



CONTRA COSTA
CLEAN WATER
PROGRAM

MANAGEMENT COMMITTEE MEETING AGENDA

Wednesday, September 20, 2023

1:30 PM to 4:00 PM

Join Zoom meeting:

<https://cccounty-us.zoom.us/j/82295311761?pwd=06omosDm3GKM2CUw3oY39TpawiQmiZ.1>

Meeting ID: 822 9531 1761

Passcode: 825320

Dial: +8882780254

If you require an accommodation to participate in this meeting, please contact Duanne Hernaez by phone at 925-313-2360, by fax at 925-313-2301, or by email at Duanne.Hernaez@pw.cccounty.us.

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/ Scott Beuting
City of Brentwood	Brant Wilson/ Jigar Shah/ Meghan Oliveira
City of Clayton	Larry Theis/ Jason Chen
City of Concord	Bruce Davis/ Carlton Thompson
Contra Costa County	Brian Balbas/ Allison Knapp
CCC Flood Control & Water Conservation District	Tim Jensen/ Michele Mancuso
Town of Danville	Bob Russell/ Steve Jones
City of El Cerrito	Christina Leard/ Stephen Prée/ Yvetteh Ortiz
City of Hercules	Mike Roberts/ Jose Pacheco/ Jeff Brown
City of Lafayette	Matt Luttrupp/ Tim Clark
City of Martinez	Khalil Yowakim/ Frank Kennedy
Town of Moraga	Edrienne Aguilar/ Shawn Knapp/ Frank Kennedy (Chair)
City of Oakley	Billilee Saengcalern/ Brianne Visaya/ Rinta Perkins
City of Orinda	Kevin McCourt/ Ryan O’Kane/ Frank Kennedy
City of Pinole	Misha Dhillon
City of Pittsburg	Jolan Longway/ Richard Abono
City of Pleasant Hill	Frank Kennedy/ Ryan Cook
City of Richmond	Mary Phelps
City of San Pablo	Amanda Booth/ Itzel Gomez/ Allan Panganiban
City of San Ramon	Kerry Parker/ Robin Bartlett/ Chen-hsuan (Shane) Hsieh
City of Walnut Creek	Lucile Paquette (Vice-Chair) / Neil Mock/ Steve Waymire

PROGRAM STAFF AND CONSULTANTS

Rinta Perkins, Interim Program Manager	Liz Yin, Consultant
Andrea Bullock, Administrative Analyst	Lisa Austin, Consultant
Duanne Hernaez, Clerical	Lisa Welsh, Consultant
Erin Lennon, Watershed Planner	Nicole Wilson, Consultant
Mitch Avalon, Consultant	

Contra Costa Clean Water Program
MANAGEMENT COMMITTEE MEETING AGENDA
Wednesday, October 18, 2023

AGENDA

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

Public Comments: Any member of the 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: **1:32**

Consent Calendar: **1:35**

All matters listed under the CONSENT CALENDAR are considered 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) August 16, 2023 Management Committee Meeting Summary

B. ACCEPT the following subcommittee meeting summaries into the Management Committee record: (Chair)

- 1) Administrative Committee
 - August 1, 2023
- 2) PIP Committee
 - August 1, 2023
- 3) Monitoring Committee
 - July 10, 2023
- 4) Municipal Operations Committee
 - ~~July 18, 2023~~
- 5) Development Committee
 - June 28, 2023
 - July 26, 2023

Presentations: **1:40**

- A. Update on Strategic Staffing Plan (R. Perkins/ A. Knapp) 1:40
 - a. See staff report on background information
- B. Funding Options Next Steps and Feedback (R. Perkins/ A. Knapp) 2:00
 - a. See staff report for background information
- C. Update and Review of Finalized Brochures (N. Wilson) 2:20
 - a. See staff report for background information
- D. Statewide Cost Reporting Comment Letter (N. Wilson) 2:30
 - a. See staff report for background information
- E. Permit Amendment Negotiations Update (R. Perkins) 2:45
 - a. See staff report for background information

Actions:

3:00

- A. APPROVE the Comment Letter on the Statewide Cost Reporting Comment Letter and AUTHORIZE the Interim Program Manager to sign and submit the letter on behalf of the CCCWP.

Updates:

3:10

- A. BAMSC Steering Committee meeting (R. Perkins)
 - a. Status of regional projects and working groups
- B. Management Committee Workplan – Q2 (E. Yin)
 - a. Review upcoming Management Committee Workplan
- C. RWB Comment Letters on Submittals (L. Welsh)

Information:

3:20

- A. CASQA Quarterly Meeting Registration (A. Bullock)
- B. Funding Options Workshop Planning Committee (R. Perkins)
- C. Quarterly Status Report on Grant Opportunities (S. Mathews/Z. Cholico)
- D. Alternative Compliance Status Update (E. Yin/A. Booth)
- E. Update on C.3 Guidebook (E. Lennon)
- F. Legislative Update (A. Booth)
- G. Monsanto Settlement (R. Perkins)

Old/New Business:

3:30

Adjournment: Approximately 3:30 p.m.

Next Management Committee Meeting: Wednesday, October 18, 2023, 1:30 PM

Attachments

Consent Items

1. *Management Committee Meeting Summary August 16, 2023*
2. *Administrative Committee Meeting Summary August 1, 2023*
3. *PIP Committee Meeting Summary August 1, 2023*
4. *Monitoring Committee Meeting Summary July 10, 2023*
5. ~~*Municipal Operations Committee Summary July 18, 2023*~~
6. *Development Committee Meeting Summary June 28, 2023*
7. *Development Committee Meeting Summary July 26, 2023*

Presentation and Action Items

8. *Staff Report on Strategic Staffing Plan (provided on 9/19/2023)*
9. *Staff Report on Funding Options Next Steps and Feedback (update provided on 9/19/2023)*
10. *Staff Report on Brochures*
11. *Staff Report and Comment Letter on Statewide Cost Reporting Policy*
12. *Staff Report on MRP 3.0 Permit Amendment Language Negotiations (provided on 9/19/2023)*
13. *Management Committee Workplan – Q2*
14. *Staff Report on Legislative Update (updated on 9/19/2023)*

UPCOMING DOCUMENTS FOR MANAGEMENT COMMITTEE REVIEW

-- October 2023 --

ACTION	AGENDA TOPIC/DOCUMENT	REVIEW BY:	SUBMITTAL DATE
APPROVE	2023 CCCWP Program Annual Report and Attachments	Sept 14	October 2, with Municipal Annual Report
APPROVE	Comment letter on the Statewide Cost Reporting Policy	Sept 20	October 3
REVIEW/APPROVE	Old Industrial Control Measures Plan - Resubmittal	Oct 18	October 31
REVIEW/APPROVE	Revised LID Monitoring Plan	Ongoing	Not specified
HEARING	SFRWQCB Adoption Hearing: Permit Amendment Language Tentative Order	Oct 11	Oct 11

UPCOMING CCCWP MEETINGS

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

September 27, 2023 4th Wednesday	Development Committee Meeting, 1:30 p.m. – 3:30 p.m.
October 3, 2023 1st Tuesday	Administrative and PIP Committee Meeting 9 a.m. – 12:00 noon
October 9, 2023 2nd Monday	Monitoring Committee Meeting, 10 a.m. – 12 noon
October 18, 2023 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

8-16-2023

Attendance:

MUNICIPALITY	ATTENDED	ABSENT
City of Antioch	Phil Hoffmeister	
City of Brentwood	Brant Wilson	
City of Clayton	Larry Theis	
City of Concord	Carlton Thompson	
Town of Danville	Bob Russell	
City of El Cerrito	Christina Leard	
City of Hercules	Jose Pacheco	
City of Lafayette	Tim Clark	
City of Martinez	Frank Kennedy	
Town of Moraga	Frank Kennedy (Chair)	
City of Oakley	Brianne Visaya	
City of Orinda	Kevin McCourt	
City of Pinole	Misha Dhillon	
City of Pittsburg	Jolan Longway	
City of Pleasant Hill	Frank Kennedy	
City of Richmond	Mary Phelps	
City of San Pablo	Amanda Booth	
City of San Ramon	Kerry Parker	
City of Walnut Creek	Lucile Paquette (Vice Chair)	
Contra Costa County	Michele Mancuso	
CCC Flood Control and Water Conservation District	Tim Jensen	
Program Staff		
Interim Program Manager	Rinta Perkins	
Admin. Svcs Assistant III	Andrea Bullock	
Watershed Mgmt Planning Spec.	Erin Lennon	
Clerk	Duanne Hernaez	
Program Consultants:		
Larry Walker Associates	Liz Yin	
Larry Walker Associates	Nicole Wilson	
Geosyntec Consultants	Lisa Welsh	
Members of the Public/Others/Guests:		
Kennedy Associates	AJ Kennedy	
Lotus Water	Elai Fresco	
Geosyntec Consultants	Kelly Havens	



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

Elizabeth Yin pointed out changes to the agenda that were made after the Administrative Committee's approval. Additional changes that were made after the agenda packet was sent out were also noted.

Bob Russell (Danville) motioned to approve the amended agenda, Amanda Booth (San Pablo) Seconded, and the amended agenda was approved.

Public Comments: No members of the public were called in.

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

Roll call was taken, and the meeting was convened by the Chair at 1:36 p.m.

Consent Calendar:

1. APPROVE Management Committee meeting summary (Chair)

Michele Mancuso (CCC) motioned to approve the Management Committee meeting minutes as submitted, with no changes; Frank Kennedy (Moraga) seconded. The Chair called for a vote. There were no objections. The motion passed with no abstentions and the Management Committee meeting minutes were approved.

2. ACCEPT the following subcommittee meeting summaries into the Management Committee record (Chair)

- Administrative Committee
 - July 11, 2023
- PIP Committee
 - July 11, 2023
- Municipal Operations Committee
 - June 20, 2023

Amanda Booth (San Pablo) motioned to approve the Sub-Committee meeting minutes as submitted, with no changes; Tim Clark (Lafayette) seconded. The Chair called for a vote. There were no objections. The motion passed with no abstentions and the Management Committee meeting minutes were approved.

Presentations

3. Review Draft Program Annual Report Attachments (L. Welsh)

Lisa Welsh shared the Fish Risk Reduction Program for Mercury and PCBs 2023 Status Report. The status report includes activities conducted on behalf of the program, including outreach materials found in harbors and marinas throughout the County that educate the public on acceptable fish consumption. It was noted that the Program has made efforts to replace signs that have been broken as well as placing signs in new locations to increase outreach. Flyers have been placed in locations such as bait and tackle shops to educate people that are likely to consume caught fish. The report is available on Groupsite and comments on the report will be accepted until August 25, 2023.



Lisa shared an overview of the 2023 Annual Mercury Monitoring Report that is due with the 2023 Annual Report due to a new provision requirement. Monitoring in FY 22-23 was focused on the Marsh Creek subarea. The report addresses whether eutrophication or low dissolved oxygen concentrations increased methylmercury and ponded areas of Marsh Creek during low flow periods. Samples were taken from 3 locations within the Marsh Creek Watershed during two wet weather events and one dry weather event. The results of these studies were shared.

Lisa shared an overview of the Draft Mercury and PCBs Control Measures 2023. This report relies on data entered in AGOL as well as data received through the PCBs and Building Demo data requests. Data in the report may be incomplete due to municipalities that have not entered in data in the past six months. Lisa told the Committee to email additional data that can be included in the report for the municipalities that have not made updates in the past six months. Permittee comments for the Mercury and PCBs control Measures 2023 update are due August 25, 2023.

4. Hydromodification Management (HM) Applicability Map (E. Lennon/E. Fresco)

A brief background on the history and purpose of the Hydromodification Management Applicability Map was shared. Major changes from the 2017 map to the 2023 map include:

- Updates to exempt areas in response to Water Board comments.
- Sub-basin Delineation updates
- A web map has been created.

Elai Fresco (Lotus Water) covered the known limitations of the new HM Map:

- Base data regarding hardened status is not strong or comprehensive.
- Need process for determining requirements for large parcels with multiple designations.
- Need process to redesignate parcels that are misclassified.
- Questions regarding how SLR will affect designations in the future.

The Program recommends the Committee to:

- Approve the 2023 Contra Costa County Hydromodification Management Applicability Map and the 2023 Addendum to the 2017 Hydromodification Management Applicability Mapping Methodology Memorandum
- Authorize the Interim Program Manager to sign and certify the associated transmittal letter to accompany the 2023 Hydromodification Management Applicability Map for submittal to the San Francisco Bay Regional Water Quality Control Board.

5. Comment Letter on MRP 3.0 Permit Amendment Language (E. Yin/R. Perkins)

Rinta Perkins shared and explained the four categories that the Program will be commenting on as well as the CCCWP recommendations for each item:

- Alternative Treatment Systems
- Category C Special Projects, Affordable Housing
- GSI planning and implementation and design.
- Road Construction in Disadvantaged Communities

The Comment letter is due to the Water Board by August 21 by the end of the day. The Management Committee was asked to approve the comment letter for submittal. It was noted



that comments from Permittees have been received and will be addressed in the approved Comment Letter.

6. Final Regional Unsheltered Homeless BMP Report (E. Yin)

Elizabeth Yin presented the Final Regional Provision C.17 BMP Report for Management Committee Approval. A brief background on the BMP report was shared and it was noted that the report will be submitted with the Program Annual Report on September 30, 2023. BMP factsheets found in the report include BMP goals, challenges, lessons learned, and implementation examples. It was noted that Permittees are supposed to have a list of resources that can be offered to the homeless by December 23, 2023.

7. Letter of Support for SFEI WQIF Grant Application (L. Welsh)

Lisa Welsh shared background on the Letter of Support for the SFEI WQIF Grant Application and asked the Management Committee for approval.

8. Standardized Cost Reporting in Municipal Stormwater Permits (E.Yin/ N.Wilson)

Nicole Wilson shared background on the State Water Board policy for standardized cost reporting in municipal stormwater permits. The Draft Policy, released on August 17th, is expected to contain different requirements than what is outlined for Cost Reporting in MRP 3.0. Based on these differences, it may be necessary for the Program to develop a comment letter for submittal to the State Water Board. A timeline for development of the Comment Letter was shared:

- Draft STORMS Policy – available on August 17th.
- STORMS Policy Workshop – September 6th
- Comments Due – September 18th

Nicole compared the regional permit and statewide cost reporting and highlighted key differences. A STORMS cost submittal tool will be used to submit cost reporting data. The tool is web-based and is currently being beta-tested.

Actions

9. APPROVE the HM Applicability Map and Addenda and AUTHORIZE the Interim Program Manager to submit the transmittal letter to the SFBRWQCB on behalf of the Program and Permittees.

Amanda Booth (San Pablo) motioned to approve, and Phil Hoffmeister (Antioch) Seconded. A roll call vote was taken and the motion passed with a unanimous vote of approval from all present. There were no abstentions or objections and the action to approve the HM Applicability Map and Addenda and authorize the Interim Program Manager to submit the transmittal letter to the SFBRWQCB on behalf of the Program and Permittees was approved.

10. APPROVE the Comment Letter on MRP 3.0 Permit Amendment Language

11. APPROVE the Final Regional Unsheltered Homeless BMP Report

12. APPROVE the Letter of Support for SFEI WQIF Grant Application on PFAS

13. AUTHORIZE the CCCWP to develop a comment letter in response to the Policy of Standardized Cost Reporting in Municipal Stormwater Permit.

The Management Committee agreed to bundle the approval of action items 10-13 into one vote



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Bob Russell (Danville) motioned to approve, and Lucile Paquette (Walnut Creek) Seconded. There were no abstentions or objections, and the decision to bundle the approval of action items 10-13 was approved.

Michele Mancuso (CCC) motioned to approve action items 10-13, and Lucile Paquette (Walnut Creek) Seconded. A roll call vote was taken, and the motion passed unanimously from all present, and action items 10-13 were approved.

Updates

14. BAMSC Steering Committee meeting (R. Perkins)

Rinta Perkins shared updates from the last BAMSC Steering Committee meeting:

- Trash Related Updates
 - ◆ Trash Full Capture System Impracticability Report – Keith distributed a letter regarding comments on the trash full capture system impracticability report submitted in March. It was determined that the report was insufficient and did not receive EO approval. Actions to take moving forward will be discussed at the next BAMSC Steering Committee meeting.
- Low-Impact Development as Full Trash Capture discussion
 - ◆ An internal workgroup meeting is scheduled for 8/21 to discuss and plan the response to Water Board comments.
- Permittees' Notices of Non-Compliance and Revised Trash Control Measure Plans
 - ◆ The Water Board has expressed concerns that submitted trash control measure plans are lacking in detail which was expected to receive.
- Regional Trash Monitoring Plan v. 1.0 and QAPP
 - ◆ Waterboard is will review the draft letter and will comment on the submitted plan.
- Stormwater Program LID Monitoring Plans and Regional QAPP
 - ◆ A Draft letter will be sent out in which the request for the addition of continuous monitoring and to identify the availability of low-cost probes.
- Stormwater Program Old Industrial Control Measure Plans
 - ◆ A draft letter that will be sent out within the next six weeks will reflect the Water Board's comments on this topic.

Information

A. Annual Report Update (E. Yin)

Elizabeth opened by highlighting upcoming important deadlines for the Permittee Annual Report:

- August 25 – Template Submittal Letter distributed to Permittees.
- September 7 – Program AR for Review
- September 14 Special MC Meeting
- October 2 – Last day to submit AR to SMARTS

Elizabeth noted that annual report guidance documents, including official guidance documents for submitting to SMARTS, are available on Groupsite.



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Elizabeth shared that a supplemental guidance document has been created to help permittees with their annual report forms. It will include guidance information, reference documents and recommended text that can be inserted into the forms. The supplemental guidance document is available on groupsite.

Elizabeth pointed out changes to ArcGIS and demonstrated updates to the project viewer module.

B. BAHM Model Update - Documentation & Training Opportunities (E. Lennon)

Erin shared that the BAHM Model update is currently in progress. Once the BAHM model is updated, there will be an updated link to the IMP calculator and updates to the C.3 guidebook.

Rinta added there will be regional training available in the near future. Permittees will be notified once more information is made available.

C. Cost Study Report – RAC (A. Booth / K. Havens)

Amanda Booth (San Pablo) opened by sharing that Geosyntec had prepared a report regarding cost studies for regional and GI projects and will be presenting the results of these studies to Permittees. Kelly Havens shared the study results, which were based on data collected from Bay Area Permittees. It was shared that out of 190 data points obtained, 147 had sufficient information to include in analyses. Kelly noted that, from the study results, it was determined there is a very clear trend that the larger the drainage area, the lower the cost per treated area. Amanda noted that the Water Board had asked the Program to include arterial data. Still, since there is not enough good data, an email will be sent out to permittees in hopes that better data can be collected to help identify these instances within their jurisdictions.

Old/New Business:

None

Adjournment: The Chair adjourned the meeting at approximately 3:59 p.m.



ADMINISTRATIVE COMMITTEE MEETING

SUMMARY

Tuesday, August 1, 2023

10:30 am – 12:00 pm

Zoom Meeting

VOTING MEMBERS	ATTENDED	ABSENT
Contra Costa County	Michele Mancuso	
CCC Flood Control and Water Conservation District	Michele Mancuso (Vice Chair)	
City of Concord	Bruce Davis	
Town of Moraga	Frank Kennedy (Chair)	
City of Oakley	Brianne Visaya	
City of Pinole	Misha Dhillon	
City of Walnut Creek	Lucile Paquette	
NON-VOTING MEMBERS		
City of San Pablo	Amanda Booth	
PROGRAM STAFF		
Interim Program Manager	Rinta Perkins	
Administrative Analyst	Andrea Bullock	
Clerical	Duanne Hernaez	
Consultant	Elizabeth Yin	
Consultant	Nicole Wilson	

1. Convene Meeting and Roll Call (Chair)

The Chair convened the meeting at 10:32am

2. Announcements or Changes to the Agenda (all)

There were no announcements or changes to the agenda.

3. Approval of July 11, 2023 Meeting Minutes (Chair)

Michele Mancuso (CCC) motioned to approve the Administrative Committee meeting minutes as submitted. Lucile Paquette (Walnut Creek) seconded. There were no objections or abstentions and the July 11, 2023, Meeting Minutes were approved.

4. Update on the MRP 3.0 Permit Amendment Language Comment Letter (E. Yin)

Elizabeth Yin (LWA/CCCWP) shared an update on the MRP 3.0 Permit Amendment Language Comment Letter. On July 21st the Regional Water Board submitted its notice for the tentative draft language for the permit amendment. Staff have been working with the Select Committee and C3 consultants to develop a Comment Letter in response to the Tentative Order language.

Elizabeth shared the schedule for the tentative order comment letter submittal:

- August 4th – Draft Comment Letter ready for CCCWP and legal counsel review
- August 9th - Comments due for incorporation in second draft letter
- August 10th - Second Select Committee meeting(as needed)



ADMINISTRATIVE COMMITTEE MEETING

SUMMARY

Tuesday, August 1, 2023

10:30 am – 12:00 pm

Zoom Meeting

- August 11th - Final Comment Letter ready for staff review
- August 14th/15th – Updated/final Comment Letter for Management Committee.
- August 16th – Management Committee meeting (approval)
- August 18th/21st – Special management committee meeting (if not ready for approval at 8/16 MC meeting)
- August 21st – Deadline to submit comment letter.
- October 11th – MRP 3.0 permit amendment Tentative Order hearing.

5. Budget Status Updates (R. Perkins/A.Bullock)

Andrea Bullock (CCCWP) shared status updates to the programs budget including that the program is continuing to monitor and work closely with the consultant contracts to make sure the spending is in line with what was budgeted. Changes are anticipated and being discussed to see how they will affect the budget.

Andrea additionally shared that the reserve investment from last year has matured. Finance will provide more details as far as how much was earned and investment options that will be available for the next year. At the next MC meeting the program will announce that there is an opportunity to invest \$3.2 M, an increase from \$1.2 M, which was the amount normally invested in the past.

Committee members requested a status update on the Arini Geographics contract. Andrea shared that the contract approval from County Counsel has been delayed. The program is currently working to schedule a meeting with County Counsel, Arini Geographics, and program staff to discuss the getting the contract approved. If the contract approval is pushed back, the contract start date will be expected to take place in September.

6. Draft August 16, 2023, Management Committee Agenda (E. Yin)

Elizabeth shared the upcoming Management Committee agenda for approval by the Administrative Committee. Elizabeth highlighted an update to the agenda since it was sent out to Admin Committee:

- Approval of the Comment Letter on MRP 3.0 Permit Amendment Language was added as an Action Item.

The committee asked for an update on the mapping and vector control requirements for the annual report. Elizabeth confirmed that these items will be looked into and covered at the next Management Committee meeting.

The committee asked if there have been any response to the request for additional C.17 resources/photos. Elizabeth answered that some information has been received, but they are still trying to gather more information if available. Elizabeth asked permittees to provide any resources that they can.



ADMINISTRATIVE COMMITTEE MEETING

SUMMARY

Tuesday, August 1, 2023

10:30 am – 12:00 pm

Zoom Meeting

Frank Kennedy (Moraga) motioned to approve the Management Committee Agenda with changes. Misha Dhillon (Pinole) seconded. There were no objections or abstentions, and the Management Committee Agenda was approved.

7. Funding Options Feedback and Direction Received (R. Perkins)

Rinta shared the feedback and direction that was received from the City Managers and County Engineers meeting. Information and feedback included:

- The Contra Costa County fund reserve will be depleted if no action is taken, jeopardizing Countywide compliance.
- Mitch Avalon shared that the top funding option, in his opinion, would be the property related fee.
- It was highlighted that permittees cannot advocate for ballot measures, and it was suggested that the program engage with non-profit organizations to lead the effort when pursuing funding options.
- A challenge the program would face with this would be the lack of tangible benefits for county residents. It was pointed out that the funding initiative needs to be tied to projects that benefit residents in the county to gain favor.

Rinta highlighted the recommended directions that were discussed:

- It was suggested by the city managers that the program hire legal counsel to address the response from county counsel that SUA funds cannot be used to support the funding measure.
- It was suggested that a series of workshops be held to educate the decision makers on the appropriate funding measures that will take.
 - i. It was proposed that a workshop planning committee will be assembled which will include city managers, city attorney, stormwater representatives, and the public works director.

A proposed funding option timeline was shared, which provided a general outline of the steps that can be taken towards choosing the right approach and eventual implementation. Committee members discussed the feasibility of the different approach methods that have been proposed. Rinta suggested that a funding initiatives presentation item can be added to the next Management Committee agenda.

Michele Mancuso (CCC) motioned to approve modifying the September 20th Management Committee Agenda to add a Funding Initiatives Presentation Item. Lucile Paquette (Walnut Creek) seconded. There were no objections or abstentions and the modification of the September 20th Management Committee Agenda was approved.

8. Old/New Business (Committee)

None



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**ADMINISTRATIVE COMMITTEE MEETING
SUMMARY**

Tuesday, August 1, 2023

10:30 am – 12:00 pm

Zoom Meeting

9. Adjournment

The Meeting adjourned at 11:49 am



**PUBLIC INFORMATION/PARTICIPATION COMMITTEE
MEETING SUMMARY
Tuesday, August 1, 2023, 9:00 am – 10:30 am
Zoom Meeting**

PIP Committee Voting Members	Attended	Absent
City of Antioch	Julie Haas-Wajdowicz	
CCC Flood Control District	Jennifer Joel (Chair)	Michelle Giolli
City of Clayton	Larry Theis	
Town of Danville	Bob Russel	
City of Pittsburg	April Chamberlain (Vice Chair)	
City of San Ramon	Kerry Parker	
City of Richmond	Bradley Harms	
Non-Voting Members		
City of Walnut Creek	Lucille Paquette	
City of San Pablo	Itzel Gomez	
Program Staff		
Interim Program Manager	Rinta Perkins	
Administrative Assistant	Andrea Bullock	
Watershed Mgmt. Planning Spec.	Erin Lennon	
Clerical	Duanne Hernaez	
Consultants		
Stephen Groner Associates (SGA)	Stephan Groner	
	Michelle Dissel	
Larry Walker Associates	Nicole Wilson	
Guests		

1) Convene Meeting and Roll Call (Chair)

The Chair convened the meeting at 9:02 a.m.

2) Introductions, Announcements, and Changes to Agenda (Chair)

There were no announcements or changes to the agenda. The Committee introduced new members for the Fiscal Year 23-24.

3) Consent Items Approval (Chair)

- July 11, 2023 PIP Meeting Minutes.

Corrections to the June 6, 2023 meeting minutes attendance log were made. April Chamberlain (Pittsburg) motioned to approve the PIP Committee meeting minutes with corrections and accept the subcommittee minutes. Kerry Parker (San Ramon) seconded. The Chair called for a vote, and the June 6, 2023 PIP committee meeting minutes were approved.

PUBLIC INFORMATION/PARTICIPATION COMMITTEE
MEETING SUMMARY
Tuesday, August 1, 2023, 9:00 am – 10:30 am
Zoom Meeting

- August 2023 Social Media Calendar (Facebook and Instagram)

Minor corrections to the color of wastebins represented in the Social Media Posts were pointed out. Kerry Parker (San Ramon) motioned to approve the August 2023 Social Media Calendar, with corrections, and accept the Social Media Calendar. Julie Haas-Wajdowicz (Antioch) seconded, and the August 2023 Social Media calendar was approved.

4) Work Plan Updates FY 23/24 (N. Wilson, SGA)

Michelle Dissel (SGA) shared the revised version of the FY 23/24 Work Plan, which was updated to show how each task in the work plan corresponds to various permit provisions in MRP 3.0. The list of tasks for FY 23/24 was shared, and it was highlighted how the work plan has been modified based on discussions from the July PIP meeting.

It was asked how “Climate Adaptation” was chosen as the theme for this year’s work plan, rather than trash and plastic pollution, which would have a bigger impact on local residents. Michelle answered that while messaging for climate change adaptation will feature throughout SGA’s planned outreach mechanisms, it is not the only theme for the fiscal year and that all aspects of trash pollution will be addressed throughout the tasks presented. The committee discussed outreach goals and what would be most effective for residents and school-aged children. The importance of educating school-aged children on littering and plastic reduction was highlighted. Nicole Wilson (LWA/CCCWP) noted that there will be more opportunities to discuss specifics of how the group would like to achieve the goals presented throughout the year as they come up.

In addition to the Work Plan, an Excel spreadsheet was shared that showed a matrix for how each task for the year corresponds to required permit provisions and the associated budget for those tasks (both for SGA work and non-SGA work/events).

Nicole noted that for the next PIP meeting, she would like to discuss website updates with committee members.

5) Brochure Updates (N. Wilson, SGA)

Michelle shared the revised version of the Auto Body Shop Brochure:

- Bullet #4 has been updated to clarify that wet sanding water should be evaporated and thrown in the trash and not disposed of down the sewer. The associated imagery has been updated to clarify this as well.

Michelle shared the minimally revised version of the Restaurant Brochure, which was approved at the July PIP meeting with one requested edit (update to the tallow bin lid).



PUBLIC INFORMATION/PARTICIPATION COMMITTEE
MEETING SUMMARY
Tuesday, August 1, 2023, 9:00 am – 10:30 am
Zoom Meeting

A concern was raised about contracted cleaning crews not being properly trained/informed not to dump waste near/around storm drains, and it was expressed that the brochures could perhaps include information about how all people working for a business should be trained on the BMPs in the brochure. The concern was discussed, and it was noted that this topic might be best suited for the future “Only Rain Down the Drain” Brochure. This brochure will target more general best practices that can be applied to any resident or business.

Jennifer Joel (CCC) motioned to approve the finalized Auto Body Shops Brochure. Julie Haas-Wajdowicz (Antioch) seconded, and the BMPs for the Auto Body Shops Brochure was approved.

6) CCCWP PIP Annual Report Items

Nicole reminded committee members to submit their annual report items and shared that the PIP Annual Spreadsheet has been finalized, transmitted, and available for the Permittee’s immediate use.

7) Old / New Business (Committee)

Julie Haas-Wajdowicz shared that the date for Antioch’s annual kayak-based Coastal Cleanup Day is being finalized and will be announced soon. It will take place at the Antioch Marina. Kayaks can be provided for a \$10 fee for those who do not wish to bring their own. It was noted that a shower is available on site.

8) Adjournment (Chair)

The meeting adjourned at approximately 9:47 a.m.



**Monitoring Committee
Meeting Summary
July 10, 2023**

VOTING MEMBERS	ATTENDED	ABSENT
CCC Flood Control District	Beth Baldwin	
City of Walnut Creek	Lucile Paquette	
City of Pittsburg	Jolan Longway (Vice-Chair)	
City of Antioch	Phil Hoffmeister	
City of Pinole		Misha Dhillon
City of Richmond	Bradley Harms (Chair)	
NON-VOTING MEMBERS		
City of San Pablo	Itzel Gomez	
PROGRAM STAFF		
Watershed Management Planning Specialist	Erin Lennon	
Interim Program Manager	Rinta Perkins	
PROGRAM CONSULTANTS		
Geosyntec Consultants	Lisa Welsh	
Geosyntec Consultants	Lisa Austin	

- **Introductory Remarks, Announcements, and Changes to the Agenda.** The Committee asked to add a discussion of monitoring costs to new/old updates.
- **Elect Chair and Vice-Chair for FY23-24.** Beth Baldwin (CCC Flood Control District) made a motion to elect Bradley Harms (Richmond) as Chair and Jolan Longway (Pittsburg) as Vice-Chair of the Monitoring Committee for FY23-24. Phil Hoffmeister (Antioch) seconded. The motion was approved.

June Meeting Summary. Beth B. made a motion to approve the June meeting summary. Lucile Paquette (Walnut Creek) seconded. Phil H. abstained.
- **Trash Monitoring Update.** Lisa Welsh (Geosyntec Consultants) provided an update on the regional WQIF grant. It is expected to be approved at the C/CAG meeting in July. She also presented an update on site selection for trash outfall monitoring (Slides #4 to #5 in attached slide deck). The selected sites discharge to Walnut Creek (Civic Park, Walnut Creek) and Grayson Creek (Center Ave, Pacheco), the latter of which requires the installation of a concrete collar to secure a flange mount for the trash net. CCCWP Staff and consultants are working with the local jurisdictions and California Department of Fish and Wildlife on permitting.

Lisa Austin (Geosyntec Consultants) provided an update on the Trash Monitoring Plan and QAPP (Slide #6 in attached slide deck). The BAMSC Trash Monitoring Workgroup and technical team have been revising the Trash Monitoring Plan based on Permittee, TAG, Stakeholder, and RWB comments. The TAG comments and BAMSC responses to TAG comments are provided as Appendix A of the Trash Monitoring Plan. The RWB Staff comments and BAMSC responses to comments will be emailed to RWB Staff with submission of the BAMSC Trash Monitoring Plan and QAPP by July 31. The BASMC Workgroup will have the final draft for CCCWP review and approval by July 12.

The Committee discussed the following revisions by the BASMC Trash Monitoring Workgroup:

- Added a new section in the Introduction/Background to clear up terminology and language. Added CASQA's description of full trash capture controls as Appendix B. Added further detail to Appendix C, on the specific types of full trash capture or other trash control measures implemented in the selected catchments.
- Improved description in Section 1 of the representativeness of the sites selected with respect to baseline trash generation rates, land use, and rainfall depth in the outfall catchment area. Provided more details on the site selection process and more attributes to the site summary table.
- Clarified that Stormwater Programs will conduct visual assessments of drainage catchments.
- Revised categories for trash characterization in Section 4, to include Single Use Plastic Food/Drinkware, Cigarette Butts, Electronic Smoking Products, and Other Smoking Products. Some requested categories were not added, such as size classes for plastics, electronic components, and trash <5mm.
- Added clarification about what to do if a net detaches, including a threshold to support whether an event would be used.
- Added further description in Section 9, on the dissemination of information and follow-up actions in response to monitoring results. If trash monitoring results indicate that the catchment is not controlled to low, then Stormwater Programs will work with the applicable Permittees on implementing the recommended follow-up actions. These will be discussed with the TAG and reported in the UCMR.
- Added a discussion in Section 10, Adaptive Management that the Stormwater Programs may research and pilot test alternative monitoring methods. This would allow for more areas to be monitored, thereby increasing representativeness.
- The Monitoring Committee discussed how many of the TAG and RWB requests go beyond the permit requirements and are very costly. The cost of monitoring

will be further discussed when the Stormwater Programs provide an update to the Water Board at the MRP 3 permit amendment hearing in October.

- **LID Monitoring Update.** Lisa A. provided an update on LID monitoring. RWB is reviewing the LID Monitoring Plan and QAPP. KEI is preparing – equipment has been purchased and permits have been approved – for LID Monitoring at the bioretention facility at Ohlone Greenway in El Cerrito.
- **FY2022-23 Annual Report Attachments.** Lisa A. presented an update on the Mercury and PCBs Control Measures - 2023 Update report. Geosyntec is continuing to coordinate with and request data from Permittees regarding their AGOL updates (on completed GSI and FTC projects), their applicable structures that applied for a demolition permit, the PCBs in oil-filled electrical equipment with Pittsburg Power, and the collection and recycling of mercury-containing materials. Geosyntec is working on drafts of CCCWP’s annual report attachments and will share them with the Monitoring Committee review at the end of the week. Geosyntec will reach out to Permittees regarding the status of redevelopment projects in old industrial areas.
- **Other C.11/C.12 Provisions.** Lisa W. and Lisa A. provided an update on other C.11/C.12 requirements. Geosyntec shared a preliminary inventory of bridges using the National Bridge Inventory (NBI) database. Permittees are to include the inventory in their annual report. Stormwater Programs received the Caltrans bridge SOP from RWB Staff, shared it with Permittees for review, and discussed comments at the July BAMSC MPC meeting. BAMSC MPC sent comments to RWB Staff noting that the Caltrans document received was an SOP, not a specification as required by the MRP. Lisa W. will send the RWB email correspondence to Monitoring Committee.

Geosyntec has contacted the applicable waste management/household hazardous waste facilities to obtain the quantities of mercury-containing equipment recycled in FY22/23. Quantities will be converted to an estimated mass of mercury recycled.
- **New / Old Business**
 - **Comprehensive Bioassessment Data Report BAMSC Collaborative Project Profile:** Lisa A. provided an update that this regional project will be presented for approval at the BAMSC SC meeting in late July. CCCWP included this project in their approved FY23-24 budget at the cost listed in the project profile.
 - **POCs Monitoring – Source Property Referrals:** Lisa A. shared the RWB Staff should be sending a letter soon on source property referrals. Geosyntec will also coordinate with the City of Richmond on a new source property referral based on sediment sample data collected the last two years.
 - **East County Mercury Monitoring:** KEI conducted the last of three monitoring events for methylmercury in Marsh Creek.

- **Marsh Creek SSID Monitoring:** KEI conducted three rounds of BOD sampling in Marsh Creek. KEI is writing up the results and we will have an internal meeting with stakeholders in August/September.
- **Old Industrial Area Control Measure Plans:** Lisa A. provided an update that RWB Staff will be sending comment letters on the Plans at the end of July.
- **Monitoring Costs:** An update on monitoring costs will be presented at the C.3 permit amendment hearing in October. Geosyntec will coordinate with EOA on the costs and presentation.
- **Next Steps / Action Items**
 - September Monitoring Committee meeting has been rescheduled to September 18 due to a conflict with the CASQA Annual Conference.
 - Topics for August Monitoring Committee include pesticides and toxicity monitoring and website updates.
 - Geosyntec is working on drafts of CCCWP's annual report attachments and will share them with Monitoring Committee review at the end of the week.
 - Geosyntec will reach out to Permittees regarding status of redevelopment projects in old industrial areas.
 - Lisa W. will send the RWB email correspondence on the Caltrans bridge SOP with Monitoring Committee.
- **Adjournment.** The meeting was adjourned at 12:00 pm.

Next Scheduled Monitoring Committee Meeting: Monday, August 14, 2023, 10:00 AM-12:00 PM, Zoom meeting.

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**DEVELOPMENT COMMITTEE MEETING
SUMMARY**

Wednesday, June 28, 2023

1:30 pm – 3:30 pm

Zoom Meeting

VOTING MEMBERS	ATTENDED	ABSENT
Contra Costa County	Michele Mancuso, Michelle Giolli, John Steere	
City of Antioch	Phil Hoffmeister (Chair)	
City of Brentwood	Aman Grewal	
City of Clayton	Larry Theis	
City of Concord	Mitra Abkenari	
Town of Danville	Bob Russell	
City of Lafayette	Tim Clark (Vice Chair)	
Town of Moraga	Frank Kennedy	
City of Oakley	Brianne Visaya	
City of Pittsburg		Jolan Longway
City of Pleasant Hill	Frank Kennedy	
City of San Ramon		Roderick Wui, Theresa Peterson
City of Walnut Creek	Joel Camacho, Lucile Paquette	

PROGRAM STAFF		
Acting Program Manager (Geosyntec)	Rinta Perkins	
Watershed Planner	Erin Lennon	
Analyst	Andrea Bullock	

PROGRAM CONSULTANTS		
LWA, Program Consultant	Elizabeth (Liz) Yin	

MEMBERS OF THE PUBLIC/OTHERS/GUESTS		
Haley and Aldrich, Technical Consultant	Yvana Hrovat, Nancy Gardiner	
Lotus Water, Technical Consultant	Rachel Kraai, Elai Fresco	
City of Walnut Creek	Wenjing Wu	



DEVELOPMENT COMMITTEE MEETING

SUMMARY

Wednesday, June 28, 2023

1:30 pm – 3:30 pm

Zoom Meeting

1. Convene Meeting and Roll Call (Chair)

The Chair convened the meeting at 1:30 pm.

2. Announcements or Changes to the Agenda

There was one (1) announcement from Liz Yin (Program Consultant, LWA), and there were two (2) changes to the agenda from Erin Lennon (Watershed Planner).

- **Announcement** – The Regional Water Quality Control Board (RWQCB) will soon share the Tentative Order with C.3 Permit Amendment language. CCCWP is preparing to discuss a schedule for developing a comment letter with Permittees, which may involve recycling comments from the previous comment letter, engaging in meetings with RWQCB and/or other countywide programs, as well as planning for a Permittee review and approval process prior to CCCWP comment letter submission.
- **Changes to Agenda** –
 1. Two topics were added to agenda item 5 (Program Update):
 - C.3.j Retrofit Forum #2
 - Budget adjustments informational item
 2. Action items were added further to the agenda about the newly added budget adjustments informational item. The desired outcome is for the Development Committee (DC) to recommend the budget to the Management Committee (MC).

3. Approval of May 24, 2023 Meeting Summary (Chair)

4. The May 24, 2023, meeting summary had no corrections or revisions. Frank Kennedy (Moraga) motioned to approve the Development Committee meeting summary as submitted, with no changes, and accept the subcommittee meeting summary. John Steere (Contra Costa County) seconded. The Chair called for a vote. There were no objections or abstentions. The motion passed without objections or abstentions, and the item was approved.

5. C.3.j. Mapping, Public Interface Update (Liz Yin)

Liz reviewed the C.3.j. Mapping, public interface requirement of MRP C.3.j.v. (C.3-51, pg. 71 of pdf). Liz and the meeting attendees reviewed the SWRP Projects update process and discussed notes and language regarding data accuracy.

6. Program Update (Erin Lennon)

Erin presented a summary status of previous meeting items and discussed other Program updates:

- Development Webpage Review Reminders
- Annual Report schedule



DEVELOPMENT COMMITTEE MEETING

SUMMARY

Wednesday, June 28, 2023

1:30 pm – 3:30 pm

Zoom Meeting

- Budget adjustments informational item – Erin shared a budget tracking spreadsheet with the DC to consider during the meeting. The spreadsheet included adjustment requests, sources of funding, and details relevant to the new action items added to the agenda (See agenda items 7 and 9).
- C.3 items
 - Nancy Gardiner of Haley and Aldrich will serve as the interim primary C.3 technical consultant for CCCWP while Yvana is on leave.
 - C.3 Training Workshop – Webinar took place 5/31/23, details will be posted on [website](#).
 - BAHM update – 6/21/23 meeting summary and next steps. Beginner and intermediate training to take place in September. 9th Edition to be updated with BAHM in September
 - IMP Calculator – It was noted that there continue to be issues with downloading the older version of the IMP Calculator from the CCCWP website.
 - C.3.j Retrofit Forum #2 will be set for October to allow time for Annual Report completion
- Action items
 - Erin to ask Contra Costa IT to write instructions on troubleshooting the current IMP calculator download and use.

7. HM Applicability Map

Rachel Kraai and Elai Fresco (Lotus Water, Technical Consultants) reviewed the HM Applicability Map's update status and next steps.

- Action Items:
 - Permittees to review HM Applicability Map updates by the end of the day.

8. Action Item: Budget Adjustment for HM Applicability Task

Erin Lennon (Watershed Planner) shared a budget update tracking table with the DC. Rinta Perkins (Interim Program Manager, Geosyntec) and Andrea Bullock (Analyst) also answered the Permittee questions. Due to the unanticipated issues presented regarding the HM Applicability Map's update status and next steps, Program Staff recommended that \$6,000 of the \$10,000 already approved be used to complete this item. Phil Hoffmeister (Antioch) moved to add this recommended budget adjustment to the upcoming Management Committee (MC) Agenda. Lucile Paquette (Walnut Creek) seconded. The motion was approved.

- Action Items:
 - Program Staff to add this to the upcoming MC agenda.

9. G.I. Design Workshop Series, Workshop #2 Planning

The DC reviewed the draft agenda for the G.I. Design workshop #2, to take place at the end of the July 26 DC meeting, from 2:30pm-4:30pm. Registration is required to attend. The DC discussed desired attendees, topics, and format of the workshop.

- Action Items:
 - CCCWP staff to send calendar invite Save the Date to previous workshop attendees, as well as to Development and Management Committees



DEVELOPMENT COMMITTEE MEETING

SUMMARY

Wednesday, June 28, 2023

1:30 pm – 3:30 pm

Zoom Meeting

10. Action Item: Budget Adjustment for Haley and Aldrich C.3 Permit Amendment Support FY23-24

Erin Lennon (Watershed Planner) shared a budget update tracking table with the DC. Rinta Perkins (Interim Program Manager, Geosyntec) and Andrea Bullock (Analyst) also answered the Permittee questions. Based on the effort needed for the MRP3.0 Permit Amendment comments task for FY22-23, Program Staff recommended that \$9,000 of the already approved general technical support item be used to complete this item for FY 23-24 by Haley and Aldrich. Frank Kennedy (Moraga) moved to add this recommended budget adjustment to the upcoming Management Committee (MC) Agenda. Phil Hoffmeister (Antioch) seconded. The motion was approved.

- Action Items:
 - Program Staff to add this to the upcoming MC agenda.

11. Action Item: Committee Chair and Vice Chair Elections (Erin, all)

Tim Clark (Lafayette, Outgoing Vice Chair) and Brianne Visaya (Oakley) were nominated to be Chair and Vice Chair, respectively, of the Development Committee (DC) for FY 2023-24. Phil Hoffmeister (Antioch, Outgoing Chair) called for any abstentions or nays. There were no abstentions or nays. The new Chair and Vice-Chair were elected unanimously.

12. Open Discussion (all)

Per MRP 3.0, the following items take effect on July 1, 2023:

- C.12.g., C.6.f. – PCBs in Building Materials requirements (enhanced inspections program)
- C.3.b., C.3.i. – Regulated Project changes

The use of turf was discussed. It was reminded that C.3 projects needed to be entered into AGOL by the end of the month and to check the appropriate box if a project is applicable for Full Trash Capture. Discussion of the DC Workplan for FY23-24 will be added to the July meeting.

13. Action Items/Next Steps (Erin)

Upcoming events, deadlines, and due dates were included at the end of the agenda packet. It was highlighted that DC members needed to register for the GI Design Workshop Series, Workshop #2, and share widely. The GI Design Workshop #2 will occur at the end of the July DC meeting and will be in a separate Zoom link accessible only to those who register.

14. Adjournment (Chair Elect)

The Meeting adjourned at 3:30 pm.



**DEVELOPMENT COMMITTEE (DC) MEETING
 SUMMARY**

Wednesday, July 26, 2023

1:30 pm – 2:30 pm

Zoom Meeting

VOTING MEMBERS	ATTENDED	ABSENT
Contra Costa County	John Steere	
City of Antioch		Phil Hoffmeister (Outgoing Chair)
City of Brentwood	Aman Grewal	
City of Concord	Mitra Abkenari; Bruce Davis	
Town of Danville	Bob Russell	
City of Lafayette	Tim Clark (Outgoing Vice Chair, Chair-Elect), Matt Luttrupp	
Town of Moraga	Frank Kennedy	
City of Oakley	Brianne Visaya (Vice Chair Elect)	
City of Pittsburg	Jolan Longway	
City of Pleasant Hill	Ryan Cook, Frank Kennedy	
City of San Ramon	Roderick Wui	
City of Walnut Creek	Joel Camacho, Lucile Paquette, Neil Mock	

PROGRAM STAFF	
Acting Program Manager (Geosyntec)	Rinta Perkins
Watershed Planner	Erin Lennon

MEMBERS OF THE PUBLIC/OTHERS/GUESTS	
Haley and Aldrich, Technical Consultant	Nancy Gardiner
Lotus Water, Technical Consultant	Rachel Kraai, Shauna Dunton
Dubin Environmental, Technical Consultant	Tony Dubin
Kennedy and Associates (Cities of Hercules, Orinda, Martinez, Pleasant Hill; Town of Moraga)	Libby Bell
City of Walnut Creek	Mary Ann Bonifacio
City of San Pablo	Amanda Booth, Itzel Gomez Jimmy Zhou, Harry Mar
City of Orinda	Ryan O’Kane, Kevin McCourt
City of San Ramon	Shane Hsieh
CCC Flood Control	Tim Jensen



**DEVELOPMENT COMMITTEE (DC) MEETING
SUMMARY**

Wednesday, July 26, 2023

1:30 pm – 2:30 pm

Zoom Meeting

(Note: Main DC meeting at 1:30-2:30 PM.

G.I. Design Workshop #2 at 2:30 pm-4:30 pm in a separate Zoom link)

1. Convene Meeting and Roll Call (Chair)

The Chair convened the meeting at 1:30 pm.

2. Action: DC Chair and Vice Chair (Program Staff)

At the June 28, 2023, DC meeting, the DC selected Tim Clark (Lafayette) as Chair and Brianne Visaya (Oakley) as Vice Chair. Per the CCCWP Program Agreement, this selection officially occurs at the July DC meeting. Frank Kennedy (Pleasant Hill) moved to approve and confirm the Chair and Vice Chair selection, and Bob Russell (Danville) seconded. The motion passed with no abstentions or nays. Tim Clark (Lafayette) was confirmed as Chair, and Brianne Visaya (Oakley) as Vice Chair.

“The first order of business for each sub-committee at its July meeting is to choose a chairperson and vice chairperson for the remainder of the fiscal year...” (Page 6 of CCCWP Program Agreement (2010-2025)) Program Agreement PDF can be found here:

<https://www.ccleanwater.org/about>

3. Announcements or Changes to the Agenda

There were two (2) announcements from and (1) change to the agenda from Erin Lennon (Watershed Planner).

▪ **Announcements –**

1. On 7/12/23 WaterNow Alliance hosted a “Navigating Green Infrastructure Operations & Maintenance” webinar. [Details](#), including slides and recordings, can be found at waternow.org.
2. The AGOL Work Group will reconvene according to the discussion surrounding Presentation E and Action C of the 7/19/23 Management Committee meeting agenda. If interested in participating in the AGOL Work Group, DC and/or relevant municipal data staff may indicate interest in the [form](#) linked in the Upcoming Events and Due Dates table.

▪ **Changes to Agenda –**

1. Approval of the June 28, 2023, DC Meeting Summary will be moved to the August DC meeting agenda.

4. Demonstration of BAHM (Tony Dubin)

Tony Dubin (Dubin Environmental, CCCWP technical consultant) gave a brief overview and demonstration of the BAHM updates. Tony Dubin cross-checked for the beta version of the BAHM



**DEVELOPMENT COMMITTEE (DC) MEETING
SUMMARY**

Wednesday, July 26, 2023

1:30 pm – 2:30 pm

Zoom Meeting

update software (update by Clear Creek Solutions) for consistency and/or useability across three main aspects: the scope of revisions requested, the CCCWP C.3 Guidebook, and key model features.

- The original requested revisions (5 elements)
 - Updating the maps; incorporated seven rain gauges (Orinda Fire, Martinez, Walnut Creek, Dublin Fire, Saint Mary's, Los Medanos, Brentwood)
 - Created a user manual, incorporating Contra Costa information into the main manual
 - Add self-retaining area IMP
 - Simplify reporting
 - Add Windows 11/LID evaluation elements
- Consistency with the C.3 Guidebook
 - DMA/IMP Structure – The setup is different; BAHM is setup around specifying basins (DMAs) and BMPs (IMPs)
 - List of available IMPs
 - Accessible non-Contra Costa IMPs
- Workings of model - demonstration
 - Example bioretention and self-retaining area setup
 - Model calculations
 - Summary reporting tool

5. Program Update (Erin Lennon)

Erin presented a summary status of previous meeting items and discussed other Program updates:

- Project status
 - HM map update
 - BAHM update and C.3 guidebook update
- Website update
 - C.3 Guidebook FAQs
 - IMP calculator link troubleshooting – The download link issues have been fixed. Instructions on troubleshooting the IMP calculator installation, application launch, and permissions-related issues are now posted on the CCCWP website.
- MRP 3.0 reminders
 - C.6 enhanced (PCBs) inspections in effect 7/1/23 (C.12.g., C.6.f.)
 - C.3. Regulated Project changes in effect 7/1/23 (C.3.b., C3.i.)

6. Development Committee FY 23-24 Workplan Discussion

Erin Lennon (Watershed Planner) shared the location of the 5-year program-wide workplan in Groupsite, which identifies requirements and submittal due dates in the MRP for each of the provisions. Erin reminded the DC that the topics at monthly DC meetings are connected to the implementation and or planning for MRP Provisions C.3, C.6, and C.21. The Development Committee



**DEVELOPMENT COMMITTEE (DC) MEETING
SUMMARY**

Wednesday, July 26, 2023

1:30 pm – 2:30 pm

Zoom Meeting

may suggest topics, and prioritization should be based on upcoming submittals and due dates within the MRP.

- Action Items:
 - DC to consider items they would like to see in this FY for future discussions.

7. Action Items/Next Steps (Erin)

Upcoming events, deadlines, and due dates were included at the end of the agenda packet.

8. Adjournment of Main DC meeting (Chair Elect)

The main DC Meeting adjourned at 2:30 pm.

9. G.I. Design Workshop Series

The G.I. Design workshop #2 took place at the end of the July 26 DC meeting, from 2:30-4:30pm. Registration was required to attend. Previous workshop attendees, as well as the DC and MC, were invited to attend the workshop. See Attachment for details.

10. Adjournment, entire meeting (Chair Elect)

The Meeting adjourned at 4:30 pm.

Attachment:

- A. Meeting Notes – CCCWP Green Infrastructure Design Workshop #2, July 26, 2023, 2:30-4:30 pm

Meeting Notes
CCCWP Green Infrastructure Design Workshop #2
July 26, 2023, 2:30 – 4:30 PM

Presented by Rachel Kraai and Shauna Dunton, Lotus Water

There were approximately 40 attendees (in addition to CCCWP staff, case study presenters, and program consultants)

Focus: to present GI project lessons learned from case studies and solicit feedback on which select GI specifications attendees would like to see developed.

CCCWP shared a poll to understand the audience and top issues with GI performance.

Case Studies

Mitra Abkenari, City of Concord

She presented a bicycle/pedestrian improvement project along Salvio Street, downtown Concord. The project involved removing diagonal parking, widening the sidewalk, and installing a bioswale. The project had many issues, including upset business owners, unexpected utility lines, constrained right-of-way, and busy areas. This resulted in many problems with design and construction. The cost was \$200K for the project (construction and utilities), including a 450 ft² bioretention facility.

She presented another project along Monument Blvd. to construct a Class 1 path. The project was adjacent to a major arterial with heavy pedestrian traffic. We had to remove an old, buried roadway (unanticipated). However, mainly greenfield projects cost significantly less than Salvio (\$250K, including a 1,500 ft² bioretention facility). It also included pervious pavers and DG.

John Steere (Contra Costa County), Adele Ho (Urban Tilth), and Matt Thomas (Designer)

He presented the Fred Jackson Way rain garden project, North Richmond. The Coastal Conservancy funded the project. The project had an issue with archaeology (the archaeological site was located under the intersection and extended into the project site). Performed hand augering to define the extent of the midden layer. It also had limited right-of-way, proximity of an asbestos concrete water main, and existing power poles that could not be relocated. Compared costs of pre-cast vs. cast-in-place concrete boxes for the facility and determined that the cost of the cast-in-place was much lower. Also had other issues, including encountering contaminated roadway base rock, needing irrigation for plant establishment, and obtaining overflow structure grates (3-month lead time). The total project cost was \$1M, but the facility was 700 linear feet long.

Amanda Booth, City of San Pablo

Presented San Pablo's Green Infrastructure Plan rather than a project. Evaluated all green infrastructure projects in the City to identify the top construction and O&M issues. Specifically noted blocked curb inlets, missing cobbles, deep bioretention facilities with large drops, and failing walls at bioretention facilities. Came up with creative solutions (e.g., using high vegetation in deep bioretention facilities).

Presentation: Typical Green Infrastructure Details and Specifications

Shauna Denton, Lotus Water

Lotus assisted San Mateo County in preparing green infrastructure details and specifications and thinks this is a good starting point for Contra Costa County. Lotus anticipates producing 4-5 detail sheets as part of this effort. They will produce both pdfs and AutoCAD files. San Mateo had eight details, including pervious pavement and components, various bioretention facilities (planters, basins, and features), subsurface infiltration systems (dry wells, galleries), general components, and tree well filters. "components" include edge treatments, inlets, outlets, etc. Shauna presented examples of each of them.

Good design details can prevent maintenance and safety issues, such as water bypassing bioretention inlets, erosion and sedimentation, trash & sediment buildup, misuse of cobbles (breaking windows, etc.), and preventing cars from driving into bioretention facilities.

Shauna shared a poll asking participants which design details they were most interested in. The group decided to share the information more broadly and solicit input from others who interface with green infrastructure (e.g., traffic engineers, fire departments, ADA compliance personnel).

Next steps: propose a short list of design specifications and present it to the Development Committee at its August meeting.



Date: September 20, 2023

To: Management Committee

From: Allison Knapp, Deputy Director and Rinta Perkins, Interim Program Manager

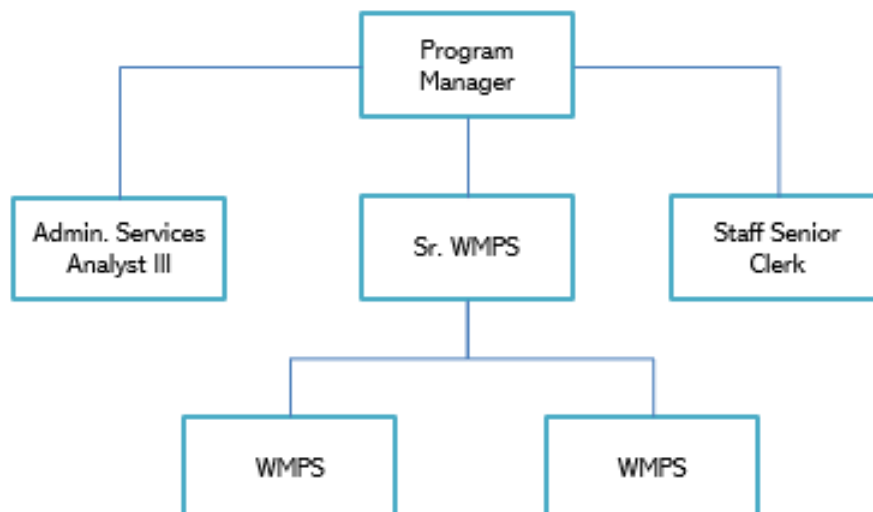
Subject: Strategic Staffing Plan for the Contra Costa Clean Water Program (CCCWP)

Recommendation:

Receive a presentation on the Strategic Staffing Plan options for the CCCWP and provide any comments and/or direction to staff.

Background:

Historically, the CCCWP is staffed by six County full-time employees (FTEs) led by the Program Manager (PM). The PM is supported by one Administrative Services Analyst III, one Staff Senior Clerk, and one Senior Watershed Management Planning Specialist (Sr. WMPS), who supervises two Watershed Management Planning Specialist (WMPS) staff.

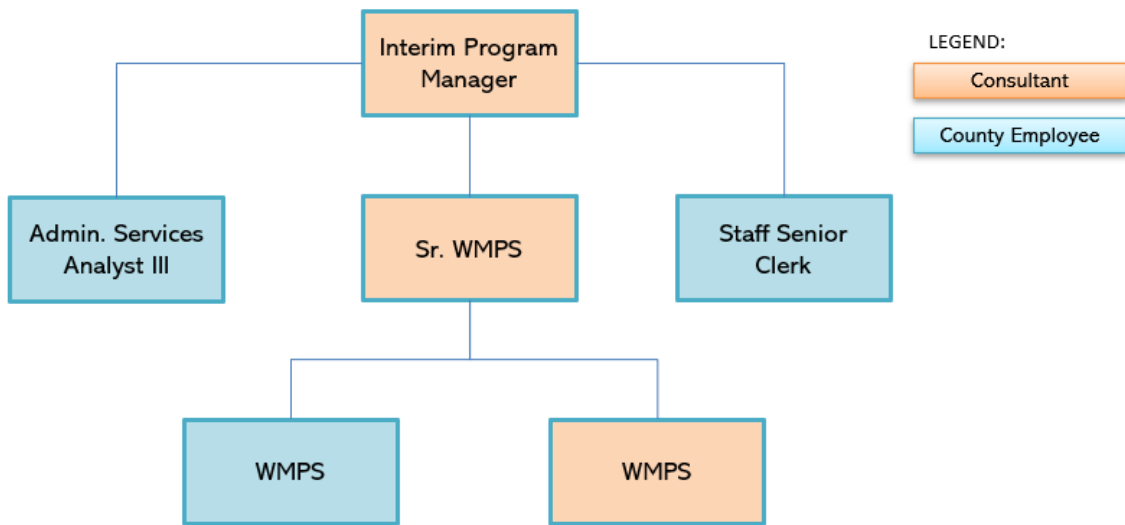


Since 2018, CCCWP leadership has changed several times, with County staff and consultants filling in the role. Karin Graves served as an Acting Program Manager due to a vacancy in this role beginning in 2021. At the end of May 2023, Karin left

to accept a position with the US EPA. With her departure, the Management Committee authorized the Program to hire a consultant to fill in the Program Manager position as an interim measure.

CCCWP Current Staffing:

Beginning in June 2023, Rinta Perkins (with Geosyntec Consultants) performs the duties as the CCCWP Interim Program Manager. She oversees the daily program operations and supervises Program staff and Program Consultants. Lisa Welsh (with Geosyntec Consultants) assists in the duties with overseeing the Monitoring Committee, related monitoring contracts, and some administrative tasks. Refer to the chart below for the current CCCWP staffing structure.



The Program currently has three (3) FTE vacancies: a Program Manager, a Senior Watershed Management Planning Specialist, and a Watershed Management Planning Specialist. Below is an explanation of how the current staff and their responsibilities are distributed among these roles.

a. Program Manager Position

The Program Manager Position has been filled by Rinta Perkins and Lisa Welsh (from Geosyntec Consultants) since June 2023, when the former PM left to accept another position. Rinta and Lisa are currently serving as Interim Program Co-Managers. The Interim PM is responsible for supervising staff and Program consultants, overseeing budget and larger consultant contracts, permit negotiation, and regional collaborations. While the allocated hours for the Interim PM were originally 25 hours per week, recent MRP deliverables, Group Annual report preparation, permit negotiations, and other unexpected tasks have pushed the average to around 30 hours a week.

Additional deliverables, as mandated by the MRP, were assigned to staff responsible over the relevant Committees for the subject provisions. Of late, interactions with other countywide stormwater programs have increased due to MRP-related deliverables and/or comments received from the Regional Water Board staff. Participation in various BAMSC Committees and Workgroups has been assigned to relevant CCCWP staff and Program consultants.

b. Senior Watershed Management Planning Specialist Position

The Senior Watershed Management Planning Specialist's tasks and duties are jointly served by two staff. Liz Yin (from LWA) serves as the primary contact responsible for managing the Administrative, Management, Select Ad-Hoc Committees, and AGOL Workgroup. Nicole Wilson provides backup support to Liz as needed and continues to oversee the Public Information and Participation (PIP) Committee. Both Liz and Nicole participate in BAMSC Committees and Workgroups as needed. This model was utilized with Lisa Welsh and Lisa Austin's oversight of the Monitoring Committee and has proved to be an efficient and comprehensive way to provide staff support.

c. Watershed Management Planning Specialist Positions

One FTE WMPS is responsible for the Development and Municipal Operations Committees and the permit provisions covered by these committees. Like previous WMPS staff, they will also provide oversight of the consultant contracts for work relative to those committees. They will also attend related BAMSC Sub-Committee meetings. Lisa Welsh and Lisa Austin (from Geosyntec) will continue to oversee the Monitoring Committee and related monitoring contracts and attend related BAMSC Sub-Committees, and Regional Monitoring Program committees.

CCCWP Current Challenges:

A major challenge that CCCWP faces is the lack of internal succession planning. This means that when key positions become vacant, no qualified candidates within the organization can fill them. As a result, CCCWP has relied on Program Consultants to perform staff work, which is not a long-term solution without developing and retaining internal talent. There are some challenges with the County's hiring practices, such as the lengthy County recruitment process and the different lengths of time required for filling each position. These factors can affect productivity, staff morale, and CCCWP performance. Therefore, internal succession planning is essential for ensuring organizational continuity and effectiveness.

When hired, the new Program Manager has to overcome a steep learning curve to understand and comply with the complex requirements of MRP as well as the ability to coordinate with various key stakeholders. The current staff are mostly early career professionals who still need to develop their skills and expertise in their fields. Moreover, there is a lack of internal historical background on the

CCCWP procedural process due to recent staffing turnovers, which makes it difficult to learn from past experiences and best practices.

To ensure the CCCWP's long-term stability, various strategic staffing plan options will be presented at the September 20th Management Committee meeting, considering the following goals or objectives:

- Support Permittees on the countywide MRP implementation
- Deliver quality work and timely deliverables within compliance deadlines.
- CCCWP succession planning
- Staff development through cross-training and mentorship
- Staff retention planning
- Build a contingency backup
- Use of flexible and skilled consultants
- Fiscal accountability to Permittees (through Program's efficiency and cost-effectiveness)

Proposed Strategic Staffing Plan Options

The Management Committee will be presented with six (6) options for the CCCWP Strategic Staffing Plan. A PowerPoint Presentation will outline each option in detail, including its advantages and disadvantages. These assessments will be based on the goals identified, the County's internal hiring policy, and potential feedback from the labor union.

Option 1. Retain the current status of the Interim Program Manager while recruiting a permanent FTE Program Manager in **six months**.

Option 2. Retain the current status of the Interim Program Manager and start the recruitment process for a permanent FTE Program Manager in **one year**.

Option 3. Recruit a permanent FTE Senior Watershed Management Planning Specialist and a permanent FTE Watershed Management Planning Specialist while retaining the Interim Program Manager status.

Option 4. Recruit a permanent FTE Senior Watershed Management Planning Specialist while retaining the Interim Program Manager and the Watershed Management Planning Specialist duties will be distributed to consultants.

Option 5. Recruit a permanent FTE Watershed Management Planning Specialist while retaining the Interim Program Manager and the Senior Watershed Management Planning Specialist duties will be distributed to consultants.

Option 6. Fill all three (3) permanent FTE positions.

Next Steps

Program Staff and the Deputy Public Works Director are requesting Management Committee feedback and direction on which options should be further pursued or evaluated. In addition, the Management Committee is also being asked to suggest any other options that have not been mentioned in this Staff Report.

Fiscal Impact:

The fiscal impacts on the CCCWP will vary based on the strategic staffing plan made by the Management Committee for both short-term and long-term measures. The budget implications of hiring a permanent FTE will differ from using Program Consultant to accomplish the tasks due to several factors:

- New hires might necessitate continued employment of Program Consultant in the short term to facilitate task transition.
- The cost of County staff includes a projected 5% cost of living adjustment.
- Consultant costs increase by 3% annually for inflation.
- The hourly rates for consultants serving as Program Consultant incorporate anticipated salary promotions effective in July 2024.
- Staff augmentation totals do not include vacation time.
- The AGOL staff support is an additional part-time position that is not included in the current county staffing model.
- Although the County offers competitive benefits packages, the annual pay rate is typically lower than other public and private sector employers in the Bay Area.

Attachments:

No attachment with this Staff Report. A PowerPoint Presentation slide deck will be distributed after the September 20th meeting.



Date: September 20, 2023

To: Management Committee

From: Rinta Perkins, Interim Program Manager and
Allison Knapp, Deputy Director

Subject: Stormwater Funding Options – Next Steps (Revised)

Recommendation:

1. Accept the presentation and provide staff with direction or comments regarding the recommended next steps for exploring Stormwater Funding Options.
2. Authorize up to \$12,000 to retain a facilitator for the Workshop Planning Committee and the Informational Workshop facilitation.

Background:

Management Committee directed Mitch Avalon, the Program Consultant, to prepare a Stormwater Funding Options Report on July 20, 2022. The first phase of the report analyzed 26 funding options and identified those that were viable for further evaluation and implementation by the Program. The second phase expands the analysis of the viable options, describes the process to implement the options and potential challenges, and recommends a pathway forward at the countywide level.

The report's development spanned over FY 22-23, with multiple presentations and discussions with the Administrative and Management Committees for feedback and directions. The CCCWP contract attorney provided a legal analysis, and two consulting firms provided peer reviews. The report was updated to incorporate comments received and to address questions about the impact of a potential Monsanto lawsuit settlement, the revenue estimates for each viable option, how a proposed fee amount would be justified, and how we address or discuss existing SUA funding.

On July 19, 2023, the Management Committee accepted the final report. It directed the Program staff and consultant to present the report summary to the City-County Engineering Advisory Committee (CCEAC) and Public Managers Association (PMA) Sub-Committee.

Overview of the Presentations:

On July 20, 2023, the Program staff and consultant presented the report summary separately to the CCEAC and PMA Sub-Committee.

There was a general acknowledgment of increasing compliance costs due to new permit requirements and implementing more stringent control measures with subsequent MRP renewals. These costs had outpaced the Stormwater Utility Assessment (SUA) fees that permittees collect. This was the primary premise that led to the development of the Funding Options report.

The “Do Nothing” option was mentioned in case there is a lack of interest in exploring new funding source(s). This results in the Program and permittees adjusting their budgets to make do with existing revenues. Through cost-saving measures and unanticipated delays in implementing regional projects, CCCWP has combined fund reserves of \$5,482,100. Since FY 2021-22, the Program has consistently drawn down its fund reserves to supplement permittees’ contributions to fund its activities. Once the delayed regional projects start, reliance on the reserves would be inevitable.

The top three funding options that provide ongoing revenue were mentioned in the presentation, along with their pros and cons. Two are property-related fee options, similar to the 2012 funding initiative. There were some discussions on what went wrong with the 2012 funding initiative (lessons learned) and what can be done to provide a better chance of success. Using the same process for the 2012 funding initiative and making some assumptions on cost, a similar funding initiative today would cost about \$2.6 million. If a new funding initiative were conducted five years from now, it would be closer to \$3.0 million in cost. This analysis is based on data developed for the 2012 funding initiative, which needs to be updated.

Received Feedback.

PMA Sub-Committee was represented by Joe Calabrigo (Town of Danville) and David Biggs (City of Orinda), Kevin Marstall, Carlton Thompson, and Frank Kennedy (City of Concord) attended the July 20th meeting with CCCWP Interim Program Manager and Consultant.

The initial question was whether and when the Program and permittees would require additional funds. This inquiry can be addressed through an updated financial analysis, to be conducted once the MRP 3.0 Provision 20 Cost Reporting data becomes available in 2025. The current analysis was based on information gathered for the 2012 funding initiative, which needs to be updated.

One critical issue discussed with the Sub-Committee is the use of SUA funds. The Program’s attorney notes that stormwater utility assessments are restricted funds

as outlined in the legislation authorizing the Flood Control District to establish the assessments, along with the Engineer's Report adopting the assessments for each jurisdiction. Funds can only be used for activities associated with managing a stormwater program complying with an NPDES permit and stormwater system maintenance. Likely, SUA funds cannot be used to pay for most of the cost of developing a funding measure. The report recommends a detailed legal analysis of the steps required to develop a funding initiative to determine what can and cannot be paid for with SUA funds. The group expressed interest in obtaining additional opinions from other legal experts on this issue.

The Program and permittees should recognize that there might be only one opportunity to succeed with this funding measure. Therefore, meticulous planning involves educational/informational outreach, developing appropriate strategies, and assembling the right team. This approach underscores the lessons learned from the 2012 Funding Initiative, including the importance of strong, relevant messaging aimed at voters, the development of projects with measurable and community-relevant benefits, and the engagement of key stakeholders who can act as champions.

The Sub-Committee recommended that Program staff share the pertinent information with the broader PMA members, including inviting city attorneys as an initial outreach. Following the presentations thus far, the next step is organizing an informational workshop. This workshop will target elected officials, city managers, public works directors, city engineers, and stormwater managers, initiating a dialogue on key questions. These questions include determining the desired funding option and preferred approach (whether as a countywide or as specific parts of the county), identifying the right timing, and exploring alternative funding sources for the ballot measures (especially if the SUA fee cannot be used to cover the entire costs).

Staff Recommendations:

The report recommends that the Management Committee adopt short-term and long-term strategies for securing additional funding. It acknowledges that the decision to pursue a funding measure involves obtaining approval from various individuals across different levels within the permittee organizations. A substantial engagement with the permittees' senior management and elected officials is necessary, including presentations to the City-County Engineers, PMA, Mayors' Conference, City/Town Councils, and the Board of Supervisors. Consequently, it is essential to recognize and understand any questions, concerns, or hesitations that senior management and elected might have and to develop an effective response to address them.

As a short-term approach, Program staff recommends the following actions:

1. Present to the broader PMA members and City Attorneys at the November 9th PMA meeting.
2. Convene a Workshop Planning Committee to plan the informational workshop.
3. Retain a facilitator (knowledgeable in public funding and financing).
4. Hold an informational workshop for broader stakeholders.
5. Present findings to the Management Committee for further direction

Fiscal Impact:

There may be an increase or decrease in the budget depending on the final decision of whether to move forward with staff recommendations to retain a workshop facilitator or not.

The workshop facilitation is anticipated to cost about \$12,000 to cover hiring the facilitator for the Workshop Planning Committee and an informational Workshop facilitation, including the workshop logistics.

Attachments:

The presentation slide deck of Stormwater Funding Options: Next Steps.

Contra Costa Clean Water Program
Management Committee

Stormwater Funding Options: Next Steps

September 20, 2023

Presented by
Rinta Perkins & Allison Knapp

Agenda

- Completed Outreach Efforts
- Feedback and Directions Received
- Timelines and Requested Budget
- Recommendations
- Next Steps

Completed Outreach Efforts

- Phase 1: Management Committee
July 20, Sept. 21, Oct. 19, Nov. 16 and Dec. 13, 2022
- Phase 2: Management Committee
Feb. 15 & July 19, 2023
- City-County Engineers Advisory Committee (July 2023)
- PMA Sub-Committee (July 2023)
- Administrative Committee (August 2023)

PMA Sub-Committee Presentation

- Rising permit compliance expenses
- Depleting fund reserves with the 'Do Nothing' option
- Review of funding options
- 2012 Funding Ballot initiative and lessons learned

Feedback Received From PMA Sub-Committee Presentation (Continued)

- Are we really running out of funds?
- Why can't SUA be used to fund the funding measure?
- Branding to support successful funding measure
- Request from PMA for CWP
 - Presentation to PMA & City/Town Attorneys
 - Informational workshop for stakeholders
- Emphasized "Right Decision – Right Timing."

Staff Recommendations

- Presentation to the PMA members and City Attorneys
- Convene a Workshop Planning Committee
- Allocate up to \$12,000 to retain a Facilitator for the Workshop Planning Committee & Workshop facilitation
- Hold an Informational Workshop for stakeholders
- Present findings/direction at the Management Committee

Staff Recommendations (Cont.)

If Management Committee approves to
move forward

Proposed Timelines and Preparation

- (Sept. – Oct.'23): Convene a workshop planning committee; solicit participants.
- (Sept. – Oct.'23): Identify an experienced consultant to facilitate a workshop.
- (Nov. 9, 2023): Presentation to PMA broader members and city attorneys on Funding Options Report
 - Share information and lessons learned from successful measures
 - Invitation to attend an informational workshop
 - Steps beyond if CCWP goes the route of a tax measure

Proposed Timelines and Preparation (Cont.)

- (Oct. – Nov.'23): CCCWP secures a workshop facilitator
- (Nov. or Dec.'23): Circulate pre-workshop questionnaires
- (Dec.'23 or Jan.'24): Hold an Informational Workshop
- (Jan.'24): Feedback from the workshop (direction for the funding option approach)
- (Feb.'24): Budget discussion to plan for the funding initiative
- (TBD): RFQ for a consultant team to facilitate a countywide funding initiative measure

Q & A

Thank you!



CONTRA COSTA
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Date: September 20, 2023

To: Management Committee
From: Nicole Wilson, Consultant
Subject: PIP Brochure Update

Recommendation:

Begin using the updated Best Management Practice (BMP) Brochures that have been finalized and completed in PIP Committee. Customizable file types are also available for Agency customization of the Brochures.

Background:

During FY 22/23, one of the goals of PIP Committee was to revise, rebrand and approve a set of six BMP Brochures with the support of Stephen Groner Associates (SGA). The BMP brochures cover the following topics:

- Trash
- Mobile Businesses
- Auto Body Shops
- Pool Cleaning
- Restaurants
 - Spanish Translation of Restaurant Brochure (to be developed)
- Carpet Cleaning (to be developed)

As of September 2023, five of the six identified brochures are finalized and are available for immediate use. The remaining two (the Spanish Translation of the Restaurant Brochure and the Carpet Cleaning Brochure) are anticipated to be finalized over the next couple months. The Countywide versions of the brochures are available on the CCCWP website at the following link: [BMP Brochures](#)

If you wish to customize the brochures with your agency's logos and information, customizable file types are available at the following Groupsite link: [Finalized Brochures](#) (NOTE: Please pay close attention to the "Read Me" file in the folder

as it contains links to a OneDrive folder with the links to fonts and InDesign files that are not supported by Groupsites).

Please reach out to me (nicolew@lwa.com) with any questions or concerns related to brochure development.

Attachments:

- URL to Countywide Brochures:
<https://www.cccleanwater.org/business/bmps>
- URL to Customizable Brochure Files:
<https://cccleanwater.groupsites.com/folders/294111>

Fiscal Impact: None.



Date: September 20, 2023

To: Management Committee

From: Rinta Perkins, Interim Program Manager

Subject: MRP 3.0 Permit Amendment and Specific Items Updates

Recommendation:

1. Accept the presentation regarding the MRP 3.0 Permit Amendment updates and provide staff with feedback and/or direction.
2. Discuss and strategize Permittees' testimonials at the Permit Amendment Hearing

Background:

During the MRP 3.0 adoption hearing in 2022, the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) asked their staff to report back on August 9, 2023 (this meeting was rescheduled to October 11, 2023). Specific items for reconsideration included:

- Category C Special projects.
- Roads in disadvantaged communities.
- Alternative treatment systems compliance
- Monitoring requirements.

In April 2023, SFBRWQCB staff released an Administrative Draft of the potential permit amendment language, to which the CCCWP submitted a comment letter in response on April 25, 2023. On July 21, 2023, the SFBRWQCB staff issued a Notice of Public Comment and Public Hearing to consider adopting the Tentative Order amending the San Francisco Bay Municipal Regional Stormwater NPDES Permit (MRP 3.0). The adoption hearing is scheduled to take place on October 11, 2023.

CCCWP Select Committee, Legal Counsel, staff, and consultants reviewed the MRP 3.0 Tentative Order Amendment language and drafted the first draft comment letter. The small group and Management Committee comments were incorporated into the second and final draft. On August 16, 2023, the Management Committee approved the comment letter. CCCWP Interim Program Manager submitted the written comment letter on behalf of the Permittees on August 18, 2023. Control Board (SFRWQCB). CCCWP comments and recommendations were summarized in the following categories:

Prov. C.3.c.i.(2)(c)(iii) Alternative Treatment Systems (ATS)

Concerns:

- 1. The TO language for alternative treatment systems is limiting and requires an onerous process with little to no use of these systems.
- 2. Unclear why ATS are only allowed in HM-expected areas.
- 3. The Project-by-Project Executive Office approval process will significantly limit the practicability of ATS implementation.
- 4. Requirements for Technical Infeasibility demonstration functionality prohibit the use of ATS

Recommendations:

- 1. Amend the language to facilitate the use of ATS in all areas where water quality benefits cannot be reasonably achieved through LID measures.
- 2. Eliminate the geographical restriction which limits ATS to a subset of HM-exempt areas.
- 3. Technical Infeasibility and Commensurate Benefits documentation on a project-by-project basis should be allowed.
- 4. Remove the inclusion of potential landscaping opportunities; instead, include consideration of other factors.

Prov. C.3.e.ii.(5) Category C Special Project Criteria (Affordable Housing)

Concerns:

- 1. Housing availability needs to be prioritized in the updated language.

Recommendations:

- 1. Consider Special Project Category C workgroup suggestions and prioritize the importance of affordable housing in the update.
- 2. See the recommendations provided under Comment #2 of ATS

Prov. C.3.j.ii.(3)(c) GSI Planning and Implementation Design and Other Criteria

Concerns:

- 1. Partial credits toward impervious surface retrofit and stormwater treatment targets should be allowed.

Recommendations:

- 2. Remove this language until it can be further vetted out.
- 3. Endorses development of Water Board-approved, consistent, region-wide methods for partial credits.

Road Reconstruction in Disadvantaged Communities

Concerns:

- 1. There is still no new language regarding accommodations for road reconstruction requirements in disadvantaged communities.

Recommendations:

- 1. Consider DACs Workgroup recommendations (i.e., use of alternative urban greening techniques, allow exemptions of projects that promote active transportation and safety).
- 2. Modify ATS language to allow more leniency in using ATS in DACs

Permit Amendment Discussion & Testimonials:

On September 7, 2023, the BAMSC Steering Committee (represented by countywide program managers, City of San Jose staff, and consultants) met with Keith Lichten and Derek Beuaduy (Water Board) to discuss the comments received on the MRP 3.0 Amendment language.

1. Special Project Category C (Affordable Housing) pertains to Emergency Housing definition and exemption.

Water Board staff is seeking the Permittees' input on the justifications for the permit change and exemptions. They had questions related to a potential C.3 exemption for Emergency Housing:

- a. What is an appropriate definition of Emergency Housing?
- b. What is the rationale and new information that necessitates this new exemption?

In response, the City of San Jose staff (James Stagi) presented a definition from Section 5.09.210 of the Municipal Code (Emergency Bridge Housing Community):

“Emergency Bridge Housing Community” means any new or existing facilities, including, but not limited to, housing in temporary structures, including, but not limited to, Emergency Sleeping Cabins consistent with the requirements of subdivision (h) of California Government Code Section 8698.3 that are reserved for homeless persons and families, together with community support facilities, including, but not limited to, showers and bathrooms adequate to serve the anticipated number of residents all of which shall be located on property leased or owned by the City. An Emergency Bridge Housing Community shall include supportive and self-sufficiency development services, have the ultimate goal of moving homeless persons to permanent housing as quickly as reasonably possible, and limit rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons.

California Building Code 8698.3 and 8698.4 were cited as relevant to the temporary housing definition (ranging from RV community safe parking sites to housing with modular buildings on temporary foundations).

2. Alternative Treatment Systems pertain to the communication of available off-site alternative compliance.

As currently written, the Permit requires developers to assess if there are opportunities for *alternative compliance instead of alternative treatment systems*. Would there be an interest from countywide stormwater programs or Permittees in submitting a list of opportunities with the Annual Report annually?

Program managers objected to Permittees having to prepare and/or submit a regional report, a technical infeasibility, and a list of potential sites that developers or other Permittees can use. Having a list of potential sites within one municipal jurisdiction might be possible; however, having a county-wide

or regional-wide list is impossible. A municipality will have to figure out how much of their potential alternative compliance projects would be available for developers and how much capacity they want to keep their needs (i.e., capital projects).

After the September 19th BAMSC Development Committee meeting, a discussion occurred regarding who will speak on which topics at the Permit Amendment adoption hearing.

Specific Items Updates

The first part of the October 11th Water Board meeting will be dedicated to hearing SFRWQCB staff presentations, Permittees' testimonials, and Board members' deliberation to adopt the Permit amendment. The latter part will be devoted to hearing Water Board staff on the water quality monitoring progress status and the Permittees' presentations on the regional monitoring costs.

Several provisions of the MRP 3.0 contained new and costly water quality monitoring requirements for Permittees to implement. Recent correspondences and comments released by the Water Board staff indicated a likelihood that additional monitoring efforts could be foreseen. Other countywide stormwater programs have similar concerns as ours.

On September 14, 2023, CCCWP Interim Program Manager and consultant attended a coordination meeting with other countywide program managers to strategize on the topics to present during the 20-minute BAMSC presentation and what information to share with Board members. The selected main topics of our regional presentation are:

1. Successes, challenges, and ramifications of Year One monitoring requirements (Chris Sommers)
2. Likely Technical Challenges and Potential Infeasibility of Implementing Monitoring Requirements (Lisa Austin)
3. Substantial Increases in Monitoring Costs (Reid Bogert and Rinta Perkins)

A second regional coordination meeting is scheduled to review presentations and testimonials at the October hearing.

Fiscal Impacts:

None.



Date: September 20, 2023

To: Management Committee

From: Nicole Wilson, Consultant

Subject: STORMS Statewide Cost Reporting Policy – Review Draft Comment Letter

Recommendation:

Review and discuss the Draft Comment Letter on the Statewide Cost Reporting Policy. APPROVE the comment letter and AUTHORIZE the Interim Program Management to submit comments on the State Water Board's "[DRAFT] Water Quality Control Policy for Standardized Cost Reporting in Municipal Stormwater Permits" on behalf of the CCCWP and its Permittees.

Background:

In 2018, the California State Auditor's Office (CSA) developed a report titled "State and Regional Water Boards: They Must Do More to Ensure That Local Jurisdiction's Costs to Reduce Storm Water Pollution Are Necessary and Appropriate." Based on CSA's recommendation, the Office of Research, Planning, and Performance (ORPP) published a guidance document for regional board's staff (and the public) to obtain adequate, consistent, and comparable information regarding stormwater management costs related to the Phase I MS4 permit. In 2020, as an extension of the ORPP guidance, the State Water Board tasked their STORMS division to develop a regulatory approach to establish standardized cost reporting requirements for estimating, tracking, and reporting MS4 permit compliance costs. This process was initiated at the State-level despite detailed cost reporting (based on the ORPP guidance) already being initiated and/or required at the Regional-level in multiple Regionwide Phase I permits (e.g., Region 2 (the MRP 3.0 Provision C.20), Region 3 and Region 4).

On August 17th, the State Water Board STORMS unit released the "[DRAFT] Water Quality Control Policy for Standardized Cost Reporting in Municipal Stormwater

Permits” for comment (referred to as the “Draft Policy” henceforth). In anticipation of the release of the Draft Policy, this topic was presented and discussed at the August 16th Management Committee meeting where CCCWP permittees voted to move forward with developing a Comment Letter. At the time, the deadline to submit comments to the State Water Board was anticipated to be September 18th (a 30-day comment period), however, the deadline for comments has now been extended by 15 days, therefore a new schedule is available for consideration (see below). The Draft Policy can be found on Groupsite at the following link: [here](#).

Although Bay Area Permittees just submitted the BAMSC Cost Reporting Framework and Methodology to fulfill the MRP 3.0 Provision C.20 requirement on June 30th of this year (2023), this Draft Policy is likely to impact future iterations of cost reporting requirements for Phase I permittees. As such, the BAMSC Cost Reporting Work Group collaborated on the development of key points, however, each Countywide Program has been responsible for developing their own comment letter.

On August 16, 2023, the Management Committee voted to develop a comment letter. Since then, Program Staff have attended meetings with the BAMSC Cost Reporting Work Group, attended the Public Board Workshop on the Draft Municipal Stormwater Cost Reporting Policy, and developed a comment letter for Management Committee Review. Comments are due to the State Water Board by no later than **12:00 noon on Tuesday, October 3, 2023**.

Overall, the comments provided in the letter reflect concerns with the lack of clarity for the Statewide Cost Reporting Policy as it relates to the relationship between the stated purposes and requested information, a lack of structure and guidance for how costs are to be reported, and recommendations for the long-term use and limitations of the data to be collected. CCCWP comments and recommendations are organized below into 8 high-level comments.

Fiscal Impact:

None at this time.

Attachments:

- [Draft State Cost Reporting Policy](#)
- Draft Comment Letter on the State Cost Reporting Policy



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October 3, 2023

Courtney Tyler
Clerk to the State Water Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Submitted online via email: commentletters@waterboards.ca.gov

Subject: **Comment Letter – Draft Municipal Stormwater Cost Policy**

Dear Ms. Tyler:

The Contra Costa Clean Water Program (hereafter CCCWP) appreciates the opportunity to review and provide comments on the State Water Resources Control Board's (State Water Board's) *Draft Water Quality Control Policy for Standardized Cost Reporting in Municipal Separate Storm Sewer System (MS4) Permits* (Draft Municipal Stormwater Cost Policy or Draft Policy) as well as the Draft Municipal Stormwater Cost Policy Staff Report (Draft Staff Report) that were distributed on August 17th, 2023. These comments are being submitted on behalf of the twenty-one public agencies comprising CCCWP, which consists of the nineteen incorporated cities and towns, unincorporated Contra Costa County, and the Contra Costa County Flood Control and Water Conservation district.

As many are aware, the development of a cost reporting framework is not new. Prior to the development of the Draft Policy, the State Water Board's Office of Research, Planning, and Performance (ORPP) and the State Water Board's Division of Water Quality (DWQ) collaborated to develop the *Guidance for Obtaining Phase I Municipal Separate Storm Sewer System (MS4) Permit Compliance Costs* (ORPP Guidance) in August 2020. Since the development of the ORPP Guidance, cost reporting requirements consistent with the Guidance have been incorporated into the following Phase I Permits and is currently being implemented by almost 180 Permittees: San Francisco Bay (Region 2), Central Coast (Region 3) and Los Angeles (Region 4). Throughout FY 2022-23, the CCCWP participated in a multi-agency process to develop a Cost Reporting Framework and Guidance Manual that was conditionally approved by the San Francisco Regional Water Quality Control Board in August 2023. The Cost Reporting Framework and Guidance Manual were developed to be consistent with the cost reporting requirements and underlying ORPP Guidance as defined in the San Francisco Bay Area Municipal Regional Permit (NPDES Permit No. CAS612008, Order No. R2-2022-018). Through this process, the CCCWP has become deeply familiar with the complexities required to develop guidance and strive for consistency within a Cost Reporting Framework. Through our experience, we feel there are valuable lessons learned that the State Water Board should consider during the next stages of revision and ultimate adoption of the Policy. These lessons are included throughout our comments below.

The CCCWP understands and acknowledges that the intent of the Draft Municipal Stormwater Cost Policy is to standardize the method in which municipal separate storm sewer system (MS4) permittees (Permittees) are required to estimate, track, and report annual expenditures related to MS4 permit

255 Glacier Drive, Martinez, CA 94553-4825 • Tel: (925) 313-2360 Fax: (925) 313-2301 • Website: www.cccleanwater.org

Program Participants: Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek, Contra Costa County and Contra Costa County Flood Control & Water Conservation District

Comment Letter on State Water Board Draft Municipal Stormwater Cost Policy

implementation. However, after careful review and consideration, the CCCWP has several concerns with the lack of clarity as it relates to the timeline of adoption and implementation, the relationship between the stated purposes and requested information, the structure and guidance for how costs are to be reported, and the long-term use and limitations of the data to be collected. Our comments and recommendations are organized below into 9 high-level comments.

Comment #1: The proposed timeline for adoption and implementation of the Draft Municipal Stormwater Cost Policy should allow appropriate time for review and revision.

CCCWPs understands that the Strategy to Optimize Resource Management of Stormwater (STORMS) staff have two parallel processes that are underway that will be used to inform the development and final adoption of the proposed Policy:

- Beta Test - A beta testing process for Permittees to assess and report out the ease of use and applicability of the Draft Policy Cost Categories, Subcategories, and Cost Line Items as well as the use of the online reporting platform (referred to as the Cost Submittal Tool). It is understood that the beta testing will be completed by the end of October, with a report to be released in December, 2023.
- Initial Public Review and Comment – A public review and commenting period for the Draft Policy and Draft Staff Report, with comments due October 3, 2023.

It is understood that a revised Draft Policy will be developed based on the information gained from the beta test and the initial public review and comment period and released prior to a public hearing. Given the precedential nature of the Draft Policy and the fact that it will materially impact every Phase I agency in the state, the CCCWP feels strongly that appropriate time and consideration should be taken by the STORMS division to assess and consider the feedback that is to be provided during the initial comment period and through beta testing of the Draft Policy and the Cost Submittal Tool.

Although no written timelines have been made available for the planned adoption and eventual implementation of the Draft Policy, it was verbally noted at the State Water Board's Public Board Workshop¹ that the STORMS division intends for the Draft Policy to be adopted in February 2024 with required reporting to begin in 2025. As far as the CCCWP is aware, the current timeline for adoption and implementation is estimated to be the following:

Date	Description
October 3, 2023	Comments Due from Initial Public Review and Comment Period
October 30, 2023	End of Draft Policy and Cost Submittal Tool Beta Testing
December 2023	Beta Testing Report to be Transmitted
January 2024	Revised Draft Policy to be Transmitted for Second Public Review and Comment Period
February 2024	Adoption Hearing for the Draft Municipal Stormwater Cost Policy
September 2025	First reporting year to require Standardized Cost Reporting

The CCCWP has concerns about the timeline for the items emphasized above in bold. During the development of the Bay Area Cost Reporting Framework and Guidance Manual, the Bay Area

¹ The State Water Board's Public Board Workshop to discuss the Draft Municipal Cost Policy was held on September 7th, 2023, both in person and via webcast.

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Municipal Stormwater (BAMS) Collaborative allowed time for two comment periods and associated revisions which spanned the months of January to June 2023. At a total of 6 months, the comment and review period for the Bay Area Cost Reporting Framework and Guidance Manual allowed for adequate time for the 79 Bay Area Permittees to review and provide comments. Likewise, given the impact this Policy will have on municipalities across the State, the CCCWP would like to suggest that the State Water Board reconsider the anticipated adoption timeline to allow enough time for thorough review and consideration of the feedback that is to be provided during the initial comment period and beta testing of the Draft Policy and Cost Submittal Tool. We feel strongly that the current anticipated timeline for adoption does not allow for enough time to make the necessary revisions to the Draft Policy. Furthermore, given the statewide impact of this Policy, an additional, second public review and comment period would be appropriate.

CCCWP Recommendation

- Delay the timeline for the Draft Policy Adoption and Implementation to allow either six months or a second public review and comment period.

Comment #2: The data collected should be aligned with the statements of purpose in the Municipal Stormwater Cost Policy.

The stated purpose of the Draft Policy in Section 1 is to ensure that “municipal separate storm sewer system (MS4) permittees (Permittees) in California estimate, track, and report annual expenditures related to the implementation of MS4 permits in a consistent manner.” However, the Draft Policy deviates from this stated purpose by requiring Phase I municipalities to provide more than cost data as part of their Annual Reporting.

For instance, Section 5.3 of the Draft Policy requires that each Phase I Permittee provide the following for each structural stormwater BMP² - “...include relevant project details, including location (address and Global Positioning System coordinates), BMP type, BMP surface area, volumetric loading rate, and drainage area with the total project cost of the completed project.”³

Similarly, Section 7.3 of the Draft Policy requires that “Permittees shall include relevant details of street sweeping, including area swept, type of sweepers, and volume of debris collected.”

In addition, the Draft Staff Report states (emphasis added): “There are some routine activities that are part of municipal operations that permittees may perform regularly, e.g., street sweeping and storm drain cleaning; and these activities are also required in many MS4 permits.... if permittees report street sweeping costs, **additional information regarding the street sweeping program will be required**. Such information may include but not be limited to area swept, type of sweepers, and volume of debris collected.”⁴

² Draft Staff Report defines structural stormwater BMPs as Bioretention; Constructed Wetland; Dry Pond; Dry Well; Infiltration Basin; Infiltration Trench; Media Filters; Pervious Pavement; Vegetated Swale; and Wet Pond.

³ The Draft Staff Report states (emphasis added) “To supplement the cost information for stormwater BMPs (reported under 4b in the Table 13), Phase I MS4 Permittees should report construction costs for following structural stormwater BMPs...”, pgs 39-40.

⁴ Draft Staff Report, pg 44.

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Not only do these identified sections deviate from the draft Cost Reporting Policy's purpose but also present potential conflicts with existing stormwater permit reporting obligations. They introduce non-cost-related reporting demands without elucidating the benefits they provide to the Board, the Permittees, or their potential utilization as outlined in the draft Staff Report.

CCCWP Recommendation:

- *Delete Sections 5.3 and 7.3 from the Draft Policy*
- *Delete the corresponding section(s) from the Draft Staff Report*

Comment #3: The Draft Policy should include guidance to the Permittees regarding what types of costs should be reported and how they should be reported amongst the designated Cost Categories.

The "Purpose" section of Draft Policy states that [emphasis added] "...[the] Policy describes the cost categories that Phase I MS4 Permittees and Traditional Phase II Permittees shall use to track their Permit implementation costs, **including best practices for cost accounting**" (Section 1.2).

Although some general guidance is provided in both the Draft Policy and the Draft Staff Report about what is meant by each of the Cost Category titles, the current versions of the draft documents do not provide the much needed, robust cost reporting guidance regarding what types of costs should be considered for each of the Cost Categories and Cost Types, which will have the unintended consequence of inconsistent cost reporting. If consistent cost reporting, to the extent that this is achievable, is desired by the State Water Board, then clear guidance should be provided to the Permittees prior to the adoption of the Policy.

Fortunately, the robust draft guidance document (the Guidance Manual) and an accompanying cost reporting tool (the Framework) that was recently developed by the BAMS Collaborative is available to inform a similar document for the State Water Board. The CCCWP significantly contributed to this work effort and we wish to emphasize the value Bay Area Permittees have placed on the supporting Guidance Manual. It is an extensive 50-page stand-alone document that was developed with input from consultants and Permittees to help Permittees understand which costs are required, how to report each cost and to preemptively attempt to tease out complex accounting costs that might fall into multiple Cost Categories (e.g., projects and associated costs that span both New Development/Redevelopment and Construction permit provisions), thus allowing the process to be more consistent across agencies. Though cost classifications differ between the BAMSC Framework and Guidance Manual and the State Board's Draft Municipal Stormwater Cost Policy (**see comments 3, 4**) we believe there is value in identifying this resource as a starting point for STORMS staff when revising the Draft Policy.

Lastly, the CCCWP does not believe that it is the intent of the Draft Policy to suggest "best practices" for municipal cost accounting and, instead, believes that this was intended to reference guidance that would be used by the municipalities when completing the cost reporting tables.

CCCWP Recommendations:

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- *Modify Section 1.2 to read “The Draft Policy describes the cost categories that Phase I MS4 Permittees and Traditional Phase II Permittees shall use to track their Permit implementation costs, ~~including best practices for cost accounting.~~” [note: this sentence may be better placed in a section other than “Purpose”]*
- *Review the Bay Area Cost Reporting Guidance Manual and accompanying Framework Tool developed by the Bay Area Municipal Stormwater (BAMS) Collaborative (dated June 2023) and develop similar guidance for public review prior to the finalization and adoption of the Draft Policy.*

Comment #4. The Cost Categories for Permittees should provide flexibility such that there are only primary categories (not sub-categories) required for each major program area/permit provision and should be consistent.

The Draft Policy currently requires that every Phase I municipality in the State report annual expenditures based on a prescriptive set of Cost Categories and Sub-categories that are not consistent with the Phase I permits.

The ORPP Guidance appropriately noted and accounted for the necessary differences amongst the Phase I municipal permits and included the Cost Categories as “suggested”, to be applied as they pertain to each of the permits. The following language from the ORPP guidance allows for the necessary flexibility that is being requested:

- “This guidance is necessarily general”⁵;
- “Standardized, statewide guidance on select Minimum Control Measures does not exist”;
- “There are appropriate grounds for differences among municipal storm water permits”; and
- “While the guidance is specific where possible, particularly for issues common to many municipalities, the categories cannot account for every community-specific situation and remain broadly usable for MS4 permits across the state.”⁶.

However, the Draft Policy does not recognize the need for and allow the same flexibility and, instead states that [emphasis added] “Phase I MS4 Permittees covered by a Phase I MS4 Permit **shall report** all expenditures incurred while implementing Permit-required activities **using all cost categories described below**. Permittees **shall further itemize expenditures using various sub-categories** as shown in Table 1.”⁷

Although the primary categories identified within Draft Policy are largely the same as the ORPP Guidance and similar to what many municipalities are currently reporting, the Draft Policy should not require reporting at a sub-category level. Sub-categories deviate significantly from both ORPP Guidance language and standard permit language and significantly complicate the cost reporting effort, with no commensurate or identified benefit within either the Policy or the

⁵ ORPP Guidance, pg 2.

⁶ ORPP Guidance, pg 3.

⁷ Draft Policy, pg.5.

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Draft Staff Report. Instead, the Policy should be reviewed in the future, after it has been fully implemented for several years to determine if any modifications should be made and/or if any sub-categories are warranted in order to achieve the Policy's purpose (**also see Comment #1**).

CCCWP Recommendations:

- *Modify Section 5.1 as follows: "Phase I MS4 Permittees covered by a Phase I MS4 Permit shall report all municipal agency-related expenditures incurred while implementing Permit-required activities using the applicable ~~all~~ cost categories described below and as ~~Permittees shall further itemize expenditures using various sub-categories as shown in Table 1.~~*
- *Modify Table 1 as follows: a) "Table 1: List of standardized categories ~~and sub-categories~~ for reporting cost of Phase I implementation"; b) delete the Sub-categories column.*

Comment #5. The cost "Line Items" or "types" should be simplified, clarified, and consistent.

In its current form, the Draft Policy requires that municipalities report the annual expenditures based on a prescriptive set of cost line items without any guidance as to what expenditures are to be included in each line item or identifying which line item(s) apply to which primary Cost Categories.

Although the cost "Line Items" or "Types" described in Section 5.2 of the Draft Policy are largely the same as the ORPP Guidance, it is unclear

- a. What expenditures are intended to be reported within each cost line item; and
- b. Which line items apply to which Cost Categories (Section 5.1).

Neither the Draft Policy nor the Draft Staff Report provide guidance as to what types of costs should be included in each of the line items, when the expenditures should be included if a project or line item is implemented over multiple years, how expenditures should be calculated when the activity is a part of a larger project, and how expenditures to regional programs are accounted for. For example, it is unclear what should be reported for the following and/or how the categories are different:

- Staff wages, salaries, benefits – can a fully loaded hourly rate be used such that this line item would be combined with item 5.2.g (indirect costs)?
- New infrastructure/retrofit – what types of projects/costs are intended to be included for this category?
- Indirect costs – what are the types of indirect costs that would be considered for all of the Cost Categories?

Regarding the applicability of the Cost Types to the various Cost Categories, the Draft Policy does not provide any guidance and, instead, indicates that every agency should figure this out on their own. The Draft Bay Area Cost Reporting Guidance Workbook and Manual for Region 2 (**see comment #2**) should be used as a model and provided as guidance to the Phase I permittees.

CCCWP Recommendations:

- *Require the total expenditures by Cost Category by Cost Line Item / Type as Optional*

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- *Modify Section 5.2 as follows “Phase I MS4 Permittees ~~may~~ shall track and report all expenditures in each cost category using the following line items:”*
- *Align the Cost Line Items in Section 5.2 with the Cost Categories from the ORPP Guidance, which are more intuitive and align with the range of costs incurred by municipal programs:*
 - *Personnel & Overhead*
 - *Combine Personnel and Overhead costs for agency staff into one line item (providing overhead values is not attainable and provides no known benefit to the State Water Board or insight into the implementation of the stormwater program)*
 - *External Professional / Other*
 - *Capital*
 - *Planning, Design, Permitting, Construction*
 - *Land Acquisition*
 - *Operation and Maintenance*
- *Provide guidance regarding the types of expenditures that should be included for each cost line item / type*
- *Identify which Cost Line Item / Type applies to which Cost Category*

Comment #6. The Draft Policy should explicitly recognize the inherent limitations associated with the compilation and interpretation of Cost Reporting data even if consistent categories are used.

The Draft Policy and Draft Staff Report do not identify the inherent limitations and complexities associated with the compilation and interpretation of cost reporting data, especially when there is a mix of specific accounting values as well as estimations of percentages of expenditures⁸.

The ORPP Guidance recognizes some of the limitations associated with the compilation and interpretation of cost reporting data. Since the Draft Policy is intended to be used as the standardized method for cost reporting throughout the State, we feel that the Policy should include a similar acknowledgement of these complexities. For reference, the ORPP Guidance states the following (in part)⁹:

- *Storm water pollution reduction measures and their costs are difficult to standardize.*
 - *Minimum Control Measures reflect slightly differing requirements defined historically in individual Regional permits. Standardized, statewide guidance on select Minimum Control Measures does not exist.*
 - *There are appropriate grounds for differences among municipal storm water permits. What is practicable and prudent in one community may not work in other communities due to differences in population, hydrology, pollution sources, water uses, and municipal infrastructure, among other things.*
 - *There are various implementation approaches (in-house implementation versus sub-contracted or regional programs) and methods for tracking costs (asset and*

⁸ Draft Policy, Section 7.3, pg 9.

⁹ ORPP Guidance, Limitations and Warnings, pg 2.

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information data management system functionality and scope). Consequently, analysis of cost data supplied by permittees is complex and is not covered here.

- *Permittees may consider additional storm water-related costs than this guidance does. For example, some storm water control measures may be integrated into multi-benefit projects serving many objectives (e.g., a public park whose mowing maintenance schedule is designed to maximize storm water retention).*

Additionally, when the BAMS Collaborative developed the draft guidance manual and cost reporting tool pursuant to the Region 2 Cost Reporting requirements (C.20), the inherent limitations associated with the compilation and interpretation of the data were discussed and summarized in Appendix A of the Guidance Manual.

CCCWP Recommendations:

- *Modify the title of Section 4 to “Compilation and Use of Standardized Cost Data”*
- *Using the BAMSC Cost Reporting Guidance Manual as a model, add a Limitations subsection to Section 4, which may include, but not be limited to, the following items:*
 - *The cost reporting values are compiled from multiple, internal sources and different cost accounting programs and methods, and attempt to separate out duties and time that staff spend complying with the numerous requirements in the applicable municipal stormwater permit. As a result, the reported values are not auditable from an accounting perspective and may differ from the adopted budgets. However, supporting documentation for the cost reporting data submittals will be made available to the State Water Board and/or Regional Water Board, as needed.*
 - *Given the complexities in compiling the wide range of staff and expenditures associated with the implementation of the stormwater program throughout the Permittees’ jurisdiction and the use of both specific accounting values and estimated percentages based on best professional judgement, the cost reporting values are rounded to the nearest \$1,000.*
 - *Given the diversity of the municipal stormwater Permittee agencies (e.g., size, characteristics, jurisdiction, permit requirements, types of programs implemented, ranges of staff that implement the program elements) as well as the fact that some program costs are one-time costs while others are annual, on-going costs, the values presented for various program areas may or may not be directly comparable.*
 - *Minimum Control Measures in each municipal stormwater permit reflect slightly differing requirements. Standardized Minimum Control Measure requirements do not exist.*
 - *There are inherent differences among municipal storm water permits and programs. What is practicable and prudent in one community may not work in other communities due to differences in population, hydrology, pollution sources, water uses, and municipal infrastructure, among other things.*
 - *There are various implementation approaches (e.g., agency staff versus sub-contractors, regional programs) and methods for tracking and*

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compiling cost reporting data. Consequently, the approach for the analysis of cost data supplied by permittees and potential comparability is complex and is not covered within this Policy.

- *Cost data shall not be used to compare Permittees' performance and assess the efficacy of their municipal stormwater programs¹⁰.*
- *Any comparisons between permittees would need to take numerous considerations into account such as the specific permit requirements, type of staff involved in the implementation, local socio-economic conditions, other challenges, etc.¹¹*

Comment #7. The Draft Policy should not prescribe when the cost reporting information should be submitted and should allow additional time for the duplicate entry into the Cost Survey Tool.

Section 8.1 of the Draft Policy states "Each Permittee shall document and submit total MS4 Permit-related expenditures annually by September 30". It is unclear why the State Water Board is requiring this information by September 30 instead of simply requiring that the cost reporting information be submitted with the rest of the Annual Report, of which each Permit include specific reporting dates.

Additionally, since the State Water Board is requesting that the Permittees enter in the cost reporting data electronically into the Cost Survey Tool, additional time should be provided to allow for the duplicate submittal of this information. Most Phase I Permittees have an Annual Report submittal date of September 30th of each year. The Draft Policy should allow for more time after the submittal of the Annual Report so that the Permittees can prioritize the completion and submittal of the Annual Report before submitting information to the Cost Survey Tool.

CCCWP Recommendations:

- *Modify Section 7.1 to require that the Cost Reporting information be submitted as a part of the Annual Reporting requirements as specified in the applicable stormwater permit.*
 - *Permittees shall track all municipal agency-related expenditures directly related to Permit implementation activities (consistent with the applicable Permit) for each fiscal year beginning July 1 and ending June 30.*
- *Modify Section 8.1 to require that the Cost Reporting information be submitted as a part of the Annual Reporting requirements as specified in the applicable stormwater permit.*
 - *Each Permittee shall document and submit the municipal agency total MS4 Permit-related expenditures as a part of the Annual Report (consistent with the applicable Permit) and electronically into the Cost Survey Tool within 30 days after the submittal of the Annual Report annually by September 30. The submission shall contain expenditure information from the previously concluded fiscal year, beginning July 1 and ending June 30.*

Comment #8. The Draft Policy should not require the submittal of detailed costs associated with the sources of funds used to implement the permit activities.

¹⁰ Draft Staff Report, Section 8 Use of Standardized Cost Data, pg 48.

¹¹ Draft Staff Report, Section 8 Use of Standardized Cost Data, pg 48.

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The Draft Policy requires, for the first time, that stormwater programs not only report the sources of funds narratively, but also to identify the specific amount for each fund source. To this end, the Draft Policy states the following:

- *Section 7.5 Permittees shall track portions of Permit-implementation costs recuperated by a cost recovery program (e.g., one time or recurring fees).*
- *Section 7.6 Permittees shall track the sources of funds and amounts associated with each source to implement their MS4 permits.*

While some Phase I Permittees track the general types of sources of funds to implement the stormwater program, few, if any programs actively track and/or have access to the total amounts provided by each source of funds on an annual basis.

Since it is unclear how this data meets the Policy's purpose and/or what management decisions will be made based on the data that is generated from this requirement, it is recommended that this language be modified so that a narrative can be provided instead of dollar amounts.

CCCWP Recommendations:

- *Delete Section 7.5 and 7.6 and modify Section 8.2 as follows:*
 - *Each Permittee shall identify ~~report~~ the types of sources of funds used to implement its MS4 permit.*
- *Modify the Draft Policy to include the options that Permittees can select from when identifying the types of sources of funds so that the information is normalized and consistent across submittals. Categories may include, but are not limited to:*
 - *Primary Sources*
 - *General Fund*
 - *Property Related Fee / Tax*
 - *Stormwater Utility*
 - *Regulatory Fee(s) (e.g., Inspections, Development Reviews)*
 - *IDDE Cost Recovery*
 - *Grants/ Loans*
 - *Secondary Sources*
 - *Sales Tax*
 - *Vehicle Registration / License Fees*
 - *Solid Waste Fees*
 - *Gas Tax*
 - *Utility Tax / Charge*
 - *Special District Fund*

Comment #9. The Draft Policy should allow current permits with Cost Reporting requirements pursuant to the ORPP Guidance to continue to report consistent with the applicable permit instead of requiring a new format and terminology.

Since the development of the ORPP Guidance, cost reporting requirements consistent with the Guidance have been incorporated into the following Phase I Permits and is currently being implemented by almost 180 Permittees:

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Region	Order No.	# Permittees	Adoption Date
Central Coast (R3)	R3-2019-0073	1	September 20, 2019
Los Angeles (R4)	R4-2021-0105	99	July 23, 2021
San Francisco Bay (R2)	R2-2022-0018	79	May 11, 2022
Total		179	

Although the ORPP Guidance notes that “it does not set Board Policy”¹², “it is not binding”, and it did not undergo a formal public review and commenting process, the guidance contained therein, was, nonetheless, subsequently incorporated as specific permit cost reporting requirements. To this end, the Fact Sheet rationale for the Region 2 permit noted the following:

- **R2-2022-0018**
 - *“ORPP’s guidance describes methods for obtaining information on compliance approaches and associated costs and for completing an independent analysis of costs. The guidance promotes greater consistence and transparency related to estimation of costs to implement TMDLs...The Permit specifies expectations for cost reporting in Provision C.20, Cost Reporting, which is intended to improve the Board’s understanding of Permittee costs to comply with the Permit. The Water Board hopes that in conjunction with ORPP’s guidance and the EFC’s resources, Provision C.20 will provide valuable cost information that will improve the Water Boards’ consideration of economic factors in issuing future permits. (Attachment A, pg A-18)*
 - *“The cost reporting categories were developed considering the ORPP guidance, as well as the cost reporting requirements of the City of Salinas MS4 Permit and the Regional MS4 Permit for Los Angeles and Ventura Counties.” (Attachment A, pg 343)*

Commented [EY1]: Note to Reader: Typo is consistent with the Fact Sheet text.

Region 2’s cost reporting requirements are, for all practical purposes, consistent with the ORPP Guidance as well as with Region 3 and 4’s cost requirements. Thus, the ORPP Guidance has become permit requirements for almost 180 Permittees and has set the tone for the consistency that has been desired by the State Water Board. In addition, the Draft Fact Sheet does not identify why the ORPP Guidance and current permit requirements are inadequate such that they need to be modified and/or what the benefits of modifying them are.

CCCWP Recommendations:

- *The Draft Policy should recognize that the cost reporting permit requirements in Region 2 are substantially equivalent to the approach in the Draft Policy such that they do not need to be modified.*

Thank you for your consideration and we look forward to hearing from you. If you have any questions, please contact me at rinta.perkins@pw.cccounty.us.

¹² ORPP Guidance, pg 1

Comment Letter on State Water Board Draft Municipal Stormwater Cost Policy

Sincerely,

Rinta Perkins
Interim Program Manager
Contra Costa Clean Water Program

cc: Jonathan Bishop, State Water Resources Control Board
Karen Mogus, State Water Resources Control Board
Amanda Magee, State Water Resources Control Board
CCCWP Permittees

DRAFT

Management Committee: Agenda Topics for FY 23/24: Q2

Date	Action	Key MRP Agenda Topics	Lead
18-Oct-23	Presentation	Report on CASQA accomplishments for FY 22/23 (annual report)	Karen Cowan
18-Oct-23	Presentation	Discretionary Budget Management: Example Application of Budget for AGOL Permittee Technical Support	Lisa W.
18-Oct-23	Presentation	Resubmittal of the Old Industrial Control Measures Plan	Lisa W.
18-Oct-23	Approve	Resubmittal of the Old Industrial Control Measures Plan	Lisa W.
18-Oct-23	Approve	Authorize CWP representative on CASQA to vote in the election for Board of Directors	Andrea
18-Oct-23	Information	Alternative Compliance System status report	Liz/A. Booth
18-Oct-23	Information	Update on C.6 Training - Collaboration with ACCWP	Erin
15-Nov-23	Presentation	End of year budget report for FY 22/23	Andrea
15-Nov-23	Presentation	Budget Status Updates	Rinta/Andrea
15-Nov-23	Presentation	Draft adjusted budget for FY 23/24 (adjusted for first six months of fiscal year)	Rinta
15-Nov-23	Presentation	Report on process to develop FY 24/25 budget	Rinta
15-Nov-23	Approve	Conditional Approval: C.3 GI Design Guidelines	Erin/Rachel
15-Nov-23	Information	Status of the C.3 Guidebook	Erin/Yvana
15-Nov-23	Information	Quarterly status report on grant opportunities	Sandy
15-Nov-23	Information	Funding Options Update - Quarterly	Rinta
20-Dec-23	Presentation	Status report on the Regional Monitoring Plan (Jay Davis offered to do this annually in November)	SFEI
20-Dec-23	Presentation	Final adjusted budget for FY 23/24	Rinta/Andrea
20-Dec-23	Presentation	Review the Ninth edition of the C.3. Guidebook	Erin/Yvana
20-Dec-23	Presentation	Review policy assumptions to develop the FY 24/25 budget	Rinta/Liz
20-Dec-23	Approve	Ninth edition of the C.3 Guidebook	Erin/Yvana
20-Dec-23	Approve	Approve policy assumptions to develop the FY 24/25 budget	Rinta/Liz
20-Dec-23	Approve	Final adjusted budget for FY 23/24	Rinta/Andrea
20-Dec-23	Information	Hybrid meeting technology and zoom status	Rinta
17-Jan-24	Presentation	Alternative Compliance System status report	Liz
17-Jan-24	Presentation	Update on Strategic Staffing Plan	Rinta
17-Jan-24	Review	Review First Draft of the FY 24/25 budget	Rinta
17-Jan-24	Update	Progress on Annual Report Forms and CCCWP Comments	Liz/Sandy
17-Jan-24	Information	Request permittees submit documentation of # of PCBs in Building Demo applicable structures	Geosyntec
17-Jan-24	Information	SUA ERU Certifications Announcement	Rinta



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: September 20, 2023

To: Management Committee

From: Rinta Perkins, Interim Program Manager
Amanda Booth, City of San Pablo

Subject: Legislative Update: ACA 1 (Aguiar – Curry) Local Government
Financing: Affordable Housing and Public Infrastructure and ACA 13
(Ward) Majority Vote Protection Act

Recommendation:

Receive an update on the Assembly Constitutional Amendment (ACA) 1 and 13, which would empower local communities to address their critical housing and infrastructure needs.

Background:

The California Constitution currently requires a two-thirds vote at the local level for both general obligation bonds and special taxes, which serve as vital financial tools for local governments, regardless of the intended use of the funds by cities, counties, or special districts in service of their residents. However, local school districts can seek approval for bonded indebtedness with only a 55% vote threshold for the construction, reconstruction, rehabilitation, or replacement of schools.

The California Stormwater Quality Association (CASQA) wrote a comment letter in support of ACA 1 and requested an amendment to ACA 1 to clarify that stormwater management is a protected service alongside sewer, water, and refuse collection when it comes to Voter Approval for New or Increased Fee Charges. This was passed as a legislative fix in 2017 (SB 231, Hertzberg); however, ongoing litigation has determined that it must go before voters via Constitutional Amendment in order for it to take effect and for communities to receive the benefit.

ACA 1

ACA 1, which was introduced by Assembly Member Cecilia Aguiar-Curry and co-authored by 50 other legislators, is a resolution that proposes to amend the Constitution of California to lower the voter approval threshold for cities, counties, and special districts for voter approval thresholds already granted to school districts. If passed, ACA 1 will lower the voter approval threshold from a two-thirds

supermajority to 55% to approve local general obligation (G.O.) bonds and special taxes for affordable housing and public infrastructure projects. ACA 1 is targeted to the urgent needs facing local communities. Among other critical projects, this measure gives local governments a more realistic financing option to fund stormwater capture and urban flood prevention projects to address the fiscal challenge that cities, counties, and special districts are facing in constructing projects.

As identified by the California Water Supply Strategy, most stormwater capture and urban flood projects in California lack dedicated funding. While stormwater management is one of the most important ways we can protect our local waterbodies while increasing valuable water supplies, stormwater capture remains one of the most chronically underfunded infrastructure needs facing local government today. Proposition 218 is a major impediment to building projects due to the inability to raise revenue for stormwater projects.

ACA 13:

ACA 13, which was introduced by Assembly Member Chris Ward (D), is known as the Majority Vote Protection Act. It is a legislative proposal in California that aims to amend the state constitution with the purpose of protecting local control in communities throughout California by preserving the majority vote and preventing a smaller percentage of statewide voters from overruling the actions of local voters.

This means that any ballot initiative that increases voter approval thresholds would also need to be approved at that same high level. For instance, if a future ballot measure proposed to increase the vote threshold required for an initiative is 2/3, it would need to pass by that same margin (also 2/3). However, it is important to note that ACA 13 would only apply to future ballot measures and would affect thresholds already in effect.

Current Updates:

ACA 1 was passed by the Assembly on September 6 and the Senate (29-10) on September 14, 2023. ACA 13 passed the Senate (28-9) on September 14. As for the next step, ACA 1 and ACA 13 will go to voters at the November 2024 Election.

CCCWP Staff and Consultants are monitoring the status of ACA 1 and ACA 13 as it will potentially impact the CCCWP future funding initiative.

Fiscal Impact:

None

Attachments:

None.