



CONTRA COSTA
CLEAN WATER
PROGRAM

CONTRA COSTA CLEAN WATER PROGRAM
Development Committee
January 14, 2010 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

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
Rich Lierly

ABSENT

David Swartz (**Chair**)

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

Jolan Longway

Chris Low
Carlton Thompson

Jeff Cowling

Rod Wui
Lynne Scarpa
Karineh Samkian

Program Staff:

Tom Dalziel
Michelle McCauley
Dan Cloak (Consultant)

Introductions, Announcements, and Changes to Agenda

Libbey Bell, Vice Chair, called the meeting to order at approximately 9:00 AM and requested committee members introduce themselves. Following self-introductions, Bell asked if there were any announcements. Tom Dalziel announced Dan Cloak, David Swartz and Libbey Bell each gave an excellent presentation on Low Impact Development (LID) to the Contra Costa Watershed Forum on Wednesday, January 13, 2010. These presentations highlighted the Contra Costa Clean Water Program's countywide LID implementation strategy, and then focused on lessons learned on two cased study projects - the Muir Labs Commercial project located in the City of Concord and Belmont Terrace Residential Subdivision located in unincorporated Contra Costa County.

Carlton Thompson announced he completed construction of a scale-model bioretention facility that is displayed at the City of Walnut Creek's permit application counter. This has been an excellent tool for explaining to contractors and developers how these facilities are designed, built, and operate.

Discuss C.3 Consultant Services for Fiscal Year 2010/2011

Dalziel explained the Program is beginning budget preparation process for this coming fiscal year (i.e., FY 2010/11). To inform this process, the various Program subcommittees must review, identify and recommend needed consulting services. Dalziel provided a brief overview of anticipated and planned C.3 activities needing consultant support. A discussion ensued regarding the various C.3 compliance mandates in the MRP, our existing C.3 consultant services contract, and needed C.3 consultant services for Fiscal Year 2010/11 and beyond.

Committee members agreed to recommend to the Management Committee approval of a C.3 consultant services contract with Dan Cloak Environmental Consulting for continued C.3 consulting services for Fiscal Year 2010/11.

Consent Calendar

A. Approve the December 10, 2009 New Development Committee Minutes. Phil Hoffmeister moved to approve the minutes. John Sherbet seconded. There were no objections.

III. Action Calendar

A. Review, Discuss and Consider Recommending Management Committee Approval of an Updated Contra Costa Clean Water Program Stormwater C.3 Fact Sheet

Tom Dalziel requested comments on the fact sheet. Jolan Longway suggested the fact sheet address two additional issues: (1) Some consultants for City-sponsored CIP projects fail to note their public projects are also subject to the Provision C.3 requirements, and (2)

especially guidance allowing the use of proprietary stormwater treatment facilities—is not applicable in Contra Costa.

Jolan noted the draft fact sheet references an MRP provision under which a municipality could allow an applicant to pay a fee in-lieu of implementing stormwater treatment on-site. She asked who would collect the fee and how it would be used. During discussion, some participants reviewed the text of MRP Provision C.3.e. The following points were noted:

- Some Contra Costa municipalities have expressed interest in an in-lieu arrangement to facilitate pedestrian-friendly development of downtown areas.
- Implementation of this optional provision would require a municipality to build a regional project in the same watershed.
- AB 1600 requires in-lieu fees be used to fund specific projects and be used within 5 years of collection.

Tom suggested the draft fact sheet be edited to incorporate Jolan's comments, that the revised draft be distributed via email Thursday or Friday to committee members for final review, and that absent any further comments before Tuesday (19th) the fact sheet be distributed to the Management Committee for their review and possible approval. Frank Kennedy moved to that effect. Phil Hoffmeister seconded Frank's motion, which was approved without opposition.

B. Review, Discuss, and Consider Recommending Management Committee approval of a Construction Site Stormwater Quality Workshop for Development Professionals and Municipal Staff

Tom Dalziel proposed the Program consider sponsoring a San Francisco Estuary Partnership (SFEP) construction workshop to include training on the reissued Construction General Permit, which takes effect July 1. The cost of the workshop for an audience of 100 would be \$7,500; this cost could be partially borne by the Program for the purpose of encouraging participation. \$10,000 has been budgeted for Fiscal Year 2009/10 for a construction workshop; this use would exhaust the available funds.

During discussion, participants made the following points:

- The main presenter, Scott Taylor, comes highly recommended by participants in workshops elsewhere.
- Co-permittees anticipate cost reductions due to regionalization of some activities under the MRP, but this is an increase compared to construction workshops in previous years.
- For cost comparison, the Program's initial construction workshops—in the early 1990s—were organized by consultants and cost about \$13,000 each. As Program staff gained more experience with organizing workshops, they were able to do more of the work in-house, and costs dropped to typically less than \$5,000 per workshop.
- As a lower-cost alternative to participating in the SFEP workshop, the Program could organize its own workshop in-house.
- The SFEP workshop offers an opportunity to get a different perspective and information than that provided in Program-sponsored workshops in previous years.

- The Program should anticipate the need to invest to help Co-permittees get up to speed on the Construction General Permit.
- This workshop would not include the required training for Qualified SWPPP Developer and Qualified SWPPP Practitioner under the CGP; CASQA plans to organize this training.
- Program staff resources are stretched by the need to implement all MRP provisions.
- The ideal time for a workshop would be near to, but before, the start of the construction season.

In response to a question from Saied Aminian, Tom said the SFEP workshop would be from 8:30 to 3:30 and would include a vendor exhibition.

On a motion by John Sherbert and seconded by Frank Kennedy, it was agreed to recommend to the Management Committee sponsorship of the SFEP construction workshop, that the workshop be scheduled for late February or early March (before the start of the construction season) on a Tuesday or Thursday, and that the Program should consider a fee of \$175 for attendees other than public employees, with a lower fee to municipalities for participation by their staff.

C. Review and Approve MRP C.6 Construction Site Control Provisions—Draft Tasks

Tom Dalziel directed committee members' attention to the "MRP C.6 Construction Site Controls Provisions—Final Draft Tasks" table dated January 11, 2010. He review the changes made to the table based on discussion at the December 10, 2009 Development Committee meeting, and he was asking for any final revisions and approval of this internal committee workplan. Cathy Terentieff noted the revision to the text in row 10, which had been struck-out, should remain because it is still an applicable "Municipal Task."

Tom said BASMAA's Development Committee agreed updating of construction BMP brochures and outreach materials (Item #7) could be a regional task. Laura Hoffmeister noted there are few new BMPs required by the reissued Construction General Permit. Chris McCann said she had been working on reorganizing the list of construction BMP requirements by phase of construction and to integrate steps for construction of LID facilities. It was agreed this could be very useful; discussion will continue at the February meeting. Nancy Voisey suggested considering whether inspection checklists should be developed on a regional basis; it was noted, however, that there is a lot of variation from municipality to municipality in how inspections are done.

Regarding Items #3 and #4, it was noted the Program will distribute copies of existing Enforcement Response Plans (ERPs) as a first step toward considering whether a model ERP would be useful.

Phil Hoffmeister moved to approve the revised "MRP C.6 Construction Site Control Provisions – Draft Tasks" table with the additional changes. Kennedy seconded the motion. The motion passed unanimously. Dalziel indicated the table would be revised and sent out to the committee electronically prior to the next meeting.

Reports/Discussion

1. USEPA Rulemaking to Strengthen National Stormwater Regulations for New Development and Redevelopment.

Dan Cloak reported. According to the USEPA Fact Sheet distributed with the meeting agenda, there is a “Listening Session” regarding the proposed rulemaking to be held on Wednesday January 20 at the USEPA Region IX office in San Francisco. Written comments must be submitted on or before February 26, 2010.

Dan noted the following:

- Further details regarding the proposed rulemaking are in the December 28, 2009 *Federal Register*.
- The rulemaking responds in part to a 2009 National Research Council Report *Urban Stormwater Management in the United States*. The report found the current stormwater NPDES program is not effective in preventing the degradation of streams and wetlands by discharges from urban drainage systems.
- USEPA has, for more than decade, noted that increased flows, changes to stream morphology, and other non-pollutant issues have a major impact on the beneficial uses of urban streams. This rulemaking is an effort to address these issues through additional regulation on new development.
- The proposed rulemaking responds to a long-standing criticism that the stormwater NPDES program allows too much “self-regulation” by dischargers.
- The *Federal Register* entry makes note of a proposed “Information Collection Request” by USEPA, which would involve sending a questionnaire to selected dischargers with a mandatory requirement for response. Dan noted information requested in the draft questionnaires is already available through annual reports and other reporting currently required by USEPA and the states. USEPA staff may have decided the listening sessions will substitute for the questionnaire.
- The proposed rulemaking would extend the NPDES program into geographic areas not currently covered by either the Phase I or Phase II municipal programs and would seek to establish consistent requirements for Phase I and Phase II MS4s. This is parallel with State Water Resources Control Board initiatives currently in progress.
- The rulemaking proposes to “establish specific requirements to control stormwater discharges from new development and redevelopment”. The Federal Register notice includes a reference to “sustainable practices that mimic natural processes to (1) infiltrate and recharge, (2) evapotranspire, and/or (3) harvest and reuse precipitation.” Dan noted this language combines what have turned out to be—in California—competing definitions of LID. Further, the language suggests USEPA staff made use of Natural Resource Defense Council definitions and perspectives in proposing the rulemaking.

- The proposed rulemaking would consider requiring MS4s to “address stormwater discharges in areas of existing development through retrofitting of the sewer system, drainage area, or individual structures...”

Tom said he will go to part of the San Francisco listening session on January 20; he will need to return to Martinez for the Management Committee meeting that afternoon. Jill Bicknell of EOA has said she plans to attend. It is necessary to register in advance to obtain an opportunity to speak for three minutes.

During a discussion led by Tom, the following key issues were noted:

- Diversion and storage of runoff for reuse can have unintended consequences and can conflict with other environmental objectives.
- Regulations need to be adaptable to and account for variations in natural conditions, including climate.
- Funding is needed for any new initiatives, particularly for any retrofits.
- Existing criteria for stormwater treatment and implementation of existing criteria should be reviewed and considered before new criteria are proposed.

It was agreed that Tom should request Dan to attend the listening sessions and to prepare a draft letter on behalf of the Program commenting on the proposed rulemaking.

2. Update on MRP Petitions for Review to the State Water Resources Control Board

Tom reported NRDC, BayKeeper, and 23 Bay Area municipalities have petitioned the SWRCB regarding the Municipal Regional Permit. All petitioners requested their petitions be held in abeyance, and no further action has been taken to date.

3. Management Committee Report

Tom Dalziel reported as follows:

- Program staff made a call to the municipalities for current development projects that could be monitored for hydrologic performance as part of a study required under the HMP permit provision.
- A Technical Advisory on CEQA and Low Impact Development, published by the Governor’s Office of Planning and Research, was distributed to local stormwater coordinators with the suggestion it be forwarded to the planning directors of their respective municipalities.
- The Development Committee’s memorandum on municipalities’ initial tasks for compliance with MRP Provision C.3 was distributed to stormwater coordinators.

4. BASMAA Development Committee

Tom reported that at the first meeting of BASMAA’s reconstituted Development Committee on January 7, Contra Costa was represented by himself, Dan, David Swartz, and Frank Kennedy. EOA staff represented the Alameda, San Mateo, and Santa Clara countywide stormwater programs. Jim Scanlin of the Alameda Countywide Clean Water Program, Terri Fashing of the Marin County Stormwater Pollution Prevention Program, and Michael Rhodes

of the City of San Jose also attended. Jill Bicknell of EOA was elected committee chair. A vice-chair position was created and David Swartz was elected to serve in that capacity.

Tom reviewed the status of the projects in the table "BASMAA New Development Committee Scoping Matrix for Regional MRP Tasks/Projects." He noted the following outcomes of the BASMAA Development Committee meeting with regard to these tasks:

- Provision C.3.b.iii. Green Street Pilot Projects—Tom volunteered Contra Costa to draft a scope of work and tasks culminating in a report, in 2014, which will summarize the pilot projects and lessons learned.
- Provision C.3.c.i.(2)(b) LID Infeasibility Criteria—Jill Bicknell is assisting with implementation of the Orange County permit, which has a similar provision. She will report back to the BASMAA Development Committee later in January regarding the Orange County permittees' ideas and perspectives.
- Provision C.3.c.i.(2)(b) Model Biotreatment Soil Media Specifications—Contra Costa representatives made clear that they were satisfied with the soil media specifications incorporated in Appendix B to the *Stormwater C.3 Guidebook*. It was agreed to schedule a regional discussion, either at a BASMAA Development Committee meeting or separately, to discuss soil media specifications informally; however, there will be no jointly funded project to develop regional specifications.
- Provision C.3.c.i.(2)(b). Green Roof Specifications—It was agreed specifications should be limited to water-quality-related criteria and not incorporate other criteria related to design and construction of vegetated roofs. It was suggested the criteria could be based on providing sufficient depth and area of growing media so that the volume within media pore spaces would be at a minimum that specified by Provision C.3.d. for the green roof surface area plus any impervious areas tributary to it. On behalf of Santa Clara permittees, Laura Prickett of EOA will look into green roof specifications and suggest directions for establishing criteria.
- Provision C.3.e.ii. LID Treatment Reduction Credits for Special Projects—The BASMAA Development Committee agreed discussions should continue beginning with the proposals the countywide programs submitted to Regional Board staff during negotiations over the MRP. A subgroup was formed and a conference call was scheduled for later in January.
- Standard Specifications for Single Family Residences and Small Developments—At the BASMAA Development Committee it was agreed there are many good guidance documents to draw from, including *Start at the Source*, and these specifications can be created by borrowing from existing guidance. Noting the December 1, 2012 deadline for development of standard specifications, it was agreed to delay further discussion on this topic for a month or two pending resolution of more immediate mandate priorities.
- Construction Site BMP Outreach Materials—As a first step, it was agreed to compile existing materials and perhaps survey municipal staff regarding how well they are working.

Tom recalled the BASMAA Development Committee also discussed applicability of MRP Provision C.3 to road widening projects. Some permittee representatives stated the MRP, if read literally, creates a “gap” wherein there is no requirement to apply C.3 to road widening projects between December 1, 2009 and December 1, 2011. The general consensus among representatives at the January 7 meeting was to incorporate C.3 for projects that involve adding a lane, and to consider C.3 optional for projects that do not add a lane. In their view, this constitutes “early implementation” of the MRP C.3 provision, including the exclusion for road widening projects that do not add additional lanes.

The BASMAA Development Committee also received an update on regional projects. This included two projects still in progress from when the committee stopped meeting regularly a few years ago. The first project is a web-based tool for sizing C.3 facilities (for treatment only). It was noted this tool could allow bioretention facilities and flow-through planters to be smaller than 4% of tributary impervious area. The tool also provides sizing for conventional swales; however, this feature will have little purpose under the MRP, which does not allow the use of conventional swales as stormwater treatment facilities. The second project is a BASMAA list of consultants qualified to review project submittals on behalf of municipalities for compliance with sizing requirements for stormwater treatment facilities. With the new LID requirements it may make sense to phase out maintenance of this list as a BASMAA activity.

Items for Next Agenda

Tom Dalziel identified the following items to be discussed at the next meeting of the Program Development Committee, scheduled for February 11.

- Updates to the Construction BMP Checklist.
- Sharing of Enforcement Response Plans and evaluation of need for a model ERP.
- Report back from BASMAA Development Committee meeting
- Report back regarding Management Committee consideration of Program participation in an SFEP Construction Workshop.
- Discussion of updates to be included in the Stormwater C.3 Guidebook 5th Edition.
- Review of draft letter to USEPA regarding proposed rulemaking.

Open Discussion of C.3 Projects and Issues

Frank Kennedy noted the “disconnect” that can exist between a project Stormwater Control Plan and the construction plans that follow. He suggested creating a list of items to show on construction plans for LID facilities, including inverts, elevations, and flow lines. Frank said these should be shown, at a minimum, on both the utility plans and landscape plans.

Libby Bell said Concord requires grading information to be shown screened on C.3 plans so reviewers can confirm drainage to the facilities. She said on a recent project she had also noted the need to show roof pitch to confirm the direction of roof drainage.

Chris McCann displayed a plan of a subdivision that was “grandfathered” with approvals prior to the C.3 start date, but which Regional Board staff required to include stormwater treatment facilities. The developer now wants to reconfigure some lots, and it is unclear how C.3 is to be applied. After some discussion it was confirmed the sand filter currently designed into the project meets the minimum C.3.d sizing criteria (although perhaps not the *Guidebook* requirements regarding selection of treatment facilities).

NEXT NEW DEVELOPMENT & CONSTRUCTION CONTROLS COMMITTEE MEETING:

Thursday, February 11, 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 Special Meeting
January 20, 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
Jose Pacheco
Donna Feehan
Alex Stroup
Frank Kennedy
Frank Kennedy
Paul Lang
Nancy Voisey
Jolan Longway
Rod Wui
Lynne Scarpa
Adele Ho
Steven Spedowfski
Rinta Perkins
David Swartz
Mitch Avalon
Greg Connaughton

ABSENT

OTHERS/GUESTS:

- I. **Introductions:** Wui began the meeting at 1:35 pm with self-introductions. He then proceeded immediately to the published agenda. Phil Hoffmeister arrived and assumed the duties and responsibilities of the Chair.
- II. **Presentations:**
 - A. Municipal Regional Permit (MRP) Compliance Document – Donald Freitas distributed the most recent edition of the MRP Compliance Document reminding

co-permittees the Compliance Document provides a quick reference for summarizing the provision requirements and their due dates. A workplan will be developed for each sub-committee containing the appropriate MRP sections, activities and Program deadlines to ensure compliance with the MRP. Other information contained in the document was as follows:

- Larger checkmarks indicate who will implement the tasks as the “lead organization;”
- Budget projections for Fiscal Year 2009/10 and 2010/11 will be completed in the next three (3) months and included in the document;
- Once a fiscal year has been completed, this data will be indicated;
- Projected regional tasks could be subject to change depending on Bay Area Stormwater Management Agencies Association (BASMAA) Sub-committee and Board decisions.

Freitas will provide an electronic version of the MRP Compliance Document on January 21, 2010; and, will post future revisions on the Program website in conjunction with email notification of any amended version. The email will contain a summary of new changes made since the last version released.

- C. Proposition 218 Sub-committee – Freitas explained the Prop. 218 effort will require major decisions and will take approximately 12 to 18 months to complete. Therefore, Freitas recommended formation of an ad-hoc sub-committee composed of 2 City Attorneys, 2 City Managers, 2 Engineers and the Management Committee Chair and Vice-chair.

After discussion occurred over the advantages and disadvantages of the proposed structure, the Management Committee agreed to a hybrid proposal which would include seven members of the Management Committee acting as the Prop. 218 ad-hoc sub-committee. Additionally, staff would communicate with City Attorneys through Brian Libow (City of San Pablo); City/Town Managers through Joe Calibrigo (Town of Danville); and, City Engineers through Mitch Avalon (Contra Costa County Flood Control & Water Conservation District) on matters of importance. Co-permittees from the cities of Antioch, El Cerrito, Oakley, Pleasant Hill, Richmond, San Ramon and, the Contra Costa County/Flood Control & Water Conservation District, volunteered to serve on the ad-hoc committee.

Phil Hoffmeister introduced “Action Item B.”

Garth Schultz moved / Laura Hoffmeister seconded / To APPROVE a Proposition 218 Oversight Committee comprised of the seven (7) aforementioned municipalities; and, AUTHORIZED the committee to act on behalf of the Management Committee on matters related to conducting a possible Prop. 218 election, with staff disseminating information to City Attorneys, City Managers and City Engineers through Brian Libow, Joe Calibrigo and Mitch Avalon, respectively. Passed unanimously.

- B. Fiscal Year 2010/2011 Program Budget Preparations – Freitas stated he would send an electronic version of the January 21, 2010 presentation to co-permittees after the meeting. He asked for input from the co-permittees so any changes would be included in future budget documents.

Freitas reviewed the budget process in its entirety, emphasizing January 27, 2010 was the first possible date to meet with the Public Works' Finance Division to review financial figures through December 2009. He expects to have final figures with FY 2009/10 budget projections on February 1, 2010. Freitas expects to have a final budget ready for approval at the March 17, 2010 Management Committee meeting. Freitas quickly reviewed all other budget packet documents. A request was made to include the final FY 2008/09 figures in this year's budget document.

III. **Consent Calendar:**

- A. December 10, 2009 Development Committee Meeting Minutes
- B. December 14, 2009 Public Information / Participation Committee Meeting Minutes
- C. December 15, 2009 Municipal Operations Committee Meeting Minutes
- D. December 16, 2009 Management Committee Meeting Minutes
- E. December 22, 2009 Monitoring Committee Meeting Minutes
- F. January 2, 2010 Administrative Committee Meeting Minutes

Tom Dalziel amended the Management Committee Minutes at the end of the first paragraph on page 3 to replace the date of April 1, 2012 with April 1, 2014.

Rinta Perkins moved / Chris McCann seconded / To APPROVE the Consent Items as amended. Passed unanimously.

IV. **Actions:**

- A. APPROVE BASMAA Sub-committee Representatives for Fiscal Year 2009/10 – Laura Hoffmeister moved / Garth Schultz seconded / To APPROVE the BASMAA sub-committee representatives for Fiscal Year 2009/10. Passed unanimously.
- B. APPROVE Proposition 218 Oversight Committee; and, AUTHORIZE the Committee to Act on Behalf of the Management Committee on All Matters Related to Conducting a Possible Election – Refer to "Presentation Item C."

- C. APPROPRIATE \$41,250 for Contra Costa Volunteer Monitoring Activities for Fiscal Year 2009/10 – Crosby reminded co-permittees at the April 2009 Management Committee meeting co-permittees approved \$57,000 to support Volunteer Monitoring for ten (10) sites in Fiscal Year 2009/10 and \$8,000 for data analysis of the previous year's samples, for a total of \$65,000. Since the MRP provided a much simpler method for trash assessment, municipalities will be doing their own trash assessments, thus reducing the need, and ultimately the cost, of the Volunteer Monitoring Program. Crosby negotiated with the Department of Conservation and Development to reduce the Program's contribution to \$41,250 (including 2008/09 sample analysis) for Fiscal Year 2009/10.

Laura Hoffmeister moved / Frank Kennedy seconded / To APPROPRIATE \$41,250 for the Contra Costa Volunteer Monitoring activities for Fiscal Year 2009/10. Passed unanimously.

- D. APPROPRIATE \$10,000 to Conduct a Bay-Friendly Landscape (BFL) Maintenance Workshop; and, \$250 for Fiscal Year 2009/10 BFL Coalition Membership – Dalziel advocated the Program should allocate \$10,000 to support a Bay-friendly Landscape (BFL) Maintenance Workshop in spring 2010; and, \$250 for an annual BFL membership. Dalziel pointed out the 2008 participants need to be recertified every two (2) years. The proposed dates are March/April 2010. Dalziel and Elisa Wilfong both identified a number of pollution reduction, training, and outreach MRP requirements that would be met by sponsoring this workshop. The total cost of the workshop is \$25,000, but other sponsors are being asked to pick up the rest of the cost.

Garth Schultz moved / Jack Dhaliwal seconded / To APPROPRIATE \$10,250 for Bay-friendly Landscape workshop and membership. Passed unanimously.

- E. APPROVE the Development Committee's Recommendation to Sponsor a Construction Site Stormwater Workshop with the San Francisco Estuary Partnership for a Cost Not to Exceed \$10,000 - Dalziel stated the Development Committee strongly recommended the Program sponsor a Construction Site Stormwater Workshop with the San Francisco Estuary Partnership in light of the new MRP and State General Construction Permit requirements being promulgated. Dalziel stated the cost for an estimated 100 attendees would be \$7,500, but could be offset by charging private industry attendees \$175 to attend. The Program would cover municipal attendees. Dates for the workshop would be in late February/early March 2010. Dalziel stated he would continue to look for ways to minimize the cost.

Laura Hoffmeister moved / Garth Schultz seconded / TO APPROVE the Development Committee's recommendation to sponsor a Construction Site

Stormwater Workshop with the San Francisco Estuary Partnership for a cost not to exceed \$10,000. Passed unanimously.

- F. APPROVE the Development Committee's Updated C.3 Fact Sheet, and its Distribution to Municipalities and Development Professionals – Dalziel distributed the final version (not included with the packet) incorporating co-permittee suggestions. The final, approved document would be distributed electronically on January 21, 2010.

David Swartz moved / Steven Spedowski seconded / To APPROVE the Development Committee's updated C.3 Fact Sheet and its distribution to municipalities and development professionals. Passed unanimously.

V. **Staff Reports:**

- A. Petition for Review – Legal Costs – Freitas reminded co-permittees the Administrative Committee authorized, on behalf of the Management Committee, \$10,000 for legal costs resulting from filing a "Petition for Review" for the MRP. The total cost to date was \$8035.80.
- B. Inspection Agreements Status Report - Wilfong reminded co-permittees the Inspection Agencies signed an agreement in November 2009 with the Contra Costa County Flood Control & Water Conservation District (District), on behalf of the Program, to provide municipal inspections to participating cities. Since then, staff has been working with the participating cities to obtain resolutions authorizing the District to act on their behalf.

Michelle McCauley quickly reviewed the status of approved documents from participating municipalities and urged them to submit necessary documents as soon as possible. Inspections would not begin until the BOS approved all of the aforementioned amendments.

- C. Program Request for Legal Services Update – Freitas thanked Craig Labadie, City of Concord, for his support of the MRP Petition for Review; and, for his assistance with future legal projects on behalf of the Program with Brian Libow (City of San Pablo), and Bryan Wenter (City of Walnut Creek).
- D. Recent State Board and Regional Board Appointments – Dalziel directed co-permittees to the Staff Item. Freitas quickly stated Rob Schroeder, Mayor of the City of Martinez, was appointed to the Regional Board, but will have to recuse himself on matters pertaining to the MRP due to the fact the City of Martinez has NPDES permits thus causing "conflict of interests."
- E. New Zealand Mudsail – Precautionary Measures for Municipal Staff – Jamison Crosby reminded co-permittees of the importance of getting the word out to municipal staff about following proper procedures to decontaminate wading gear after entering creeks. She noted the New Zealand Mudsail has spread in

Contra Costa County because of its nearly microscopic size and ability to clone itself to start a new colony with just one snail.

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

San Francisco Bay RWQCB – Selina Louie attended, left early and made no comments.

Central Valley RWQCB – Kim Schwab did not attend the meeting.

VII. **Information Items:**

A. Article – “Adoption of Riverside and San Bernardino Municipal Storm Water Permits Set for January,” *California Environmental Insider*, December 16, 2009

VIII. **Old/New Business:** None.

IX. **Adjournment:**

Hoffmeister adjourned the meeting at 4:20 pm.



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CONTRA COSTA CLEAN WATER PROGRAM
Monitoring Committee
January 26, 2010 Meeting Minutes

Attendance:

MUNICIPALITY

ATTENDED

ABSENT

City of Antioch

Phil Hoffmeister

City of Concord

Jeff Roubal

Contra Costa County - **Vice Chairperson**

Nancy Stein

City of Richmond - **Chairperson**

Lynne Scarpa

City of Walnut Creek

Rinta Perkins

Non-Voting Members

City of San Pablo

Karineh Samkian

City of Pittsburg

Jolan Longway

Program Staff:

Jamison Crosby

Michelle McCauley

-
- I. Introductory Remarks and Announcements: Nancy Stein began the meeting at 9:35 a.m. and proceeded immediately to the agenda.

Jamison Crosby announced she would be attending the Regional Monitoring Program's (RMP) annual Mercury meeting on January 27, 2010 in Oakland. The meeting was held in collaboration with the San Francisco Estuary Institute (SFEI), a scientific organization which performs thorough monitoring in the bay, not to be confused with the San Francisco Estuary Project, a group closely linked with the Regional Water Board. Crosby explained the Program samples local watersheds for benthic Macroinvertebrate evidence of water quality impairment whereas the work done at SFEI is primarily oriented towards sampling in the Bay.

Crosby also announced a Bay Area Macroinvertebrate Bioassessment Information Network (BAMBI) meeting on February 16, 2010 in Oakland. She will be in attendance.

- II. Update on BASMAA Monitoring Committee: Crosby reminded co-permittees Lynne

Scarpa volunteered to serve as the primary representative, and Phil Hoffmeister was the alternate to the BASMAA Monitoring Committee.

Crosby stated C.11/C.12 c, d, e and i MRP requirements would be partially funded by an EPA Clean Watersheds for a Clean Bay grant to investigate and abate sources of PCBs and mercury. Crosby will email the final version of the Clean Watersheds for a Clean Bay grant.

The Program proactively assumed responsibility for developing a Scope of Work for C.11/C.12.f, "Diversion of Dry Weather and First Flush Flows to POTWs" for BASMAA, which would be written by Brown and Caldwell (B&C). The scope would only cover the first step of this provision which is to develop a feasibility report. Crosby distributed a copy of B&C's draft scope for co-permittees to read at their convenience. Crosby noted the Contra Costa County Watershed Program partnered with SFEP and received a grant for the North Richmond Pump Station Pilot Project to Treat Dry Weather Flows that would largely fund Contra Costa's portion of this MRP requirement, as one of the five (5) required pump station diversions to the sanitary district across all stormwater programs. Crosby noted the compliance dates in the MRP don't mesh with the target dates in the grant and this was something that would need to be resolved.

- III. Report on Meeting with Dept. of Conservation and Development (DCD) re: spring 2010 Sampling: Crosby reported the meeting was canceled due to illness. Crosby was focused on evaluating the methods the volunteers used to prevent the spread of the New Zealand Mudsnail (NZMS) during the 2009 sampling season. Preliminary analysis of the field sheets indicates there were a number of instances where boots/equipment were re-used sooner than the 48 hour window in which the equipment was supposed to dry. Crosby will discuss this with DCD when the meeting is re-scheduled.

Phil Hoffmeister asked Crosby to inquire about a request he had made of Michelle Luebke some time ago to supply him the sampling locations containing the NZMS in his area but had not received a response.

- IV. 1st Draft CCMAP Report on 2009 Data: Crosby teleconferenced Armand Ruby into the meeting. Ruby reported that after doing analysis on the data over the last few years, he was beginning to believe the spring hydrologic regime is what governs the benthic sampling outcome more than any other factor. He compared higher than average and more average flows years and found that the benthic population was lower in high flow years. Ruby believed the flows were too strong for the bugs to establish a population. Crosby urged, and Ruby agreed to present his hypothesis at the BAMBI meeting.

Ruby noted the CCMAP report was coming along, but the photos and Figure 2 still need to be updated. Other areas that still need attention are:

- Latitudes/Longitudes in field data sheets need to be reconciled;

- Marsh 61 site IBI of 7 is very low, causing concern, although Ruby verified the data and found no errors;
- NZMS at Baxter 30 site;
- Appendix A needs to be corrected;
- Appendix C collection dates needed;
- Need more info on high/low score analysis; and
- Mix-up on a site name in Rodeo.

Ruby emphasized the importance of observing decontamination protocols to prevent the spread of NZMS. Crosby reminded co-permittees of the deadline to submit their comments to her and Ruby by February 2, 2010.

One co-permittee asked why the Program performed sampling on Upper San Leandro Creek which feeds into Alameda County and could potentially be a sticky issue with other stormwater programs. Crosby explained the sampling was funded by a creek group who wanted to do it, and was not requested or paid for by the Program. Rinta Perkins stated she would like some narrative to explain this.

Crosby stated overall the field sheets are more complete and accurate in 2009 compared to 2008.

Crosby will contact Arlene Feng of Alameda County to let her know about the sample results in the Upper San Leandro Creek Watershed.

- V. Program Updates: Crosby attended a "Harmonization Project" listening session sponsored by the EPA's Office of Water and Office of Pesticides Programs to address the inconsistencies in the testing methods of each agency on pesticides. Attendees included Crosby, Ruby, Geoff Brosseau, Kelly Moran, Tom Mumley, Chris Sommers, Nancy Stein, Mike Blankenship and other stormwater and POTW representatives statewide. Crosby was hopeful mandates from the USEPA would bring about better coordination and better science among agencies.

Crosby stated she is the co-chair of the California Stormwater Quality Association (CASQA) Pesticides Sub-committee. Last year CASQA budgeted \$10,000 to fund committee activities but due to the amount of activity going on in the pesticides arena over \$30,000 was actually spent. The budget shortfall was covered directly by a number of stormwater programs and POTWs around the state who recognized the importance of the issues. CASQA has allocated \$12,500 for the committee's budget in 2010. Crosby stated they may need to come to the agencies again this year for additional funding to complete pending projects. Crosby followed that a lot of activity was taking place around pesticides. For example, the EPA anticipates making a ruling in 2010 on whether "inert ingredients" listed on pesticide labels should be disclosed. The term "inert" usually means the compound does not react with others and therefore many have viewed these as essentially harmless. However, in this instance the term inert is not used in its real meaning but only means that the ingredient is not the principal, active ingredient. These inert

ingredients can still be quite harmful in that they serve as a catalyst or synergist for other ingredients.

VI. Summary of Action and Agenda Items for Next Meeting:

- Crosby – RMP Annual Hg meeting report
- Committee – Submit comments on draft CCMAP report by February 2, 2010
- Crosby to send copy of grant proposal “Clean Watersheds for a Clean Bay”.
- Crosby to contact Arleen Feng of Alameda County regarding the sample collected on San Leandro Creek.

VII. Adjournment: Crosby adjourned the meeting at 11:15 a.m.

Next Monitoring Committee Meeting:

February 23, 2010
Conference Room “B”
9:30 to 11:30
255 Glacier Drive
Martinez, CA 94553

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MM

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
Dan Jordan, Contra Costa County
Lynne Scarpa, City of Richmond
- Staff:** Donald P. Freitas, Program Manager
Michelle McCauley, Administrative Analyst
- Grantee:** Kids for the Bay – Kristen Mendelsohn, Mandy Billinge
- Consultant:** O’Rorke, Inc. – Tracy Keough, Emiko Hashisaki

MEETING DATE: January 27, 2010

NOTES BY: Tracy Keough

SUBJECT: PIP Meeting # 6

- I. Introductions.** Meeting commenced at 10:07 AM.
- II. Kids for the Bay Presentation.** Mandy Billinge, Kids for the Bay founder, and Kristen Mendelsohn, manager of the Watershed Action Program, presented an update on activities which include 4th grade classes/5x 2 hrs, a field trip, Action Project and teacher training, and, funding. Included in his presentation was an overview of the program as well as activities and success stories from the previous year. Billinge closed by requesting funding from the Program at the same level as the previous year.
- Lynne Scarpa asked how Kids for the Bay was working to reach teachers after their initial instruction. Billinge noted that future goals of the program include continued follow up to participating teachers beyond the 2nd year of outreach, but at the present level of funding, extensive outreach was not possible. Mendelsohn stated that Kids for the Bay does maintain a database of all the teachers that they have trained to be used for future outreach efforts.
- Greg Connaughton requested that Kids for the Bay demonstrate how they have responded to requests for additional information in the past, as well as quantify the number of requests that they have received.

Donald P. Freitas stated that the Committee would likely have an answer regarding Kids for the Bay's funding request by the 3rd Wednesday in March.

- III. O'Rorke Update.** Tracy Keough presented Committee members with the revised Homeowner Letter text, as well as the proposed magnet design. Keough noted that the \$10K set aside for extra Comcast spending could be reallocated to pay for producing and mailing the Homeowner Letter. The magnet could come out of the promotions budget.

Steven Spedowfski asked that the addresses be supplied at a later date so he can follow –up with another letter to his constituent.

The Committee discussed the length of time that these letters should be distributed. At an estimate of \$1.50 to \$1.80 a piece/\$1500 month, Freitas suggested a January – June distribution and then evaluate the success for expanded future distribution. The Committee agreed that a mechanism for measuring the impact of this letter would need to be included in the text, such as a coded URL for the website. The letter should also be included in the post-campaign survey as a method of reach.

Laura Wright made a motion to finalize the letter text, order magnets, and letterhead using the 10K Comcast budget, to distribute the letters from January – June, and to then reevaluate after the survey results arrive. Julie Haas- Wajdowicz seconded the motion. Motion approved unanimously.

Keough introduced the spring campaign media schedule. She noted that bonus space of two months had been negotiated for the transit pieces. Keough will send out a TV schedule to the Committee before the end of the week. Scarpa requested that revised creative be developed for the City of Richmond's bonus Jumbotron and that Cantonese and Tagalog be considered for copy.

Keough concluded by reminding Committee members that the post-campaign survey would include the homeowner letters and be conducted at the end of April, and that results would be presented at the June Committee meeting.

- IV. MRP Compliance Review.** Freitas reminded the Committee members that decisions would need to be made at an upcoming meeting regarding budgeting for the next fiscal year. All agreed the Program would need to keep a local component in addition to the regional component. Freitas stated he would evaluate recommendations to ensure they meet MRP requirements. He suggested scheduling a conference call before the February PIP Committee Meeting to have this discussion.

- V. Committee Roundtable.** Michelle McCauley presented a request for funding from the Native Garden Tour. This was tabled until next month. Freitas

requested O'Rorke bring pricing and samples of promotional items (particularly seeds and pocket ashtrays) to the next meeting, and Committee members should assess their current promotional item needs.

- VI. Confirm Action Items.** O'Rorke will update the homeowner letter and will provide an estimate for producing magnets, postage, and letterhead. O'Rorke will also provide pricing and samples of promotional items from last year, as well as some new options. O'Rorke will send Scarpa files for the City of Richmond Jumbotron.
- VII. Review O'Rorke Contract.** Co-permittees agreed to recommend to the Management Committee that O'Rorke be contracted for FY 2010/11.
- VIII. Adjournment.** The meeting adjourned at noon.

**Next Meeting:
Wednesday, February 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)
January 28, 2010 Minutes**

Attendance:

MUNICIPALITY

City of Antioch
City of Concord
County Watershed Program
City of El Cerrito
City of El Cerrito **(Chairperson)**
City of Oakley
City of Pinole
City of San Pablo
City of San Ramon
City of Walnut Creek **(Vice-Chair)**
City of Walnut Creek

NON-VOTING

City of Brentwood
Town of Danville
City of Hercules
City of Lafayette
Town of Moraga
City of Oakley
City of Orinda
City of Pinole
City of Pinole
City of Pittsburg
City of Richmond

PROGRAM STAFF

ATTENDED

Roger Clarke
Jeff Roubal
Charmaine Bernard
Bill Driscoll
Garth Schultz
Frank Kennedy
Patrick Bowie
John Medlock
Steven Spedowfski
Rich Payne
Rinta Perkins

Laurie Monte

Glen Moniz
David Terhune
AJ Kennedy
AJ Kennedy
Cathy Terrentieff
Patrick Bowie
Tim Harless
Hilario Mata

Elisa Wilfong
Michelle McCauley

- I. Introductions: Garth Schultz began the meeting at 10:00 a.m. and self-introductions were made.

Elisa Wilfong announced her pregnancy and stated she expected to begin maternity leave in early June of 2010.

- II. Approve the December 15, 2009 Municipal Operations Committee (MOC) Minutes: Glenn Moniz moved / Patrick Bowie seconded / To Approve the MOC December 15, 2009 minutes as submitted. Passed unanimously.
- III. BASMAA Committee Update: Wilfong stated the first meeting for the newly formed BASMAA Municipal Operations Committee (MOC) was January 21, 2010. The BASMAA MOC reviewed Municipal, Industrial/Commercial, and Illicit Discharge sections and determined whether each task was a Regional, Program or Municipal responsibility. Trash was reviewed but not thoroughly vetted. No baseline (trash) loads were established. It was expected the subject of establishing baselines would take a significant amount of time to develop and agree upon.

Rinta Perkins, BASMAA Subcommittee member, expressed a strong interest in focusing on trash hot spots as the July 1, 2010 deadline for identifying them was close. She was particularly impressed with John Conan's (EOA, Inc.) methodology and logic in quantifying hot spots.

Wilfong stated possible field training to assess hot spots would be provided by BASMAA. It was yet to be established who would be responsible for the submission/maintenance of the hot spots list to the Regional Water Board.

Co-permittees asked what method would be used to identify hot spots. Latitude/longitude? Descriptions? Co-permittees agreed it should be standardized. One co-permittee pointed out the language in the MRP allows for some flexibility in prioritizing and documenting hot spots.

Wilfong agreed it was best to first focus on locations where improvements were achievable.

- IV. C.10 Trash Provision Agenda:
 - a. Wilfong distributed MRP Workplans for C.2, C.4, C.5 and C.9. which contained internal deadlines / targets to achieve compliance with MRP requirements.
 - b. Wilfong distributed a "Quick Guide to Trash Hot Spots" handout that identified how many hot spots each municipality was required to submit to the Water Board and how to assess the hot spots.
Action: Wilfong will seek clarification for the requirements of photo documentation of hot spots.

Rinta Perkins asked about whether BASMAA could ask the Department of Fish and Game if we can work together under a Memorandum of Understanding (MOU).

Wilfong reinforced trash reduction loading was not necessarily tied to hot spots because of factors beyond municipality's control.

- c. Wilfong stated there was little guidance from BASMAA thus far on how to establish a Baseline Trash Load, but it should account for what is going into the MS4s. Homeless encampments should not be a factor. The subject needs to be vetted more with BASMAA.
- d. BASMAA held a meeting with potential vendors of large trash capture devices. Following the meeting, a Request for Proposal went out to selected vendors. Bids were received on small units. A Master Vendor List will be provided. Municipalities will receive a letter from ABAG asking for their plans / level of participation.

V. C.2 Municipal Operations Provisions Agenda:

- a. Wilfong distributed a matrix containing Pump Station information. She informed co-permittees only six (6) municipalities were listed for containing Pump Stations. The list must be available to the San Francisco Bay Regional Water Quality Control Board (Water Board) by March 1, 2010.
- b. Wilfong stated all municipalities must have a Stormwater Pollution Prevention Plan (SWPPP) for their Corp Yards.

Action: Wilfong will contact the Water Board to determine if municipalities that have only a few municipal vehicles and no Corp Yard or a closed system (no exposure) for a Corp Yard are required to have a SWPPP.

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

- a. Wilfong stated the draft Model Enforcement Response Plan (ERP) was due to the Water Board by April 1, 2010 and distributed it to the municipalities use. Wilfong commented she was waiting for the Development Committee to inform her whether development should be included as part of the ERP. Wilfong wants all parties to move as quickly as possible, getting legal review so the ERP could be ready by the deadline. Wilfong requested input from all attendees regarding universal requirements that would work for all municipalities. Wilfong asked for comments by February 12, 2010 to allow the second draft to be available by the February MOC meeting.

Action: Wilfong would change the flowchart to show ten (10) business days vs. thirty (30); and, will cross-reference our version against other County's ERPs in order to standardize them.

- b. Wilfong urged municipalities to submit their Stormwater Utility Assessment (SUA) Resolutions and Amendments recognizing the new Inspection Agreement to Michelle McCauley as soon as possible because inspections cannot commence until the documents were received.
- c. Wilfong urged co-permittees to have their City Attorney review their model ordinance to ensure they have the authority to levy administrative fines for stormwater violations.

Action: Wilfong to investigate forming an abbreviated "Peace Officer" training to credential municipal employees to administer fines.

- d. Wilfong reminded co-permittees a Model Illicit Discharge Database must be completed by April 1, 2010 and included with the FY 2009/10 Annual Report. Wilfong already sent a first draft by email which meets the MRP requirements to document complaints and spills.
- VII. C.9 Pesticides Toxicity Control Agenda: Wilfong distributed a model IPM Policy which she stated needs to undergo legal review. Its due date is July 1, 2010.
- VIII. Old/New Business: Wilfong urged attendees to immediately notify the Program Secretary, Kristen Hardeman, who their primary, alternate, voting or non-voting members should be on the MOC.
- IX. Adjournment: Wilfong adjourned the meeting at 11:50 a.m. The next MOC meeting will be February 25, 2010.



CONTRA COSTA
CLEAN WATER
PROGRAM

CONTRA COSTA CLEAN WATER PROGRAM
Administrative Committee
February 2, 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

Chris McCann
Steven Spedowfski
Greg Connaughton

Program Staff

Donald P. Freitas
Tom Dalziel

-
- I. Introductory Remarks – Phil Hoffmeister began the meeting at 9:35 a.m. and proceeded immediately to the agenda.
 - II. Fiscal Year 2010/11 Group Program Budget Review – Freitas reported a review of the Fiscal Year 2010/11 Group Program Budget would need to be delayed because the Program was still awaiting financial information from the accounting division. He indicated a draft budget could be available for Administrative Committee review next week. Committee members agreed to hold a face-to-face meeting to review the draft budget the morning of February 10, 2010 from 10:00 AM to noon. Program staff would schedule a conference room and send out a meeting reminder.
 - III. Stormwater Funding Update – Freitas reported plans to convene the newly established Proposition 218 Oversight Committee on Thursday, February 18, 2010. At this meeting, committee members will be provided a draft Request

for Proposal for consultant assistance in planning and conducting an election to establish stormwater funding. Questions were asked and answered.

IV. Municipal Regional Permit (MRP) Implementation – Dalziel provided a brief review of the following MRP implementation activities/issues being addressed at the regional, program and municipal-levels:

A. Regional

1. Fiscal Year 2009/10 Annual Reporting: At the January 28, 2010 BASMAA Board meeting, Tom Mumley (Assistant Executive Officer, San Francisco Bay Regional Water Quality Control Board) indicated he did not want to receive Fiscal Year 2009/10 Municipal Annual Reports focused on implementation of permit requirements no longer in effect. Instead, he wanted the Municipal reports to address activities implemented in accordance with the newly adopted MRP requirements only. This was a surprise to BASMAA representatives that had been anticipating submittal of a hybrid Annual Report for this fiscal year resembling the Annual Report forms/format submitted in previous years supplemented with the additional required reporting prescribed in the MRP. These hybrid reports would have been a transition to an entirely new Annual Report format for Fiscal Year 2010/11. BASMAA Board members explained it would be a challenge to develop and submit an entirely new Annual Report format to the Water Board by April 1, 2010. Mr. Mumley committed to working collaboratively with BASMAA through this process. In response, the BASMAA Board developed an accelerated process for development of Fiscal Year 2009/10 Annual Report forms/format. Each of the various BASMAA subcommittees is now tasked with developing draft forms/format for BASMAA Board members' review on or before February 25, 2010 (i.e., their next meeting). Review of the draft forms by Permittees would occur during March, so BASMAA could finalize and submit the draft forms/format to the Water Board on the April 1, 2010 permit deadline. Dalziel explained Program staff would be preparing some preliminary guidance for municipalities on information to be tracked and reported in the September 15, 2010 Annual Report.
2. White Paper on the Monitoring and Reporting Requirements for Planned Discharges by Municipal Water Purveyors: Dalziel reviewed the requirements applicable to municipalities that own and operate potable water facilities (i.e., Provision C.15.b.iii.(1)). Specifically, the one week notification to the Water Board for any planned discharge exceeding 250,000 gallons per day, or a total discharge exceeding 500,000 gallons; and, the prescriptive and burdensome monitoring and reporting requirements that apply to all planned discharges (i.e.,

regardless of the amount of discharge). Water purveyors routinely and frequently conduct line flushing and other maintenance activities resulting in relatively small quantities of discharge. Having to monitor, track and report on each of these discharges is overly burdensome given the number of instances, and the quantity and quality of the discharge. BASMAA is preparing a white paper on this matter with potential remedies for submittal to the Water Board. Questions were asked and answered.

3. Cost Sharing on Regional Projects: Dalziel explained the BASMAA Board is pursuing development of guidelines or a policy for how individual municipalities will be reimbursed for conducting pilot projects in their community that help all Permittees comply with a permit mandate (i.e., shared costs for shared compliance). Dalziel used the green streets requirement as an example. Ten (10) green street projects must be completed region-wide – two within each county by December 2014. Two projects conducted in one or two municipalities will ensure compliance with this provision for all 21 Permittees in Contra Costa. What mechanism should be established for sharing costs and compliance equitably? Other such regional projects to consider include: at least one (1) BMP effectiveness study (C.8.d.ii); at least five (5) pilot projects addressing POC sources (i.e., Mercury and PCBs) found in accumulated sediments in stormwater drainage facilities (C.11.c); at least ten (10) stormwater treatment retrofit projects to reduce POC pollutant loadings (C.11.e.); and, at least five (5) dry weather/first flush stormwater diversion pilot projects (C.11.f.).
4. Municipal Participation in the Regional Monitoring Collaborative: The MRP requires each municipality to submit to the Water Board by July 1, 2010 documentation that confirms whether the Permittee will conduct monitoring individually, or through the regional monitoring collaborative. To assist in this determination, the BASMAA Monitoring Committee is developing a document that outlines the scope of activities to be undertaken by the regional monitoring collaborative, including the roles and responsibilities of municipalities participating in this effort.
5. Trash Grant, and Baseline Trash Load and Trash Load Reduction Tracking: The Association of Bay Area Government/San Francisco Estuary Partnership's Bay Area Trash Demonstration Grant Project is proceeding. The project Technical Advisory Committee (TAC) has released two Requests for Proposals (RFP) – a Small Device RFP and a Large Device RFP. The small device RFP is for units fitted to existing catch basins (i.e., inserts). Approximately 12 small device proposals

were received and are under review by the TAC. The large device RFP is for larger units (e.g., a CDS unit), which treat a larger tributary area and require significant construction to retrofit existing drainage infrastructure. The deadline for receipt of these proposals is February 8, 2010. Dalziel indicated the budget allocation methodology had been finalized. This is the amount of money allocated to municipalities for purchase of trash capture devices. The number of units a municipality can purchase will depend on the unit(s) selected and each municipality's specific budget allocation. This spring a vendor faire will be held for municipalities to meet with the approved vendors to ask questions and make their selections.

Dalziel then explained the BASMAA Municipal Operations/Trash Committee is scheduled to begin discussions on possible methodologies for developing municipal baseline trash loads and for tracking load reductions. Municipalities are required to reduce trash loads from the municipal storm sewer system by 40% by July 1, 2014. Dalziel reminded committee members of the February 2012 deadline for municipalities to prepare and submit this information. Dalziel recalled Water Board staff member Dale Bowyer's previous remarks in which he expressed his strong desire for development of a regional approach to establishing trash base loads and for tracking reductions. Dalziel explained early installation of full trash capture devices purchased by municipalities through the trash grant (discussed above) may provide one measure to establish trash loads. Questions were asked and answered.

6. Municipal Stormwater Point of Contact: Provision C.7.d. requires Permittees to individually or collectively create and maintain a stormwater point of contact for information on stormwater issues. This requirement can be combined with the similar requirement in Provision C.5.c requiring a point of contact for receiving reports of spills and illegal dumping. The BASMAA Public Information/Participation Committee is coordinating the development of a regional contacts list. Dalziel indicated municipalities will be contacted for this information in the near future.

B. Program

1. Flow Control Monitoring Project Identification and Scoping: Dalziel recalled the importance of finding candidate development projects for conducting flow control monitoring at a minimum of five (5) locations. This activity has to be completed by April 1, 2014, and is critical to determine the accuracy of our HMP model and ultimately to justify the sizing factors we currently use for our Integrated Management

Practices (i.e., treatment/flow control facilities). Program staff will continue to solicit candidate projects.

Dalziel reported Program staff and the Program's C.3 consultant met with the Contra Costa County Flood Control and Water Conservation District to discuss whether the District is interested in and equipped to assist the Program in performing flow control monitoring as required in the MRP. The Flood Control District indicated they were interested in this work. Additional meetings are planned to further discuss the scope and budget for this project.

2. March/April Presentation to the CCEAC: Program staff has requested the opportunity to make a presentation to the Contra Costa City/County Engineering Advisory Committee in March or April. This presentation will focus on the most significant issues impacting public works departments. For example, the application of Low Impact Development (LID) on road widening projects and options for alternative compliance; green street pilot projects; trash load reduction provisions; pilot projects to control sources of sediment in drainage facilities with elevated levels of mercury and PCBs; stormwater treatment retrofit projects; and diversion of dry weather/first flush stormwater flows to sanitary sewer.
3. Legal Authorities and Enforcement Response Plans for Provision C.4., C.5., and C.6.: Municipalities are required to develop and implement an Enforcement Response Plan(s) to guide consistent actions by municipal inspectors to achieve timely and effective compliance from commercial and industrial site operators (C.4) and public and private construction site owners/operators (C.6), and to abate illicit discharges (C.5.). The MRP requires these to be developed and implemented by April 1, 2010. Program staff has prepared a draft model Enforcement Response Plan (ERP) addressing C.4, C.5, and C.6., which is currently being reviewed by the Municipal Operations Committee. Program staff will also be seeking review of the draft ERP by representatives of the City/County Attorneys' Association.
4. Tracking and Coordination of Public Information and Outreach Activities: Provision C.7 requires municipalities to conduct a variety of public information and participation outreach activities each year. These activities can also be implemented at the countywide or regional-level. For example, Provision C.7.c. requires Permittees to participate in or contribute to a minimum of six media pitches a year (e.g., press releases, public service announcements, and /or other

means). Other requirements to be conducted annually include: public outreach events (C.7.e.), watershed stewardship collaborative efforts (C.7.f.), citizen involvement events (C.7.g.) and outreach to school-age children. The Program and BASMAA conduct many of these activities annually for which municipalities can take credit. Program staff is currently developing a matrix outlining actions/activities undertaken at the countywide and/or regional-level. This information will be reviewed at the February 17, 2010 Management Committee meeting.

5. March Construction-Site Stormwater Quality Workshop: The Management Committee approved the Development Committee's recommendation to sponsor a Construction Site Stormwater Quality Workshop this fiscal year. Program staff is working to schedule this workshop for early March at the Shadelands Civic Arts and Education Center in Walnut Creek. This workshop will target municipal construction site inspectors, construction site contractors, and developers. The training will focus on 1) the recently adopted Construction General Permit, which becomes effective July 1, 2010; and, 2) the construction site control requirements in the MRP.

- C. Municipal – Program staff provided to municipalities two MRP compliance planning documents for their use and information. The first is the “MRP Compliance Document,” which provides a summary of the MRP requirements and is intended primarily a five-year planning and budgeting document. The second document, titled “Critical Path MRP Requirements,” delineates municipal and program tasks that have permit due dates occurring within the first 12 months of the permit. Also included are tasks with later due dates for which planning now is critical to ensure compliance.

- V. Review/Discuss Unfunded MRP State Mandate Claim(s): Freitas reviewed discussions at the January 28, 2010 BASMAA Board meeting regarding whether to pursue the filing of a test claim to the State Commission on Unfunded Mandates (Commission). Such a claim, if filed, would include arguments that provisions in the MRP go beyond what is required under federal law and are therefore unfunded state mandates that may not be imposed absent necessary funding. Freitas provided a brief review of two other known test claims filed for municipal stormwater permit requirements. The County of Los Angeles and several of its co-permittees filed a test claim, which was decided by the Commission in July 2009. The Commission found all but one of the challenged provisions did not qualify as unfunded mandates. Freitas recalled the one provision that did qualify as an unfunded state mandate dealt with the requirement to place trash receptacles outside or near a bus transfer station. The County of San Diego filed a test claim on behalf of 18 of its 20 co-

permittees in June 2008. The Commission has not yet decided this claim. Freitas noted a decision of the Commission can be challenged through the judicial process. Freitas then explained the filing of a test claim can be very expensive and the outcome uncertain. He further explained a favorable decision by the Commission could lead to unintended consequences. Freitas' position with the BASMAA Board was one of caution. He requested more information from the proponents of this action, such as a review of the legal costs incurred by the County of Los Angeles to file the claim, and the benefits achieved. He also suggested BASMAA await the Commission's decision on the test claim filed by the County of San Diego. Committee members concurred with Freitas' cautious approach on this issue.

- VI. US EPA Proposed National Rulemaking for Stormwater Discharges: Dalziel reported US EPA conducted a number of "Listening Sessions" around the nation to obtain public input that will be used to inform rulemaking designed to strengthen the national stormwater regulations. Program staff and the Program's C.3 consultant attend the January 20, 2010 listening session at EPA's Region 9 Office in San Francisco. The rulemaking responds in part to a 2009 National Research Council Report *Urban Stormwater Management in the United States*. The report found the current stormwater NPDES program is not effective in preventing the degradation of streams and wetlands by discharges from urban drainage systems.

EPA's focus of this rulemaking is to establish a comprehensive program to reduce stormwater discharges from new development and redevelopment, including practices that retain stormwater on-site through infiltration, evapotranspiration or stormwater reuse nationwide. Dalziel noted national rules mandating 100% onsite retention represent the perspective of the National Resource Defense Council and would not be practicable on most development projects in the Bay Area. A discussion used among committee members. Dalziel indicated the Development Committee was preparing comments for submittal to EPA, which are due on or before February 26, 2010. The proposed draft comments are on the February 17, 2010 Management Committee action calendar.

- VII. CCEAC Status Report: Freitas reported he was anticipating, but had not yet received, a letter from the Chair of the CCEAC outlining policy recommendations for Management Committee consideration. Jeff Roubal indicated the letter needed CCEAC approval. The CCEAC's next meeting is on Friday, February 12, 2010.

- VIII. Program Agreement Update: Freitas reported the existing Program Agreement between the cities/towns/county and the Flood Control District, which terminates on June 30, 2010, had been provided to the three representatives

of the City/County Attorneys' Association, specifically, Brian Libow (City of San Pablo), Craig Labadie (City of Concord) and Bryan Wenter (City of Walnut Creek), who are ready to begin making necessary revisions. Freitas reiterated the Program Agreement had served the Program well over the past ten (10) years and he anticipated minor changes would be needed. Freitas explained the charge of the committee is to review and provide direction on needed changes, which will be provided to the City Attorneys' for final editing. Once the agreement is finalized, every municipality would need to sign onto the agreement. The three City/County Attorneys' Association representatives would assist in this process. Freitas then initiated a page-by-page review of the Program Agreement. Due to time constraints, the committee agreed to continue this review at the February 10, 2010 meeting. Co-permittees were encouraged to review the entire agreement for potential changes prior to the next Administrative Committee meeting on February 10, 2010.

- IX. Approve Draft February 17, 2010 Management Committee Agenda: Freitas added an Action Item for approval of the Public Information/Participation Committee's recommendation to contract with O'Rorke, Inc. for Fiscal Year 2010/11. The draft February 17, 2010 agenda was approved, as revised, by consensus.
- X. Old/New Business - None
- XI. Adjournment: Hoffmeister adjourned the meeting at approximately 11:45 AM.

Next Administrative Committee Meeting:

Tuesday, March 2, 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* ~
Administrative Committee
February 10, 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

Libbey Bell
David Swartz
Jolan Longway
Rod Wui
Lynne Scarpa

ABSENT

Jack Dhaliwal

Non-Voting Members

Town of Danville
City of San Ramon
Flood Control District

Chris McCann
Steven Spedowfski
Greg Connaughton

Program Staff

Donald P. Freitas
Tom Dalziel
Michelle McCauley

-
- I. Introductory Remarks – Donald P. Freitas began the meeting at 10:05 am.
 - II. Draft Budget Review – Freitas explained the draft budget document is still a “work-in-progress.” In working with the Finance Division they discovered errors made last year which must be reconciled this year. Also, Program staff is working with a new accountant and this presents challenges.

Freitas stated the Monitoring estimates were much lower than anticipated in FY 2009/10 and stated he expected to maintain a budget less than four (4) million dollars in FY 2010/11. A “Budget Highlights” summary was distributed to attendees.

Freitas reviewed the draft budget, paying particular attention to the following

areas:

- Freitas responded that contrary to a circulating rumor, he did not receive a raise. His reclassification is stalled and he has been topped at his current position for over fifteen (15) years. The \$30,000 "salary adjustment" (1.I.) was set aside in case the reclassification went through next year and Tom Dalziel succeeded him in the position. Freitas explained any promotion candidate must receive a five-percent (5%) increase and would be promoted to the step that meets that requirement. The \$30,000 salary adjustment would cover a potential salary increase, overhead and benefits associated with the increase.
- BASMAA participation charges were based ½ on population and ½ on pollutant load. Freitas responded he didn't know how much to set aside for BASMAA regional projects because regional coordination was just underway and the projects haven't yet been defined.
- Freitas asked and co-permittees recommended the Urban Creeks Council SMPL Program continue to be funded at the same level.
- A notation should be made to reflect the \$10,000 funding for Bay Friendly Landscaping was increased to \$15,000 and moved from 5.C. to 7.H.3.
- It was pointed out there was an oversight as there was no line item for California Product Stewardship Council (CPSC).
- Freitas emphasized he budgeted \$200,000 (line item 6.A.) in FY 2010/11 for Prop. 218 vs. \$100,000 in previous years based on \$1-1 ½ million estimates to bring it to ballot. That would bring the Prop. 218 fund to \$1.3 million, \$300,000 of which would be spent on Surveys and Legal/Technical support.
- Delete "Projected" \$50,000 for line item 6.B. – Surveys. Freitas stated a meeting would be held in the third week of February to review the final draft Request for Proposal (RFP) document. Soon after it will be mailed out and the selection process for a consultant will begin.
- The yellow highlighted cells represent Encumbered Funds. The former BRMS Fund was now called "MRP Reserves." An estimated \$924,000 was encumbered in FY 2009/10 and is currently co-mingled with the MRP Reserves of approximately \$600,000. At Freitas' request a discussion ensued about what to do with the nearly \$500,000 of the \$924,000 Freitas had not budgeted for FY 2010/11. Should it be retained to offset increasing monitoring expenses coming in future years or should it be returned to source? Freitas pointed out the MRP Reserves were accumulated with the specific intent of smoothing out anticipated spending increases in the MRP, while encumbrances were a

general hold-over reserve and would be returned to source before the MRP Reserves. After some discussion, no decision was made.

- It was suggested a darker line frame the "Draft 2010/11 Budget" column to help it stand out.
- Freitas had not yet received the "Actual" costs for section C.7 PEIO/PIP.
- The BAAMAA PIP committee had not yet determined how much of a regional vs. individual campaign approach to take.
- A line item needed to be added for BASMAA PIP contributions.
- 7.G.-C.8.7 needed to be moved/combined with 7.G-C.8.3.
- 7.G.-C.8.9 &10 would be funded from MRP Reserves.

Freitas again asked co-permittees to consider what should be done with the nearly \$500,000 unbudgeted from the \$924,000 FY 2009/10 encumbrance. Freitas stated the Public Manager's Association was very clear it should be kept and used to offset future increases but some members of the City/County Engineering Advisory Committee were pushing to have the funds returned to source. Co-permittees agreed to speak to their municipal officials one more time to be able to make an informed recommendation to the Management Committee.

III. Program Agreement - Freitas thanked Dalziel and Greg Connaughton for their input on the draft markup Program Agreement he distributed. Freitas asked co-permittees to review and make comments before the February 17, 2010 Management Committee meeting. Freitas would incorporate comments prior to sending the Program Agreement to the designated legal team for review.

IV. Adjournment - Meeting adjourned the meeting at 12:25 a.m.

Next Administrative Committee Meeting:

Tuesday, March 2, 2010

9:30 a.m. to Noon

Conference Room "A"

255 Glacier Drive

Martinez, CA 94553

