



CONTRA COSTA
CLEAN WATER
PROGRAM

CONTRA COSTA CLEAN WATER PROGRAM

Development Committee

March 11, 2009 Meeting Minutes

Attendance:

MUNICIPALITY

City of Antioch

City of Clayton

City of Concord

Town of Danville

City of El Cerrito

City of Hercules

City of Lafayette

City of Martinez

Town of Moraga

City of Oakley

City of Orinda

City of Pinole

Contra Costa County

Non-Voting Members

City of Brentwood

City of Pittsburg

City of Pleasant Hill

City of Richmond

City of San Pablo

City of San Ramon

City of Walnut Creek

Program Staff:

ATTENDED

Phil Hoffmeister

Laura Hoffmeister

Libbey Bell (**Vice Chairperson**)

Chris McCann

Saied Aminian

Jeff Brown

Christine Sinnette

Khalil Yowakim

John Sherbert

Frank Kennedy

Cathleen Terentieff

Nancy Voisey

Monish Sen for David Swartz

ABSENT

Jeff Cowling

Rod Wui

Karineh Samkian

Tom Dalziel

Dan Cloak (Consultant)

Elisa Wilfong

Introductions, Announcements, and Changes to Agenda

Libbey Bell called the meeting to order. Tom Dalziel announced a March 17 luncheon in honor of Donald Freitas, who is retiring March 31.

Consent Calendar

A. Approve the February 11, 2010 Development Committee Minutes

No changes to the minutes were offered. Christine Sinnette moved to approve the minutes, and Cathleen Terentieff seconded. There were no objections.

Reports/Discussions

A. Stormwater C.3 Update Fact Sheet

Tom noted an error in the January 2010 version of the fact sheet. The implementation date for lower thresholds for C.3 applicability is December 1, 2011, not December 1, 2012. A new version of the fact sheet, dated March 2010, is now posted on the web site. Tom informed Management Committee members via email.

B. Stormwater C.3 Guidebook 5th Edition

[The agenda was reordered, and this item taken up following discussion of Item F.] At Tom Dalziel's request, Dan summarized his March 9, 2010 memo, which had been distributed to the Development Committee ahead of the meeting. Dan posed the two options to the Committee: (1) whether to make initial changes needed for MRP compliance now via addenda and publish a 5th Edition closer to the December 2011 implementation date, or (2) Publish a 5th Edition as soon as possible, incorporating known required changes, explaining future implementation dates, and noting areas where further changes will be forthcoming. Dan recommended the second option.

In discussion, participants noted the following points:

- Projects that will be subject to the MRP are in review now, and it would be useful to have all currently known requirements in one place for reference.
- It might be possible to make a 4th Edition more of a "living document" with changes made in real time and applicants referred to the website for the most current information.
- It would be useful to have a redlined version or other way to be able to quickly note the changes made from the 4th Edition.

After discussion, on a motion by Lynne Scarpa and seconded by Laura Hoffmeister and with none opposed, the Committee directed that a draft 5th Edition be prepared with the aim of having review and discussion of the draft at the May meeting.

C. HMP Flow Control Monitoring Project

Tom Dalziel reported Program staff continues to look for candidate development projects. The Program's Administrative Committee proposed to offer permittees \$10,000 per development site for sites that are monitored for flow-control performance. The funds are intended to compensate for staff time needed to coordinate monitoring and set-up of monitoring equipment. The Management Committee budgeted \$50,000 for this purpose.

Tom noted two projects that are currently being investigated as potential monitoring sites. The first is the Pittsburg Fire Prevention Bureau Building, which might be completed in time for monitoring during the FY 2010-2011 wet season. The second is the Neroly Road extension in Oakley, scheduled to be out to bid in May.

Tom said ideally IMPs would be monitored at 3-5 development sites, but it would be acceptable to monitor five distinct locations at two development sites.

Frank asked when information will be available regarding construction details needed to accommodate monitoring equipment. Dan said the general requirement will be that the underdrain discharge into a minimum 24" x 36" box. Depending on the equipment selected, the box may need to extend 12" below the elevation of the underdrain discharge/orifice plate.

Carlton noted a potential monitoring project in Walnut Creek—street reconstruction on North San Carlos Drive. Construction is planned to start in June, but will not include IMPs, which will be incorporated when and if approved Proposition 84 funds become available. There is one cistern, one bioretention area, and one long swale designed to treat runoff from a parking area.

D. Model Construction Site Inspection List

Tom suggested discussion of this item be combined with Reports and Discussion Item F., (planning for the March 18, 2010 Construction-Site Stormwater Quality Workshop).

With Libbey's concurrence, Tom distributed copies of the San Mateo Countywide Water Pollution Prevention Program's "Construction Site Inspection Report" form along with the draft agenda for the Workshop. Tom reviewed the agenda and noted the fee for private attendees covers most workshop costs. He suggested that the San Mateo form be presented at the workshop as an example. Then it can be brought back for discussion and revision by the Development Committee at a future meeting. Chris McCann and Lynne Scarpa suggested Tom ask for input on the form from workshop attendees. Tom noted there will be 130 attendees, and the workshop agenda is tight; however, there should be a way to invite comment on the form. Chris said the form should be watermarked "draft" to emphasize it is for comment, not for use. Laura Hoffmeister said we should also make sure that the form facilitates preparation of annual reports. Tom noted that EOA had designed the form to facilitate the tabular reporting mandated by the MRP.

Lynne Scarpa noted Richmond lost an inspector position, so she is now responding to complaints such as a report of sediment being tracked offsite.

Libbey asked whether it is possible to adapt the form so it can be completed on a laptop in the field rather than on paper. Carlton noted it is efficient to complete an inspection form on a laptop, publish it to .pdf and then email it to the site superintendent. Jeff Brown noted any system needs to accommodate computer-using and non-computer-using inspectors.

Chris noted feedback from a Danville inspector that it is burdensome to have a separate form only about stormwater, rather than having an integrated form to note all conditions needing correction.

After further discussion, the consensus was to adapt San Mateo's checklist to better emphasize whether control measures are effective. Tom assigned Dan Cloak to prepare a revised version for the Development Committee to review at the April 8 meeting, including consideration of how the form could be adapted for or used on a computer.

E. Model Enforcement Response Plan (ERP)

Elisa Wilfong distributed copies of the latest draft. She noted this will need to go to the Management Committee on Wednesday (17th) for approval if the permit submittal deadline of April 1, 2010 is to be met. In response to a question from Laura Hoffmeister, Elisa said the contents of the draft ERP were compiled from a number of sources and aim to address requirements in Provisions C.4 (Industrial/Commercial Inspections) and C.5 (Illicit Discharge Prevention and Elimination) as well as in C.6 (Construction Inspections).

Comments from the participants included the following:

- Make the definitions of "stop work order" consistent between the inspection form and ERP.
- Reference "inspector" rather than "building inspectors" as most construction site stormwater inspections are not conducted by building inspectors.
- Indicate clearly the portions of the model ERP that need to be filled in or tailored by local staff.
- Be more specific about municipalities' role in assisting with implementation of statewide stormwater NPDES permits. Cathleen Terentieff noted one way to do this is to send Water Board staff copies of letters or other correspondence related to enforcement actions.
- Note the specific NRP sections this implements.
- Incorporate the "10 days or before the next rain event" schedule for correction into the flow chart.

Elisa indicated she will ask the Management Committee for approval pending legal review, with those revisions to be made by the end of the month. She noted the ERP does not have to be submitted to the Water Board unless their staff specifically requests it. Tom emphasized the approval procedure is extraordinary; he wants to have the model ERP in local hands by April 1st. Khalil Yowakim asked if the ERP needed to be adopted through an official action such as a Council resolution; it was confirmed this is not necessary.

G. BASMAA Development Committee Report

Frank, Tom, and Dan, all of whom attended the March 4 BASMAA Development Committee meeting, provided the following information from that meeting:

- Feasibility of Infiltration and Reuse—the BASMAA Committee heard a presentation from Lisa Austin of Geosyntec Consultants, who is assisting Orange County permittees with implementation of a similar provision with an earlier deadline. BASMAA members are tracking the progress of that effort before deciding how to proceed on preparing a Feasibility/Infeasibility Criteria report due to the Water Board on May 1, 2011.
- LID Treatment Reduction Credits for Special Projects—There is ongoing discussion via phone and email among a subgroup of BASMAA Development Committee participants in preparation for a meeting with Water Board staff. Preparation includes gathering descriptions and photos of example projects that should be exempted from the requirement to provide 100% LID treatment. (In response to a request, Tom said he would email the current draft proposal to Program Development Committee members.)
- Model Biotreatment Soil Media Specifications—A roundtable discussion is scheduled for April 14 and will include Water Board staff and the consultants who prepared the Contra Costa specification (Megan Stromberg of WRA, Inc.) and the Alameda specification (Ed Boscacci of BKF).
- Green Roof Minimum Specifications—Following initial discussion by the BASMAA Development Committee, that group accepted Tom’s offer to have Dan Cloak do some initial web searching and prepare a summary of possible responses to the Water Board requirements for minimum specifications to be submitted by May 1, 2011.
- Green Streets Reporting—The BASMAA Development Committee asked that Dan Cloak revise the draft scope for this effort to break down the tasks so they can be budgeted over successive fiscal years. The scope will then be used in a BASMAA consultant selection process to be determined.
- Construction Site Education/Outreach—BASMAA Development Committee members continue to discuss whether to prepare updated model outreach materials.
- Draft Annual Reporting Forms for Provisions C.3 and C.6—a submittal is being prepared in compliance with Provision C.16.b which requires the permittees to collaboratively develop a common annual reporting format by April 1, 2010. The reporting formats for C.3 and C.6 are spelled out in a fair amount of detail in those individual provisions; any changes will be minor.

C.3 Projects and Issues

Monish Sen noted some applicants have been confused by the subsurface volume requirement for flow-control IMPs and have mistakenly believed the volume given by the IMP Sizing Calculator represents a volume of rock rather than the required pore volume. In

addition, some applicants have not shown how they intended to connect the subsurface drain to a storm drain. He suggested a requirement that the applicant provide, in the Stormwater Control Plan, a cross-section showing how the subsurface volume will be provided. This could be added to the Stormwater Control Plan checklist.

Frank Kennedy said he had encountered problems related to applicants showing calculator output but not having prepared a complete Stormwater Control Plan. He suggested the calculator might be modified so the user had to pick a void ratio and show the corresponding volume of rock or other fill.

Carlton Thompson said he has been requiring grading, inlet and outlet elevations, and other information key to the design's feasibility be shown on the Stormwater Control Plan Exhibit.

Items for Next Development Committee Meeting

The following items were identified:

- Progress report on the *Guidebook* 5th Edition
- Update on Enforcement Response Plans
- BASMAA Report
- Post-mortem on the March 18 workshop
- Model Construction Site Inspection Checklist

NEXT NEW DEVELOPMENT & CONSTRUCTION CONTROLS COMMITTEE MEETING:

Thursday, April 8, 2010

9:00 a.m. to Noon

Conference Room "G"

Contra Costa County Public Works Department

255 Glacier Drive

Martinez, CA 94553



CONTRA COSTA
CLEAN WATER
PROGRAM

CONTRA COSTA CLEAN WATER PROGRAM
Management Committee Meeting
March 17, 2010 Minutes

Attendance:

MUNICIPALITY

City of Antioch (**Chairperson**)
City of Brentwood
City of Clayton
City of Concord
Town of Danville
City of El Cerrito
City of Hercules
City of Lafayette
City of Martinez

Town of Moraga
City of Oakley
City of Orinda
City of Pinole
City of Pittsburg
City of Pleasant Hill (**Vice-chairperson**)
City of Richmond
City of San Pablo
City of San Ramon
City of Walnut Creek
Contra Costa County
Contra Costa County Flood Control
& Water Conservation District

ATTENDED

Phil Hoffmeister
Jack Dhaliwal
Laura Hoffmeister
Jeff Roubal
Chris McCann
Garth Schultz
Jeff Brown
Donna Feehan
Alex Stroup
Tim Tucker

Frank Kennedy
Cathy Terentieff

Jolan Longway
Rod Wui
Lynne Scarpa
Adele Ho
Steven Spedowski
Rinta Perkins
David Swartz
Greg Connaughton

ABSENT

Jill Mercurio

Nancy Voisey

OTHERS/GUESTS:

Khalil Abusaba

A Closed Session was held from 1:10 to 1:55 to discuss Program staffing following the retirement of Donald Freitas, Program Manager.

I. **Introductions:** Phil Hoffmeister began the meeting at 2:05 pm.

Elisa Wilfong explained she was seeking to determine the level of interest among co-

permittees to attend a police course (PC 832) in the evenings through the City of Martinez. The completed course would certify municipal employees with the authority to issue citations. Twelve (12) attendees indicated interest.

II. **Consent Calendar:**

- A. February 11, 2010 Development Committee Meeting Minutes
- B. February 17, 2010 Management Committee Meeting Minutes
- C. February 23, 2010 Monitoring Committee Meeting Minutes
- D. February 24, 2010 Public Information/Participation Committee Meeting Minutes
- E. February 25, 2010 Municipal Operations Committee Meeting Minutes
- F. March 2, 2010 Administrative Committee Meeting Minutes

Jeff Roubal moved/David Swartz seconded/ To approve Consent Calendar as submitted. Approved unanimously.

III. **Presentations:**

- A. Urban Creeks Council (UCC) – Mike Vukman reviewed the ten-year history of the Streamside Management Program for Landowners (SMPL).

Jim Chayka spoke about the \$150,000 EPA Grant UCC received. Chayka reminded co-permittees how two (2) grant dollars were available per one (1) homeowner dollar match for design; and one-to-one (1-1) dollars were available for implementation. UCC were working with homeowners and had contracted with a homeowner in Pleasant Hill.

Tim Tucker thanked UCC staff for the years of work they had done in the City of Martinez.

IV. **Actions:**

- A. APPROVE the Administrative Committee's Recommended Fiscal Year 2010/11 Program Budget for a Cost Not to Exceed \$3,188,034 – Donald Freitas noted Tom Dalziel conducted a review of the budget and recommended some color coding changes to be more consistent. This would have no impact on budget figures. Freitas will send the final approved budget out electronically after staff has made all necessary changes.

Freitas reviewed all areas of the budget noting:

- Administrative costs would be stable because staff is capped out;
- PIP detail, projected cost decrease; noted \$58,528 carried over from previous year to meet peripheral, non-C.7 PIP requirements;
- Group Costs Methodology & Allocation called for a total budget of \$2,250,079 to be charged against the municipalities;
- Approximately \$712,237 (1/3) of the approximately 2.4 million dollars in reserve(s) would be used to offset costs in Fiscal Year 2011/12;
- Program expects to spend \$250,000 to \$300,000 on the Prop. 218 measure;
- \$250,000 Prop. 218 reserve for public education moved from PIP to the Prop. 218 budget;
- Overall, the proposed budget is approximately a 25% decrease from FY 2009/10. Freitas strongly recommends the Legal Reserve not be touched since there is still a chance of an appeal on the Municipal Regional Permit (MRP). Some Bay Area Stormwater Management Agencies Association (BASMAA) municipalities were anxious to pursue a lawsuit that the MRP is an unfunded mandate. While the Santa Clara and San Mateo programs are supportive, Freitas recommends against it because he feels it won't get any traction.
- Freitas asked co-permittees for guidance on whether to fund Urban Creeks Council (UCC)'s SMPL Program for \$25,000. After a short discussion, co-permittees mostly agreed not to fund SMPL because it tends to be used by a very few cities, but funded by all cities. Co-permittees urge municipalities who find value in the SMPL program to pursue it on their own.

Laura Hoffmeister moved / Jeff Roubal seconded to not fund the SMPL Program in FY 2010/11. The motion passed with three (3) nays from the municipalities of Pleasant Hill, Danville and Martinez.
- Jamison Crosby explained the Brown and Caldwell (Technical Services) cost increased because they will begin "ramping up" to implement the MRP provisions. She reminded co-permittees any unspent funds would be returned to source.

Freitas distributed a series of charts showing the projected costs to implement only MRP provisions and the collective annual costs to implement the MRP by year. Freitas noted he would send the final MRP Compliance Document when it is finalized.

Dalziel explained the addition of Line Items 7.B.4 and 7.B.5 – \$50,000 and 20,000, respectively, were added to serve as grant incentives to motivate municipalities to volunteer a project that would help all co-permittees meet the Hydrograph Modification Plan (HMP) flow monitoring and Pilot Green Street

MRP requirements. The HMP flow monitoring project must be initiated no later than October 2011. Five (5) HMP locations are needed and two (2) Pilot Green Street projects are needed to comply with MRP requirements. The money will come from reserves.

Laura Hoffmeister moved/Rinta Perkins seconded/To approve the addition of Line Items 7.B.4 and 7.B.5. Approved unanimously.

Crosby commented there was such a large balance remaining in C.8.c and C.8.e from FY 2009/10 because the MRP wasn't effective till December 1, 2009. The approved MRP has less strenuous requirements, reducing the projected expenses for FY 2010/11.

Freitas reviewed the multiple Reserve Summary sheets and provided an estimate that current reserves would largely be depleted by the end of FY 2011/12. Freitas reiterated his recommendation to maintain the Legal Reserve Fund. Mitch Avalon and Dean Allison discussed the possibility of encumbering the unexpended Stormwater Utility Assessments of \$982,335 to offset upcoming MRP compliance cost estimates, which spike in FY 2011/12; at approximately twice the estimated Program compliance costs of FY 2009/10.

Co-permittees elected to push the decision to encumber funds to the April Management Committee meeting to allow time to receive direction from municipal officials. Freitas summarized they had the following four (4) options:

1. Split/apportion the unexpended funds between "return-to-source" and "encumbrance"
2. Return-to-source all funds
3. Encumber all funds
4. Use Prop. 218 funds to underwrite MRP compliance costs

One co-permittee indicated the Program has a history of large unspent balances remaining at the end of the fiscal year, and was not comfortable with the MRP cost estimates. The co-permittee felt too much "padding" was built in.

Laura Hoffmeister moved/Garth Schultz seconded/To push the decision to encumber the FY 2009/10 unexpended funds to the April 21, 2010 Management Committee meeting. Passed unanimously.

Jeff Roubal moved/Rinta Perkins seconded/To approve the proposed FY 2010/11 budget for a cost not to exceed \$3,188,034. Passed unanimously.

Following the budget discussion, Program staff and co-permittees took time to honor Donald Freitas, who will be retiring on March 30, 2010 after thirty (30) years of service. During his nineteen (19) year tenure as the Program Manager, Freitas created and built the Program to its recognized leadership role in the Bay Area and statewide.

- B. APPROVE the Administrative Committee's Recommended Staffing for the Current Organizational Structure, and Recommendation to Call for an Immediate Examination for the Program Manager's Position – Hoffmeister informed Program staff during the Closed Session the co-permittees agreed to appoint the Assistant Program Manager to Interim Program Manager, and to promote the Interim Program Manager as soon as possible. The Management Committee also requested the Interim Program Manager to review and make a recommendation for Program staffing next month. Freitas stated he would draft a letter from the Management Committee directing the County to proceed with the requested appointment and promotion.

The Management Committee decided it would consider Freitas as a consultant to the Program pending submittal of a Scope of Work.

- C. APPROVE the Administrative Committee's Recommendation to Appoint the Assistant Program Manager as the Interim Program Manager Effective March 31, 2010 – Rinta Perkins moved/Steven Spedowfski seconded/To approve the Administrative Committee's recommendation to appoint the Assistant Program Manager as the Interim Program Manager effective March 31, 2010. Passed unanimously.
- D. APPROVE and AUTHORIZE the Program to Negotiate and Execute Contracts for the Following Firms:
1. Fiscal Year 2010/11 with Brown & Caldwell Consultants for Technical Support Services for a Cost Not to Exceed \$140,000 (Jamison Crosby);
 2. Fiscal Year 2010/11 with Dan Cloak Environmental Consulting for C.3 Technical Support Services for a Cost Not to Exceed \$100,000 (Tom Dalziel);
 3. April 1, 2010 through June 30, 2011 with Freitas & Associates for Program Management Support Services for a Cost Not to Exceed \$60,000 (Tom Dalziel);
 4. Fiscal Year 2010/11 with O'Rourke Consulting for Public Education Outreach & Marketing Services for a Cost Not to Exceed \$325,500 (Donald P. Freitas);
 5. Fiscal Year 2010/11 with Kids for the Bay for a Cost Not to Exceed \$32,000 (Donald P. Freitas);
 6. Fiscal Year 2010/11 with Kathy Kramer Consulting for the Native Gardens Tour for a Cost Not to Exceed \$10,000 (Donald P. Freitas);
 7. Fiscal Year 2010/11 with Matt Bolender for a Cost Not to Exceed \$56,000

(Donald P. Freitas); and,

8. Fiscal Year 2010/11 with the Department of Conservation and Development for Volunteer Creek Monitoring for a Cost Not to Exceed \$65,000 (Jamison Crosby).

Laura Hoffmeister moved/Chris McCann seconded/To approve and authorize the Program to execute all contracts but "Item 3." (See Action Item B). Passed unanimously.

- E. APPROVE the Municipal Operations Committee's Recommended Model Enforcement Response Plan (ERP) Pending Legal Review – Elisa Wilfong stated the draft was submitted to the City/County Legal Subcommittee, a group of three (3) City Attorneys who do occasional work on behalf of the Program. Wilfong reminded co-permittees the plan did not need to be submitted to the Water Board but must be kept on hand. As soon as the ERP clears legal review Wilfong will release it to all municipalities to have their individual legal counsel review by April 1, 2010.

Laura Hoffmeister moved / Chris McCann seconded / To APPROVE the Municipal Operations Committee's recommended Model Enforcement Response Plan, pending legal review. Passed unanimously.

- F. APPROVE the Municipal Operations Committee's Recommended Trash Hot Spot Selection, Assessment and Reporting Guidance/Process – Wilfong provided guidance to aid in trash hot spot documentation using a consistent methodology for all co-permittees. Wilfong directed all municipalities to submit the required documentation to her and she would see that the required data would be organized and submitted to the San Francisco Bay Regional Water Quality Control Board (Water Board) by July 1, 2010.

After a short discussion, co-permittees agreed the individual identifier for each "hot spot" photo documentation should be preceded by "Year/Month/Date" to allow for easier sorting.

One co-permittee remarked the collection sheet was too detailed. Freitas commented it was already simplified in previous negotiations.

Frank Kennedy moved/Jeff Roubal seconded to approve the Municipal Operation Committee's recommended Trash Hot Spot Selection, Assessment and Report Guidance/Process with the noted date change. Approved unanimously.

- G. APPROVE the Monitoring Committee's Recommendation to Execute a Contract with Scott Cressey for Spring 2010 Bioassessment Sampling for a Cost not to Exceed \$10,000 – Jamison Crosby informed co-permittees spring bioassessment sampling would soon be underway. Because Michelle Luebke was injured last

year and would be unable to actively participate in the field with the volunteer monitors, the Monitoring Committee recommended Scott Cressey & Associates be contracted to direct the Volunteer Monitors during the ten (10) site sampling season. The cost of Cressey's contract would easily be offset by the cost savings realized due to Luebke not participating in the field work.

David Swartz moved/Steven Spedowfski seconded/To approve the Monitoring Committee's recommendation to execute a contract with Scott Cressey for spring 2010 bioassessment sampling for a cost not to exceed \$10,000. Passed unanimously.

V. **Staff Reports:**

- A. Program Agreement Update – Freitas indicated the Program Agreement is still in the draft state and had not yet been given to the City/County Legal Subcommittee for review. Freitas expected the Program Agreement to be submitted for legal review by the end of March 2010. The new agreement should be finalized and signed by municipalities prior to the expiration of the current Agreement on June 30, 2010.
- B. Program Funding Update – The Proposition 218 Oversight Committee met to discuss a list of issues and a proposed timeline to hire a consultant to provide technical support to the Program. The Committee expects to finalize the Request for Proposal (RFP) and then staff will release it in early April 2010.

VI. **BASMAA/Program Subcommittee Reports:** Freitas directed co-permittees to read the minutes provided as part of the packet for updates on the BASMAA subcommittees activities.

- A. BASMAA/Program Development Committee Reports
- B. BASMAA/Program Public Information/Participation Committee Reports
- C. BASMAA/Program Monitoring Committee Reports
- D. BASMAA/Program Municipal Operations/Trash Committee Reports

VI. **Regional Board Staff Comments/Reports:**

San Francisco Bay RWQCB – Selina Louie – not in attendance

Central Valley RWQCB – Kim Schwab – not in attendance

VII. **Information Items:**

None.

VIII. **Old/New Business:**

None.

IX. **Adjournment:**

Hoffmeister adjourned the meeting at 4:35 pm.

MM:TD:kh

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CONTRA COSTA
CLEAN WATER
PROGRAM

CONTRA COSTA CLEAN WATER PROGRAM
Monitoring Committee
March 23, 2010 Meeting Minutes

Attendance:

MUNICIPALITY

ATTENDED

ABSENT

City of Antioch
City of Concord
Contra Costa County - **Vice Chairperson**
City of Richmond - **Chairperson**
City of Walnut Creek

Phil Hoffmeister
Jeff Roubal
Nancy Stein
Lynne Scarpa
Rinta Perkins

Non-Voting Members

City of San Pablo
City of Pittsburg

Alfredo Hurtado

Karineh Samkian

Program Staff:

Jamison Crosby
Michelle McCauley
Khalil Abusaba

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- I. Introductory Remarks and Announcements: At 9:40 a.m. Lynne Scarpa began the meeting with self-introductions. She then proceeded immediately to the agenda. Jamison Crosby suggested a minor change to the agenda. Add one topic to Item III, "C.8 Compliance Cost Estimates Tech. Memo by Brown and Caldwell."
 - II. Update on Contracting with Scott Cressey – Michelle McCauley stated Cressey's contract was in the final stage of internal review and would be going to County Counsel soon for their review. McCauley expected the contract would be complete on or shortly after April 1, 2010.

Jamison Crosby stated the timeline would tie in nicely with the volunteer monitors training scheduled for April 17, 2010, since volunteers will not be allowed in the field until training is complete. Khalil Abusaba of Brown and Caldwell would be attending the training with two associates and will provide refreshments.

Crosby and Cressey will do field reconnaissance on April 1, 2010 to observe conditions at the 10 sites selected from the list of twenty-four (24) potential priority one (1) sites. Ten (10) more sites will be selected for FY 2011/12.

There was some speculation of whether sampling over a shorter time duration (since we're collecting only 10 sites versus the usual 30-40 sites) may or may not impact the results. Since the sampling will be compressed into a shorter time span it would be interesting to see if it results in less variability across sites.

Abusaba proposed an idea that in order to use volunteer resources as much as possible, we consider having the volunteers expand their collection next year to include algae and other parameters. The first year would be a pilot with volunteers working aside professionals. If the volunteers are capable then the second year could involve spot checks by professionals and by the third year the volunteers could potentially be ready to do the work on their own.

III. BASMAA Monitoring/POCs/Committee: Abusaba distributed three documents for discussion:

1. Update on Compliance Cost Estimates for Provision C.8
2. Implementation Plan for MRP Monitoring Requirement C.8.e – POC and Long-Term Trends Monitoring
3. Revised Scope of Work for C.11/12.f, Feasibility Evaluation of Stormwater Diversion to POTWs

Update on Compliance Cost Estimates for Provision C.8

Abusaba pointed out that the estimates contained a built-in 20% contingency. He explained as experience brought us closer to real costs they would be able to adjust going forward. He also pointed out the RMP costs are escalated 2% per year as per the agreement, while other costs are estimated to increase at 3% annually, based on experience and usual practices. Co-permittees asked if staff could contact San Francisco Estuary Institute (SFEI) and confirm the RMP cost escalation rate. Co-permittees asked Abusaba to note the reasoning for the 2% vs. 3% projected cost increases.

Crosby commented a lot of work was yet to be done as the BASMAA Monitoring Committee members have yet to reach consensus on cost sharing agreements for the provisions to be addressed regionally. Pay up front? Pay as you go? Pay by Fiscal Year? Calendar year? Scarpa pointed out different Stormwater Programs are set up differently and can't be as financially flexible as the Program. Abusaba stated it was an issue that had not been decided yet by the BASMAA Board of Directors.

Abusaba explained the assumptions and thinking behind the cost estimates.

Implementation Plan for MRP Monitoring Requirement C.8.e – POC and

Long-Term Trends Monitoring

Abusaba stated Brown and Caldwell was qualified and cost competitive to conduct Pollutants of Concern monitoring at the one fixed station that needs to be installed by October 2010 as per the MRP requirement. However in light of the uncertainties about how the monitoring will be carried out, it may be in the best interests of the Program to have SFEI do it. They have a good relationship with the San Francisco Bay Regional Water Quality Control Board (Water Board) and as a quasi-academic institution they are better suited to manage the risk of innovation that will be required to implement this provision. Also, SFEI is working on the development of the Small Tributaries Loading Strategy which will serve as the "alternative monitoring program" that will likely guide this work.

Revised Scope of Work for C.11/12.f, Feasibility Evaluation of Stormwater Diversion to POTWs

Crosby volunteered Brown and Caldwell (B&C) at the BASMAA Monitoring Subcommittee meetings to draft a Scope of Work for C.11/12.f. B&C was tracking their hours on the project for use in "in-kind" contributions to the regional process.

The scope describes the budget, schedule and process for meeting the September 2010 deadline for submission of a feasibility report for diverting stormwater to publicly owned treatment works (POTWs). It also made several recommendations for firms that could be a good fit to do the work.

Alfredo Hurtado mentioned that Delta Diablo may be amenable to accepting stormwater discharges. Program staff and consultants will follow up on this as the feasibility report is developed.

Abusaba asked co-permittees to read and provide comments on all the Scopes by April 12, 2010.

Update of EPA Grant for N. Richmond Pump Station Diversion – Nancy Stein reminded co-permittees the County Watershed Program (CWP) had received \$500,000 in EPA grant money to use for a North Richmond Pump Station Diversion study. CWP recently toured the West County Water Treatment Facility. CWP intends to do wet and dry weather sampling to determine the amount of pollutants that could be prevented from reaching the waterways.

Stein stated they don't have a contract to perform the work yet but she will keep the committee apprised of the status.

Crosby commented, and a discussion ensued, that since this project affects the regional compliance with the MRP, we should explore ways to ensure communication between the BASMAA Monitoring Committee and the grant workgroup. Crosby offered to participate in the grant workgroup meetings if

parties agree that's the preferred way to go.

- IV. Program Updates: Crosby stated the State Water Board just initiated a process to develop biological objectives/criteria over the next five (5) years. It may take the form of narrative objectives or could result in numerical objectives. Several process and technical related workgroups are coalescing to usher the project through its course. Staff will provide periodic updates.

The San Francisco Water Board is initiating a process to update the Basin Plan to add surface water bodies and beneficial uses. Abusaba encouraged co-permittees to review the changes thoroughly and comment as required because once the changes are in place they will be very difficult to modify. He specifically suggested that the RWQCB consult the Watershed Atlas in making their designations. Crosby attended an informational meeting on the topic but indicated the Program as a whole is not planning to submit comments at this time.

Armand Ruby will have the final draft CCMAP report by the end of March.

- V. Summary of Action and Agenda Items for Next Meeting:
- Comments to Abusaba on the Scopes/Tech Memos by April 12, 2010
 - Crosby to inquire about escalation rate from SFEI
 - April Mon. Com – Monitoring Annual Report format
 - Update on BASMAA Monitoring Committee cost sharing agreements
- VI. Adjournment: Scarpa adjourned the meeting at 11:45 a.m.

Next Monitoring Committee Meeting:

April 27, 2010
Conference Room "B"
255 Glacier Drive
Martinez, CA 94553

ATTENDEES

Members: Steven Spedowfski, Chairman, City of San Ramon
Laura Wright, Vice-Chair, City of Pittsburg
Julie Haas-Wajdowicz, City of Antioch
Greg Connaughton, Flood Control District
Cece Sellgren, Flood Control District

Staff: Donald P. Freitas, Program Manager
Michelle McCauley, Administrative Analyst

Consultant: O'Rorke, Inc. – Tracy Keough, Emiko Hashisaki

MEETING DATE: March 24, 2010

NOTES BY: Tracy Keough

SUBJECT: PIP Meeting #8

- I. Introductions.** Meeting commenced at 10:15 AM. Attendees congratulated Donald Freitas on his upcoming retirement March 30, 2010.
- II. O'Rorke Update.** Emiko Hashisaki presented Committee members with a brief update on traffic to the CCCleanwater.org website. Tracy Keough then reminded the Committee that the post-campaign survey would commence on April 1st. Keough also provided an update on promotional items, which had not yet been ordered. Fifteen thousand (15,000) Poppy Seeds, 3,000 blue Shammys, 2,000 Chico Bags, and about 1,000 navy T-shirts with the Program logo and "litter travels" message on the back were to be ordered totaling approximately \$20,000. Michelle McCauley asked that those interested in adding to the promotional item order submit their requests to her before 12:00 p.m. on Monday, March 29th.
- III. Committee Roundtable.** Freitas presented Committee members with the approved PIP Budget for the 2010 / 2011 fiscal year. Freitas outlined the agreed upon distribution of funds. Freitas reminded the Committee outreach methods targeting school-age children (grades K-12) should be discussed at the next meeting. He also noted if a program was developed this year using available funds, it could then be launched the following fiscal year using that year's funds.

IV. Confirm Action Items. O'Rorke will place orders for promotional items after additional quantities requested are submitted at the end of the day on Monday. O'Rorke will also continue to move forward with the Homeowner Letter.

V. Next Steps. The meeting adjourned at 11:55 PM.

**Next Meeting:
Wednesday, April 28th, 2010
10:00 – 12:00PM
255 Glacier Drive, Martinez, CA**



**CONTRA COSTA
CLEAN WATER
PROGRAM**

**CONTRA COSTA CLEAN WATER PROGRAM
Municipal Operations Committee (MOC)
March 25, 2010 Minutes**

Attendance:

MUNICIPALITY	ATTENDED	ABSENT
City of Antioch	Phil Hoffmeister	
City of Brentwood		Laurie Monte
City of Concord	Jeff Roubal	
County Watershed Program	Charmaine Bernard	
City of El Cerrito	Garth Schultz (Chair) Bill Driscoll	
City of Hercules	Glen Moniz	
City of Lafayette	David Terhune	
City of Pinole	Tim Harless	
City of Pittsburg	Walter Pease	
City of San Pablo	Adele Ho	
City of San Ramon	Steven Spedowski	
City of Walnut Creek	Rinta Perkins	Rich Payne (Vice Chair)
NON-VOTING		
City of Clayton		Laura Hoffmeister
Town of Danville	Chris McCann	
City of Martinez		Alex Stroup John Sherbert
Town of Moraga		
City of Oakley	AJ Kennedy	
City of Orinda	Cathy Terentieff	
City of Pleasant Hill		Rod Wui
City of Richmond		Lynne Scarpa
PROGRAM STAFF	Elisa Wilfong Michelle McCauley	

- I. Introductions/Announcements – Garth Schultz, Chairperson, began the meeting at 10:00 a.m. with self-introductions.

- II. Approve the February 25, 2010 MOC Minutes - Phil Hoffmeister moved/Tim Harless seconded/To approve the February 25, 2010 MOC Minutes. The minutes passed unanimously.
- III. BASMAA MOC Update – Wilfong stated the BASMAA MOC met on March 11th and 18th to work on the draft Annual Report forms for C.2, 4, 5, 9, 10 and 15 which were due April 1, 2010 to the San Francisco Bay Regional Water Quality Control Board (Water Board). Wilfong believed the drafts were straightforward combinations of tabular, narrative and check boxes. Wilfong distributed copies of the drafts and noted they are only for use in FY 09/10 and FY 10/11 because there will be add-ins and drop-offs for the fiscal years thereafter. Wilfong noted the C.10 draft was still not complete and C.15 would not apply if a municipality is not a water purveyor.

Adele Ho asked if there was a list of inspection facilities. Wilfong responded Karineh Samkian should be able to direct her to the City of San Pablo's list of inspection facilities.

Wilfong emphasized the draft Annual Report forms were not final and would likely be subject to revisions from the Water Board or BASMAA as they fine-tune the forms moving forward.

Wilfong asked co-permittees to submit comments on the forms by end of day March 30, 2010.

Regarding ambient water quality testing required in Provision C.15 for potable water discharges, Walter Pease asked how often the Sacramento River should be tested. Wilfong stated the Sacramento River should not be tested, but would confirm with the Water Board and report back to the MOC during the month of April.

IV. C.10 Trash Provision Agenda:

- a. Review of Trash Hot Spot Internal Due Dates – Wilfong informed co-permittees the Management Committee (MC) approved the MOC's recommended Hot Spot protocols, documentation, and attachments during the March MC meeting. Wilfong asked that all co-permittees submit their trash Hot Spot list to her by April 2, 2010. Wilfong also asked all co-permittees to submit all cleanup, assessment and photos of Hot Spots to her by May 14, 2010, so the Management Committee could review and approve them on May 19, 2010, prior to submitting to the Water Board. Some co-permittees questioned why the MC needed to approved the submittal. Wilfong indicated she would check with Program staff to see if it is necessary.
- b. Review of Trash Hot Spot Data Collection Forms – A discussion occurred about how best to document and facilitate trash pick-up at Hot Spots.

Charmaine Bernard stated in a recent County cleanup they had used both the Urban Rapid Assessment method and the Coastal Cleanup form (used during the community coastal cleanup day activities) to assess their trash cleanup activities, neither of which were perfect, then broke into teams of three for cleanup and documentation. She stated a walking staff was recommended for folks to maintain their balance on the steep slopes and in the mud and creeks. Bernard also suggested a waiver be obtained for all non-municipal workers.

Wilfong noted the MC changed the photo documentation protocol to start with the date (yr/mo/day) to provide easier file sorting.

- c. New Zealand Mud Snail (NZMS) Decontamination Protocol Presentation – Wilfong provided a PowerPoint presentation on the NZMS. The NZMS is a significant threat to State waterways and is very difficult to eradicate once it is established. The NZMS was discovered in West Antioch Creek and Baxter Creek. The key was to prevent its spread by scrubbing gear with a stiff brush and soaking gear in Copper Sulfate, Benzethonium Chloride, or Formula 409 for five (5) minutes; or, freezing the creek gear for at least 4 hours and allowing the gear to dry for at least 48 hours. Another solution was the use of disposable waders. Wilfong's understanding was that freezing the gear was most effective.
- d. ABAG Trash Grant Update – A vendor fair for trash capture devices will be held on Tuesday, May 4, 2010 for municipalities to attend and interview vendors and view equipment certified by Water Board staff for Provision C.10 trash capture device requirements. A representative from Los Angeles will be speaking regarding lessons learned for trash capture device effectiveness. Because LA and the Bay Area are so different, Wilfong cautioned co-permittees to listen with a keen ear and filter out things that were not applicable. A packet with fact sheets would be provided at the fair. Wilfong confirmed Filterra and ConTech were not on the vendor list. One co-permittee had inquired of Tom Dalziel why Filterra was not on the list. Wilfong would find out the status of that conversation from Dalziel. The vendor fair will consist of a morning meeting closed to the vendors between ABAG representatives, Water Board staff, and the municipalities and an afternoon session/fair between the municipalities and the vendors.

Wilfong noted the second round of the Grant may not be awarded.

Wilfong will confirm and email the required device installation date to be compliant with the Grant. She will also provide the Grant obligations (maintenance requirements, etc.). Wilfong informed co-permittees the final Grant obligations and specifications will be indicated in the contract between the municipalities and ABAG.

V. C.2 Municipal Operations Provisions Agenda – Wilfong reminded co-permittees stormwater pollution prevention plans (SWPPPs) for Corp Yards must be on hand by July 1, 2010. If the Corp Yard is a closed system no SWPPP was needed. Wilfong is waiting for written confirmation of that opinion rendered by Selina Louie with the San Francisco Water Board.

VI. C.4 Industrial and Commercial Site Controls and C.5 Illicit Discharge Detection and Elimination Agenda:

a. Reminder of ERP Adoption and Implementation – Wilfong reminded co-permittees of the upcoming April 1, 2010 deadline for the Enforcement Response Plan (ERP). The City/County Legal Subcommittee reviewed the draft and made a few minor changes. The Management Committee approved the draft ERP, subject to legal review. Once Program staff has legal's comments, Program staff will resubmit a final model ERP to the MC for approval.

b. Legal Authority Training – Wilfong informed co-permittees she would not be able to arrange a private class through Martinez Adult Education because only twelve (12) co-permittees expressed interest in the training and the school required a minimum of twenty (20) for a private class. There is a class in June that is open to the public.

Harless indicated he just completed the training and did not recommend it. He said it was much more time intensive and laborious than he understood it would be. A discussion ensued; and, many agreed it was too much. Co-permittees also discussed municipal procedures for writing citations.

Co-permittees asked Wilfong to provide training for approaching the public and confrontation management essentials at the next inspector workshop.

VII. C.9 Pesticides Toxicity Control Agenda:

a. Model IPM Policy – The City/County Legal Subcommittee will review the Policy and provide comments. Wilfong already provided the Policy by email to co-permittees for their City Attorneys to review. Wilfong will distribute a final draft of the IPM Policy to the MOC and MC after legal comments are completed.

b. Model IPM for Contractors – Wilfong informed co-permittees she expected a Bay-Friendly Landscaping Workshop would be held in the fall of 2010. A question arose as to who is certified at the end of the class? The attendee or the company?

c. IPM in Contracts due July 1, 2010 – Wilfong stated IPM certification would be a requirement in all contracts effective July 1, 2010. She directed co-permittees to verify certification with the issuing agency. Co-permittees asked Wilfong to contact BASMAA to see if they can post and maintain a list of

certified contractors. Some discussion occurred over whether it was possible to amend an existing contract to require the certification.

VIII. Old/New Business – None.

IX. Adjournment - Schultz adjourned the meeting at 11:40 a.m. The next MOC meeting will be April 22, 2010.

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CONTRA COSTA
CLEAN WATER
PROGRAM

CONTRA COSTA CLEAN WATER PROGRAM
Administrative Committee
April 6, 2010 Meeting Minutes

Attendance:

MUNICIPALITY

City of Antioch (**Chairperson**)
City of Brentwood
City of Concord
Contra Costa County
City of Pittsburg
City of Pleasant Hill (**Vice-chairperson**)
City of Richmond

ATTENDED

Phil Hoffmeister
Jack Dhaliwal
Jeff Roubal
David Swartz
Jolan Longway
Rod Wui
Lynne Scarpa

ABSENT

Non-Voting Members

Town of Danville
City of San Ramon
Flood Control District

Mitch Avalon

Chris McCann
Steven Spedowfski

Program Staff

Tom Dalziel
Jamison Crosby
Michelle McCauley

-
- I. Introductory Remarks – Phil Hoffmeister began the meeting at 9:35 a.m. and proceeded immediately to the agenda.
 - II. Review Draft Program Agreement – Tom Dalziel reminded co-permittees the current Program Agreement expires on June 30, 2010. Dalziel indicated the final draft Program Agreement would be submitted to the three representatives of the City/County Attorney's Association (i.e., Brian Libow (San Pablo), Bryan Wenter (Walnut Creek), and Craig Labadie (Concord)) as soon as the Administrative Committee completed its review. Dalziel provided a review of changes to the revised draft Program Agreement and the proposed committee membership requirements. The overarching intent of the draft changes was to provide coverage for the five (5) Program committees and the four (4) new BASMAA subcommittees without overburdening municipal staff. Dalziel proceeded to

review proposed changes in "Section E," "Exhibit A" and "Exhibit B". Co-permittees requested the following changes:

1. Correct the numbering and lettering errors;
2. In paragraph E.2, add "or corresponding";
3. In paragraph E.3, add a parenthetical sentence, which will be reviewed further by the Management Committee following legal review, emphasizing the primary purpose for Management Committee's approval of membership on the subcommittees is to ensure there is adequate participation;
4. In paragraph E.7., first sentence, remove "in";
5. In paragraph E.7., second to last sentence, change "June" to "May";
6. In paragraph E.9., change "city/town/county manager" to "city/town/county/District manager"; and,
7. In "Exhibit A," switch the assign rotations for County and San Pablo.

The Committee discussed and agreed to the Flood Control District's request to be a permanent member of the Administrative Committee given they perform a variety of administrative functions for the Program. The Flood Control District agreed it would be required to participate on one (1) additional subcommittee.

III. Reissuance of the Central Valley Regional Water Quality Control Board's Municipal NPDES Permit – Dalziel stated there was no progress to report regarding reissuance of our stormwater permit by Central Valley Regional Water Quality Control Board. Program staff is preparing a letter addressed to the San Francisco Bay and Central Valley Regional Water Quality Control Board Executive Officers requesting the two permits to be coordinated, seamless, and equivalent to the MRP mandates imposed on all the Bay Areas permittees.

IV. Fiscal Year 2009/10 Encumbrances – Dalziel distributed a number of spreadsheets and bar charts illustrating three options and outcomes involving 0% return-to-source, 50% return-to-source and 100% return-to-source of the MRP reserves totaling \$690,622; and, the projected Fiscal Year 2009/10 unexpended stormwater utility assessment program funds totaling \$629,708. Dalziel provided a detailed review of projected stormwater utility assessment cost assumptions used in the spreadsheets. Dalziel also provided projected 50% and 100% return-to-source allocations to municipalities.

Mitch Avalon asked about the timeline for potential revenue from a successful Prop. 218 election. It was reasoned no potential revenue would be available until at least Fiscal Year 2013/14.

Dalziel asked co-permittees if the information was valuable for considering the use of MRP reserves and unexpended Fiscal Year 2009/10 revenues. He also asked if they wanted to make a recommendation for Management Committee consideration. Committee members indicated the information was very helpful,

that they needed more time to consider the item, and to put the item on the April 21, 2010 Management Committee action calendar for consideration.

- V. Program Funding Update – Dalziel reported Donald Freitas provided a partial draft Request for Proposal (RFP) to the Administrative Committee on March 23, 2010 and requested feedback on the proposed timeline. Committee members indicated the proposed timeline was no longer doable given the delay in completion of the RFP. Committee members reiterated completion of the RFP was a priority Program task. Dalziel indicated he could work to complete the RFP but a draft couldn't be completed until after the April 21, 2010 Management Committee meeting.

Dalziel indicated that Donald Freitas' proposed scope of work, to be discussed later in the agenda, prioritizes work on the Prop. 218 election process. Dalziel suggested moving to Item VII on the Agenda – Program Staffing – to continue the discussion regarding a possible contract with Donald Freitas & Associates (DFA) in order to expedite work on the Prop. 218 RFP. Committee members agreed to move to agenda item "VII Program Staffing" (see below).

VII. Program Staffing:

- A. Draft Scope of Work for Freitas & Associates – Dalziel distributed Freitas' proposed scope of work, including rates and charges. Dalziel reviewed the three (3) proposed DFA tasks: 1) Proposition 218 Oversight Ad Hoc Workgroup Facilitation and Documentation; 2) Public Information/Participation Committee Facilitation and Documentation; and, 3) Stormwater Compliance and Program Management Support Services. Dalziel assured co-permittees the Prop. 218 election process would be Freitas' top priority.

Dalziel indicated DFA's proposed scope of work was on the April 21, 2010 draft Management Committee agenda for consideration, but that the Administrative Committee could recommend a special Management Committee via a conference call specifically to consider contracting with DFA. Co-permittees agreed to hold a special Management Committee teleconference call on Thursday, April 8, 2010 from 3:00 to 3:30 pm to consider the DFA contract.

- B. Current Structure – Dalziel distributed an organization chart showing the current Program Structure, with the Senior Watershed Management Planning Position vacant and the pending leave of absence of Elisa Wilfong from June to December 2010.
- C. Staff by another Co-permittee – Dalziel stated two (2) municipalities have indicated an interest in employing and/or housing Program staff on behalf of

the Program. Dalziel inquired whether committee members wanted Program staff to gather information regarding this possibility and any potential cost savings on behalf of all co-permittees. Mitch Avalon indicated he felt this may not be a good time to pursue the project because of current reduced Program staffing and increased workloads. Committee members acknowledged the current and pending temporary reductions in Program staffing and their heavy workload. They agreed staff should instead prepare a staff report for the April 21, 2010 Management Committee offering interested municipalities the opportunity to present a proposal to the Management Committee for review and consideration.

- D. Proposed Tentative Structure – Dalziel indicated he would like a month or two to consider Program staffing needs over the short-term (i.e., 6-12 months) and long-term (i.e., next five years) in order to meet the needs of municipalities in complying with the various MRP permit mandates .

- VI. Unfunded State Mandates – Dalziel reported three Bay Area Stormwater Programs were interested in partnering with other stormwater programs to hire two attorneys to assist in preparation of a model Unfunded Mandate Test Claim, which municipalities could use to file with the Commission on State Mandates. Dalziel explained similar claims had been filed by municipalities in Los Angeles and San Diego. Both test claims presented arguments that certain stormwater permit requirements were reimbursable state-mandated programs. The Commission on State Mandates did find in each claim certain stormwater permit requirements were reimbursable state-mandated programs; however, the extent to which these favorable rulings might predict a high probability of success in any Bay Area test claims had not yet been carefully evaluated.

Dalziel then distributed and reviewed a preliminary proposal and cost estimate produced by the two attorneys to develop a model test claim and guidance memorandum to assist municipalities in customizing and filing a test claim. Dalziel emphasized the proposed work was relatively limited in scope, and the costs for an individual municipality to complete, file and argue a test claim would be significant. Committee members asked questions and reviewed arguments “for and against” the filing of test claims.

Dalziel indicated the deadline for filing a test claim with the Commission on State Mandates was December 1, 2010. Administrative Committee members requested staff research this matter further and report to the Management Committee on April 21, 2010.

- VIII FY 2009/10 Annual Report Format – Dalziel stated BASMAA submitted its proposed Annual Report format to the San Francisco Bay Regional Water Quality Control Board as required by the April 1, 2010 deadline. BASMAA’s submittal

indicated the format was still under review by permittees and a supplemental submittal would likely be prepared and submitted by May 1, 2010. Dalziel indicated BASMAA's proposed format was emailed to Management Committee members for review. Dalziel reminded committee members they had until April 15, 2010 to provide him with any written comments on BASMAA's proposed format. Dalziel expected to have the final Annual Report format available for municipalities in late May.

- IX. FY 09/10 Stormwater Pollution Control Manager's (Program Manager's) Evaluation Process – Mitch Avalon explained it was time to initiate the Program Manager's Annual Evaluation process, which was on the April 21, 2010 Management Committee agenda. Avalon stated he thought it best to waive the evaluation portion and use the time to set goals for FY 2010/11. Co-permittees agreed.
- X. Consider Rescheduling the May 4, 2010 Administrative Committee Meeting – Dalziel indicated the May 4, 2010 Administrative Committee meeting conflicts with the Bay Area Trash Demonstration Project Vendor Fair. Co-permittees agreed to move the May 4, 2010 Administrative Committee meeting to May 6, 2010, from 9:30 am to noon.
- XI. Approve Draft April 21, 2010 Management Committee Agenda – Co-permittees approved the MC Agenda with the following changes:
- Delete Action B – To be decided at the April 8, 2010 teleconference call
 - Delete Presentation Item "A" and combine with Action Item "C."
 - Add Staff Report – Proposition 218 (Program Funding)
 - Add Staff Report - Staff by another co-permittee
 - Add Action Item – Unfunded mandate
- XII. Old/New Business – None.
- XIII. Adjournment – The meeting adjourned at 12:03 p.m.

Next Administrative Committee Meeting:

Thursday, May 6, 2010
9:30 a.m. to Noon
Conference Room "A"
255 Glacier Drive
Martinez, CA 94553



CONTRA COSTA
CLEAN WATER
PROGRAM

CONTRA COSTA CLEAN WATER PROGRAM
Special Management Committee Meeting Teleconference
April 8, 2010 Minutes

Attendance:

MUNICIPALITY

City of Antioch (**Chairperson**)
City of Brentwood
City of Clayton
City of Concord
Town of Danville
City of El Cerrito
City of Hercules
City of Lafayette
City of Martinez
Town of Moraga
City of Oakley
City of Orinda
City of Pinole
City of Pittsburg
City of Pleasant Hill (**Vice-chairperson**)
City of Richmond
City of San Pablo
City of San Ramon
City of Walnut Creek
Contra Costa County
Contra Costa County Flood Control
& Water Conservation District

ATTENDED

Phil Hoffmeister

Laura Hoffmeister
Jeff Roubal

Garth Schultz

Donna Feehan
Tim Tucker
Frank Kennedy
Frank Kennedy
Cathy Terentieff
Dean Ellison
Jolan Longway
Rod Wui
Lynne Scarpa
Adele Ho
Steven Spedowski
Steve Waymire

Mitch Avalon

ABSENT

Jack Dhaliwal

Chris McCann

Erwin Blancaflor

David Swartz

OTHERS/GUESTS:

I. **Introductions:** Phil Hoffmeister began the meeting at 3:00 pm. Hoffmeister performed roll call then proceeded immediately to the agenda.

IV. **Actions:**

A. APPROVE Action Item A – APPROVE Scope of Work for Donald Freitas & Associates (DFA), and Authorized the Program to Contract with DFA for the

period from April 1, 2010 through June 30, 2011, for a Cost Not to Exceed \$60,000 – Tom Dalziel explained the special meeting had been called because the Administrative Committee recommended the Management Committee (MC) review DFA's Scope of Work and consider the contract as soon as possible due to the urgency of the Proposition 218 election. Dalziel affirmed the Prop. 218 election was Freitas' primary task in the Scope. Dalziel relayed Freitas' statement that he would begin work in good faith, if the MC affirmed moving forward with the contract.

Dalziel reviewed current staffing and tasks, reminding co-permittees Elisa Wilfong would be on maternity leave for six (6) months beginning June, 2010. Dalziel assured co-permittees staff was preparing and cross-training to assume Wilfong's responsibilities.

Questions were asked and answered. Co-permittees requested that DFA's Scope be amended to include tasks and schedule for the Prop 218 election.

Frank Kennedy moved/Lynne Scarpa seconded/To approve Scope of Work for DFA, and authorized the Program to contract with DFA for the period from April 1, 2010 through June 30, 2011, for a cost not to exceed \$60,000, subject to the Scope amendment cited above. Passed unanimously.

IX. **Adjournment:**

Hoffmeister adjourned the meeting at 3:25 pm.