance with the Program's *Stormwater C.3 Guidebook*.

This year's workshop was held as a webinar on May 24 from 9:00 AM to 12:00 PM. We had planned and hoped to return to an in-person format this year but shifted to the on-line format in response to rising COVID cases and Contra Costa Health Officer advisories.

Michael Burger, Andrea Bullock, and Alina Constantinescu assisted with planning and managing the webinar. The event was promoted via the Program's C.3 email list. The event announcement flyer was also distributed through the Management Committee.

159 registered, and about 143 participated, including staff, presenters, and panelists. About 45% had previously attended a CCCWP C.3 workshop.

Registrants included:

- 72 engineers or engineering technicians working for consulting firms or land development companies that prepare LID designs for development projects
- 3 landscape architects working for consulting firms
- 48 engineers or engineering technicians working for Permittees
- 12 planners working for Permittees
- 9 construction inspectors working for Permittees
- 2 architects or landscape architects working for Permittees

The agenda is attached. Karin Graves provided opening remarks as well as background on CCCWP and the scope of the Municipal Regional Stormwater

Permit. Presentations included a review of the basics of Provision C.3 compliance and Low Impact Development design, an update on changes to Provision C.3 in MRP 3.0, and a brief training on Green Infrastructure project identification and preliminary design techniques.

These presentations were followed by an interactive discussion of five key topics in LID implementation. The panelists were Mitra Abkenari (City of Concord), Phil Hoffmeister (City of Antioch), Frank Kennedy (Kennedy and Associates), and Ryan Cook (Walnut Creek). All are members of the CCCWP Development Committee.

Upon exiting the Zoom webinar, participants were asked to answer four questions to provide feedback. 25 responses were received. The questions and compiled responses are attached.

The workshop agenda and slides have been posted to the CCCWP website. The webinar was recorded, and a link to the recording is also on the CCCWP website.

Attachment(s):

- Workshop Agenda
- Post-Webinar Survey Questions and Responses

DC:dc



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: June 15, 2022

To: Management Committee

From: Yvana Hrovat, Alina Constantinescu, and Dan Cloak

Subject: Staff Report C
Provision C.3 in MRP 3.0: Urgent Permittee Implementation Items

Recommendation:

Receive a summary of suggested initial Permittee actions to implement changes to Provision C.3 in MRP 3.0. Discuss needs and potential CCCWP work products that could help support local implementation. Provide direction to CCCWP staff.

Background:

The San Francisco Bay Regional Water Quality Control Board adopted the MRP 3.0 Final Order on May 11. Provision C.3 in the Order imposes significant new requirements with deadlines for Permittee implementation. At a May 25 meeting, the Development Committee reviewed some of these requirements and noted challenges Permittees are likely to encounter in meeting the deadlines. The Development Committee recommended that the Management Committee receive a staff report identifying tasks that Permittees may want to initiate without delay.

Three such tasks are identified here:

1. Inform prospective applicants for development approvals, and municipal planning staff, of coming changes to the applicability of Provision C.3.b Regulated Project requirements, including project size thresholds.
2. Evaluate how changes to Provision C.3.b Regulated Project definitions impact pending local road construction and road maintenance projects.
3. Consider options and sketch out scenarios for meeting Provision C.3.j.ii.(2) Green Infrastructure impervious surface Retrofit Assignments.

Task 1: Inform applicants and planning staff about C.3 changes.

The attached table, "MRP 3.0: Development Projects Requiring LID Treatment for Stormwater," shows the MRP 2.0 and MRP 3.0 thresholds, along with specific activities to include or exempt when comparing a project to the applicable threshold area.

In summary, for parcel-based (non-roadway) projects under MRP 3.0:

- Construction of one detached single-family home that creates or replaces 10,000 SF or more of impervious surface is a Regulated Project.
- All other projects, regardless of land use, that create or replace 5,000 SF or more of impervious surface are Regulated Projects.
- It has been clarified that renovation of parking lots and other paved areas where the base course is affected must be counted toward the 5,000 SF Regulated Project threshold.

The changes apply to projects approved beginning July 1, 2023. The Development Committee noted that discussions between planning staff and prospective applicants often begin long before an application is deemed complete and considered for approval—particularly for larger projects. These discussions should include consideration of the C.3 requirements that will apply at the time of project approval. Planning staff will want to have up-to-date information on-hand for these discussions.

Updates to the *Stormwater C.3 Guidebook* are in progress and will include the updated MRP 3.0 thresholds and definitions. The Development Committee targeted September/October 2022 for completion of the 8th Edition.

The Management Committee might consider whether existing documentation and resources are sufficient for each local planning department to revise their application materials timely, or if a countywide outreach document such as a "C.3 Update," like those CCCWP prepared in previous permit terms, would be useful.

Task 2: Evaluate Impacts on Pending Road Construction and Maintenance Projects

New requirements for road maintenance are also in the attached "MRP 3.0: Development Projects Requiring LID Treatment for Stormwater" table. In summary:

- New roads and trails, or widening with additional travel lanes, that create

5,000 contiguous SF or more of impervious surface are now Regulated Projects.

- One contiguous acre or more of pavement maintenance that affects the base course, or extends the roadway, is now a Regulated Project.
- Utility trenching projects that extend over a contiguous acre or more are now Regulated Projects.

Permittees may wish to review capital projects and road maintenance projects scheduled to be implemented during the permit term (by June 30, 2027) and determine if any might be Regulated Projects.

Task 3: Options and Scenarios for Green Infrastructure Retrofits

The attached Provision C.3.j. Retrofit Assignments are taken from Attachment H to MRP 3.0.

The Development Committee noted the time needed to plan, design, fund, and build Green Infrastructure projects in roadways is typically more than the 5 years allowed by Provision C.3.j.ii.(2)(a). Further, Permittees have various options that can count toward fulfilling the Retrofit Assignments. Permittees will want to consider possible routes to compliance and begin formulating plans for getting there. A starting point would include identifying qualifying Green Infrastructure Retrofit projects that have already been built (since January 1, 2021) or that are in the planning stage.

Here are some key allowances in MRP 3.0:

- Permittees may credit implementation of Green Infrastructure in connection with Road Reconstruction projects toward these Retrofit Assignments (per Provisions C.3.b.ii.(5)(d) and C.3.j.ii.(2)(h)). In essence, this means that a Permittee's required acreage of Green Infrastructure retrofit by 2027 is either the amount in Attachment H or the sum acreage of applicable Road Reconstruction Regulated Projects, whichever is greater.
- The Retrofit Assignments may be met on a countywide basis (Provision C.3.j.ii.(2)(b) but each Permittee must retrofit at least 0.2 acres within its jurisdiction (Provision C.3.j.ii.(2)(c)) or contribute substantially to a project outside its jurisdiction but within Contra Costa County.
- "Excess" impervious surface retrofit by a Regulated Project—for example tributary area of existing street that drains to a bioretention facility built as part of the frontage improvements of a development project—may be counted toward the Retrofit Assignment (Provision C.3.j.ii.(2)(d)).
- Similarly, if a Permittee requires LID be implemented on a project that is not a Regulated Project, the impervious area treated with LID may be

counted toward the Retrofit Assignment (Provision C.3.j.ii.(2)(d)).

- Projects completed after January 1, 2021 and projects approved and funded by June 30, 2027 may be counted toward the Retrofit Assignment (Provision C.3.j.ii.(2)(f)).

Some other key considerations:

- Retrofit of roofs, parking lots and other impervious areas on parcels will generally cost significantly less per square foot than retrofits within the street right-of-way.
- Although not explicitly stated in the Permit, it is assumed that conversion of impervious surface to landscape, replacement of impervious surface with pervious pavement, and diversion of runoff from storm drains to landscape dispersal all qualify as Green Infrastructure projects and can be credited toward a Permittee's Retrofit Assignment.

The Management Committee may want to consider whether the Permit and brief discussion above is sufficient for their preliminary planning, or if additional support and explanation would be useful. Also, it might be helpful to create a forum for Permittees to share ideas and strategies they are pursuing, perhaps in an expanded Development Committee meeting (as was done during the time Permittees were preparing their Green Infrastructure Plans in 2018-2019).

Attachments

Table, "MRP 3.0: Development Projects Requiring LID Treatment for Stormwater"
Table, "MRP 3.0 Green Infrastructure Retrofit Assignments"

Fiscal Impact: None

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MRP 3.0: Development Projects Requiring LID Treatment for Stormwater

MRP 3.0: Development Projects Requiring LID Treatment for Stormwater					
Project Type/Description	Impervious surface area created or replaced			Notes	Subprovision
	Threshold Area	MRP 2.0	MRP 3.0		
Parcel-Based Requirements					
Detached single-family home not part of a larger plan of development	Cumulative	Exempt	10,000 SF	1, 2, 3	C.3.b.ii.(6)
Public/private development (e.g. new library on previously undeveloped site)	Cumulative	10,000 SF	5,000 SF	1, 2, 4	C.3.b.ii.(1), (2)
Public/private redevelopment project (e.g. renovated hospital)	Cumulative	10,000 SF	5,000 SF	1, 2, 4	C.3.b.ii.(3)
Renovation of existing public/private parking lots and other pavement (see applicable activities below)	Cumulative	Exempt	5,000 SF	1, 2, 4, 5	C.3.b.ii.(1)
Roads, Sidewalks, and Trails					
New roads, including sidewalks and bike lanes	Contiguous	10,000 SF	5,000 SF	1, 6	C.3.b.ii.(4)
Adding traffic lanes to an existing road	Contiguous	10,000 SF	5,000 SF	1, 6	C.3.b.ii.(4)
New stand-alone trail projects 10 feet wide or wider with impervious surface	Contiguous	10,000 SF	5,000 SF	1, 7	C.3.b.ii.(4)
Sidewalk gap closures, sidewalk replacement, ADA curb ramps not associated with a parcel-based project	Contiguous	10,000 SF	5,000 SF	1	C.3.b.ii.(3)
Road Maintenance Projects					
Reconstructing existing roads, including sidewalks and bicycle lanes (see applicable activities below)	Contiguous	Exempt	1 acre	1, 8, 9	C.3.b.ii.(5)
Extending roadway edge (e.g., lane widening, safety improvement, paving a graveled shoulder)	Contiguous	Exempt	1 acre	1, 8, 9, 10	C.3.b.ii.(5)
Utility trenching projects	Contiguous	Exempt	1 acre	1, 8, 9	C.3.b.ii.(5)
Specific Activities: Work Included or Exempt When Calculating Threshold Area of Project (e.g. 5,000 SF, 1 acre)					
Upgrade from dirt to gravel (exempt if built to spec for pervious pavement)		Included	Included		C.3.b.ii.(1)(b)(iii)
Upgrade from dirt/gravel to pavement (exempt if built to spec for pervious pavement)		Included	Included		C.3.b.ii.(1)(b)(iii)
Removing/replacing asphalt or concrete to top of base course or lower		Exempt	Included	1	C.3.b.ii.(1)(b)(iii)
Repair of pavement base (i.e. base failure repair)		Exempt	Included	1	C.3.b.ii.(1)(b)(iii)
Interior Remodels					
Repair of roof or exterior wall surface		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Pothole and square cut patching		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Overlay gravel on existing gravel		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Overlay asphalt or concrete on existing asphalt or concrete (no increase in area)		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Upgrade from chip seal or cape seal to asphalt or concrete (no increase in area)		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Shoulder grading		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Reshaping/regrading drainage		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Crack sealing		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Pavement preservation that does not expand road prism		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)
Vegetation maintenance		Exempt	Exempt		C.3.b.ii.(1)(b)(ii)

Notes:

1. Change effective July 1, 2023, per Provision C.3.b.iii.
2. Projects that fall under the planning and building authority of the Permittee
3. Includes addition of an ADU within a lot
4. "Project" includes any frontage improvements
5. Prior to MRP 3.0, implementation of stormwater treatment for renovated pavement has varied by jurisdiction and by project.
6. Caltrans highway projects are excluded
7. Work may be excluded if runoff is directed to a vegetated area
8. Acreage treated with road maintenance projects can count towards minimum Green Infrastructure numeric requirement (Provision C.3.j.ii.).
9. Alternative minimum sizing criteria for bioretention facilities (typically 2% or less of tributary area) may apply
10. These activities were moved from Provision C.3.b.ii.(1) during the May 11, 2022 adoption hearing

MRP 3.0 Green Infrastructure Retrofit Assignments

(Attachment H)

57.32 acres countywide

Municipality	Acres
Antioch	5.00
Brentwood	4.45
Clayton	0.74
Concord	5.00
County	5.00
Danville	2.67
El Cerrito	1.53
Hercules	1.58
Lafayette	1.60
Martinez	2.30
Moraga	1.07
Oakley	2.55
Orinda	1.20
Pinole	1.16
Pittsburg	4.36
Pleasant Hill	2.09
Richmond	5.00
San Pablo	1.86
San Ramon	4.56
Walnut Creek	4.21



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MEETING / WEBCAST NOTICE & AGENDA

Thursday, July 14, 2022, 10:00 am to 3:00 pm

**** WEBCAST ONLY ****

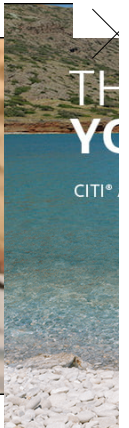
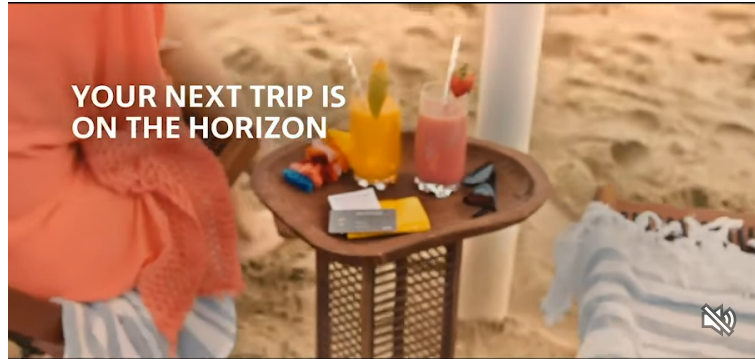
Webcast Fee (Individuals):	Members \$105 / Non-members \$125
Small Group (3 or less)	Members \$210 / Non-members \$285
Large Group (4 -10):	Members \$335 / Non-members \$395
Areawide Program	Members \$610
How to Register (Webcast):	CASQA website (closes July 13 at NOON)
Refund Policy:	No refund available, but substitution of the attendee or viewer is allowed without charge or deadline

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A Call to Action: Stormwater is a Resource!

- | | |
|---|------------------------|
| I. <u>Welcome / Introductions / Announcements</u> | (10:00 – 10:05) |
| Dalia Fadl, CASQA Chair and Karen Cowan, CASQA Executive Director | |
| II. <u>Communicating and Messaging: Stormwater is a Resource</u> | (10:05 – 10:35) |
| Jenna Voss, Jeanette Huddleston | |
| III. <u>Integrating Stormwater Capture into the California Water Plan: Update 2023</u> | (10:35 – 11:05) |
| Kamyar Guivetchi, Department of Water Resources | |
| IV. <u>Beyond Water Supply</u> | (11:05 – 11:35) |
| Dave Pedersen, Las Virgenes Municipal Water District | |
| V. <u>Municipal Case Study: Green Streets / Stormwater Capture in the Bay Area</u> | (11:35 – 12:00) |
| Reid Bogert, C/CAG of San Mateo County | |
| LUNCH | (12:00 – 1:00) |
| VI. <u>A Public Health Perspective on the Benefit of Green Infrastructure</u> | (1:00 – 1:25) |
| Savannah North, The Public Health Alliance of Southern California | |
| VII. <u>Municipal Case Study: Earvin “Magic” Johnson Project</u> | (1:25 – 1:50) |
| Jalaine Verdiner, Los Angeles County Department of Public Works
Andy Komor, PACE | |
| VIII. <u>Case Study: Stormwater Capture Projects at Stanford University</u> | (1:50 – 2:15) |
| Tom Zigterman, Stanford University | |
| IX. <u>Concepts of Reuse</u> | (2:15 – 2:35) |
| Dave Smith, Water Innovation Services | |
| X. <u>Stormwater Capture: Estimating the Potential Volume in California</u> | (2:35 – 2:55) |
| Amanda Magee and Sahand Rastegarpour, State Water Board (STORMS Unit) | |
| XI. <u>Closing</u> | (2:55 – 3:00) |
| Dalia Fadl, CASQA Chair and Karen Cowan, CASQA Executive Director | |

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OPINION > COMMENTARY

Opinion: Inadequate water agency rules won't protect the Bay

Regulations won't solve the Bay's serious storm water pollution problems



The Bay Bridge as it spans San Francisco Bay is seen from above in San Francisco. (Josh Edelson/AFP via Getty Images)

By **SEJAL CHOKSI-CHUGH** |



A governmental agency made a decision May 11 that will affect everyone who lives in the Bay Area, especially those who depend on the San Francisco Bay and our creeks for recreation and livelihood. This agency, the San Francisco Bay Regional Water Quality Control Board, is responsible for protecting water quality throughout the Bay Area. It has long acknowledged that storm water pollution is one of the Bay's most serious problems, and it approved a permit that is supposed to reduce the trash, metals, and bacteria that run off into the Bay from city streets every time it rains. Unfortunately, the agency's plan is deeply flawed and isn't going to solve the Bay's serious storm water pollution problems.

The most egregious flaw with the regulations, called the Municipal Regional Storm Water Permit, is that they don't require cities to monitor the storm water that empties directly from their discharge pipes into local creeks and the Bay. (That is, no cities are required to monitor except for the two — Mountain View and Sunnyvale — that San Francisco Baykeeper is currently suing for serious pollution violations after we caught them contaminating the Bay with bacteria.)

That lack of monitoring is astonishingly derelict for a region that prides itself on being an environmental leader, yet is ringed by storm water and sewer systems that are failing because they're nearly 100 years old.

By not requiring the most basic water quality monitoring for bacteria and other pollutants, the board has decided that it doesn't really matter where the pollution in the Bay is coming from or who the problematic polluters are. The agency is fundamentally saying that some level of pollution is allowable, and it's also disregarding the fact that some communities may be more exposed to harmful pollutants than others.

At Baykeeper we believe that no amount of preventable pollution is acceptable, and I'm guessing that most people living around the Bay Area feel the same way. Why should our communities be forced to live around a polluted Bay when local government agencies can do more to improve water quality?

Our field scientists regularly patrol waterways around the Bay and take samples of storm water discharges from city outfalls. We know firsthand that storm water pollution from cities is a problem, and that this data can be collected easily. It shouldn't be the responsibility of a non-profit environmental watchdog to do the job that our local water agency and cities should be doing.

There are other problems with the permit as well. For instance, it calls for zero trash in the Bay, which on the surface sounds like a worthy goal. But the permit doesn't actually create any programs or incentives for cities to take that goal seriously. According to the permit's terms, "zero" isn't actually defined as "zero trash;" it means no trash in excess of the levels set before 2014. Throw in a whole slew of credits and exemptions, and the zero-trash goal is meaningless. In fact, most cities around the Bay could already claim to have met the zero-trash target as outlined in the new permit, but we can all clearly see that the Bay's shorelines are trashier than ever.


Now that the Regional Water Board has adopted this inadequate permit, despite our advocacy to improve it, we will ask the governor's State Water Board to intervene and use its oversight authority to require actual protections for the Bay. Our Bay Area permit should be at least as comprehensive and stringent as the storm water standards set in Southern California's coastal urban areas. Anything less is unfair to our Bay, and to all of us who live, work, and play around its shorelines.

Sejal Choksi-Chugh is the executive director of San Francisco Baykeeper.

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Sejal Choksi-Chugh



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