



**CONTRA COSTA
CLEAN WATER
PROGRAM**

CONTRA COSTA CLEAN WATER PROGRAM
New Development & Construction Controls Committee
June 11, 2009 Teleconference Meeting Minutes

Attendance:

MUNICIPALITY

ATTENDED

ABSENT

City of Brentwood
City of Clayton
City of Concord
Town of Danville
City of Hercules
City of Lafayette
City of Martinez
Town of Moraga
City of Pinole
City of Pittsburg
City of Pleasant Hill
City of Richmond
City of San Ramon
City of Walnut Creek (**Chairperson**)
Contra Costa County (**Vice-Chairperson**)

Jeff Cowling
Laura Hoffmeister
Libbey Bell

Christine Sinnette
Khalil Yowakim
John Sherbert
Nancy Voisey
Majeed Bahri

Chris Low
Rinta Perkins
David Swartz

Chris McCann
Jeff Brown

Rod Wui
Jay Gandhi

Non-Voting Members

Program Staff:

Tom Dalziel
Michelle McCauley

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- I. Roll Call, Announcements, and Changes to Agenda: David Swartz (Vice Chair) initiated the telephone conference call with a roll call of voting members at approximately 9:00 a.m. He then asked if there were any announcements or proposed changes to the agenda. Hearing none, Swartz proceeded to the agenda.
 - II. Consent Calendar:
 - A. Approve the November 26, 2008 NDCCC Draft Summary Minutes – Jeff Cowling motioned / John Sherbet seconded to approve the November 26, 2008 draft summary meeting minutes. Approval was unanimous. Libbey Bell abstained.
 - III. Reports:

- A. May 13, 2009 Municipal Regional Permit Public Hearing – Dalziel referred to the memorandum dated May 20, 2009, which he emailed to committee members on June 5, 2009. The memorandum summarizes the San Francisco Bay Regional Water Quality Control Board's (Water Board's) closing comments and direction to staff at the end of the May 13, 2009 public hearing on the February 11, 2009 Draft Tentative Order for the Municipal Regional Permit. The Water Board members' comments focused almost exclusively on the following topics in priority order – trash, new development & redevelopment, monitoring, conditionally exempted discharges, and reporting.

The Water Board's closing comments on the proposed new development and redevelopment provisions focused on reconciling comments made by the National Resources Defense Council (NRDC), the United States Environmental Protection Agency (USEPA), and municipal representatives. USEPA and NRDC advocated for specific provisions and criteria mandating implementation of Low Impact Development (LID). Contra Costa representatives, speaking on behalf of Bay Area municipalities, argued LID is being implemented in the Bay Area under existing permits and that specific LID criteria promoted by NRDC and USEPA would unnecessarily undermine our existing Programs. Water Board members expressed their intent to not undermine, disrupt nor stifle Bay Area local agencies' initiative and innovations in promoting and implementing LID. The Water Board directed staff to "convince the critics" and reconcile current Bay Area LID implementation approaches with those advocated by USEPA and NRDC. They further directed staff seek the assistance of municipalities in this effort.

NRDC, and to a lesser extent USEPA, also advocated for limiting the proposed alternative compliance provisions. Water Board members directed staff to evaluate whether the specific alternative compliance provisions providing partial waivers for certain projects from strict compliance with Provision C.3.d (i.e., numeric sizing criteria for treatment systems) may be too broad.

Dalziel also briefly reviewed Water Board members' closing comments regarding the trash, monitoring and reporting provisions. Questions were asked and answered.

Dalziel concluded by stating Water Board members' closing comments and direction to staff would require substantive changes to the MRP, particularly to the trash provisions, and would likely delay adoption of the MRP from July to August or September 2009.

- B. April 23, 2009 Release of the Draft General Construction Permit – Dalziel reported the deadline for written comments on the April 23, 2009 Draft General Construction Permit is June 24, 2009. A public hearing was held at the State

Water Resources Control Board in Sacramento on June 3, 2009. The California Stormwater Quality Association (CASQA), along with the Bay Area Stormwater Management Agencies Association (BASMAA), have been actively involved in the review of this draft permit and have been submitting both oral and written comments on behalf of municipalities. Dalziel indicated he would provide a detailed review of the draft permit at the July NDCCC meeting.

- C. Update: USEPA Construction Effluent Guidelines – Dalziel reported there was no new information to report on USEPA’s development of effluent guidelines for discharges from construction sites. USEPA published proposed effluent limitation guidelines in November 2008. The comment period closed on February 26, 2009. USEPA is still reviewing the hundreds of comments submitted.

These guidelines, when adopted, will provide a national baseline for control of construction site pollutant discharges. Dalziel indicated these guidelines would not likely have any impact in California because the State General Construction Permit, which is scheduled to be adopted by September 2009, would likely be more stringent.

- D. Update: State & Regional Wetland, Stream, & Riparian Area Protection Policies – Dalziel reported there had been no new developments in the San Francisco Bay and North Coast Regional Water Quality Control Boards’ joint development of a *Stream and Wetland System Protection Policy*, nor the State Water Resources Control Board’s development of a statewide *Wetland and Riparian Area Protection Policy*. Dalziel provided a brief review of the two different initiatives. Questions were asked and answered.

IV. Discussion Items:

Merging the NDCCC and C.3 Implementation Work Group – Dalziel reviewed the pros and cons of folding the C.3 Implementation Workgroup back into the NDCCC. Dalziel explained when our Municipal Permit was amended in February 2003 with the Provision C.3 regulations, it was necessary to establish C.3 workgroups for review and development of an overall C.3 compliance program. The NDCCC simply did not have sufficient representation or expertise to resolve the myriad of legal, technical, and policy issues. At that time, four C.3 workgroups were formed. Although there continues to be much work involved in ongoing implementation of the C.3 rules, just one C.3 workgroup remains – the C.3 Implementation Workgroup. Dalziel explained it was always anticipated the C.3 workgroups would eventually fulfill their intended functions and end. With just one C.3 workgroup remaining, Dalziel explained the idea of merging the C.3 Implementation Workgroup into the NDCCC had been brought up by one or more co-permittees. A lengthy discussion ensued. Committee members acknowledged the agendas could be large and there was a potential for diverse attendees. Ideas were offered to address this such as structuring the agenda between construction issues and post-construction issues allowing

attendees the option of attending only that portion of the meeting containing agenda topics pertaining to their interests.

Committee members agreed to recommend the C.3 Implementation Workgroup be combined with the NDCCC starting in July 2009. They also agreed to recommend the NDCCC meet the second Thursday of each month, from 9 a.m. to noon; the same meeting time and schedule used by the C.3 Implementation Workgroup. The next combined meeting would be on Thursday, July 9, 2009.

V. Old/New Business: None.

VI. Meeting Adjourned: Swartz adjourned the telephone conference call meeting at approximately 10:00 am.

NEXT NEW DEVELOPMENT & CONSTRUCTION CONTROLS COMMITTEE MEETING:

Thursday, July 9, 2009
9:00 a.m. to Noon
Conference Room "G"
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553

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CONTRA COSTA
CLEAN WATER
PROGRAM

CONTRA COSTA CLEAN WATER PROGRAM
Management Committee Special Meeting
June 17, 2009 Minutes

Attendance:

MUNICIPALITY

City of Antioch
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
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
Jeff Cowling
Laura Hoffmeister
Jeff Roubal
Chris McCann
Maria Sanders
Jose Pacheco
Donna Feehan
Alex Stroup

Cathy Terentieff
Nancy Voisey
Jolan Longway
Rod Wui
Lynne Scarpa
Karineh Samkian
Steven Spedowfski
Steve Waymire
David Swartz
Greg Connaughton

ABSENT

Frank Kennedy
Frank Kennedy

OTHERS/GUESTS:

- I. **1:00 PM – CLOSED SESSION:** Following the Closed Session, Steven Spedowfski asked for self-introductions. He then proceeded to the agenda at 1:50 pm.
- III. **Consent Calendar:**
 - A. May 14, 2009 C.3 Implementation Work Group Meeting Summary

- B. May 20, 2009 Management Committee Meeting Minutes
- C. May 27, 2009 Public Education & Industrial Outreach (PEIO) Committee Meeting Minutes
- D. June 2, 2009 Administrative Committee Meeting Minutes

Laura Hoffmeister moved/Karineh Samkian seconded/To Approve the Consent Items as submitted. Passed unanimously.

IV. **Actions:**

- A. NOMINATE and ELECT the Management Committee Chair and Vice-Chair for Fiscal Year 2009/10 - Phil Hoffmeister was nominated as Fiscal Year 2009/10 Management Committee Chair. David Swartz moved/Jeff Cowling seconded/To Nominate Phil Hoffmeister for FY 2009/10 Management Committee Chair. Passed unanimously.

Rod Wui was nominated as Fiscal Year 2009/10 Management Committee Vice-chair. Laura Hoffmeister moved/Nancy Voisey seconded/To Nominate Rod Wui for FY 2009/10 Management Committee Vice-chair. Passed unanimously.

- B. APPROVE Fiscal Year 2009/10 Committee Designations – Kristen Hardeman reminded co-permittees the Program Agreement calls for sub-committee designations for each fiscal year in June of the previous fiscal year. Hardeman reiterated Donald Freitas' concern about the large number of members on the New Development and Construction Controls Committee (NDCCC) versus the small number of members on some of the other sub-committees; and, she suggested co-permittees consider moving to other sub-committees.

Freitas pointed out NDCCC would be merged with the C.3 Implementation Workgroup and would return to a robust meeting schedule. Freitas also stressed the potential difficulty in running the NDCCC committee with its current population at eighteen (18) as he urged co-permittees to reconsider their choices. Some discussion followed.

Jolan Longway added herself as a voting member of the Administrative Committee; Rod Wui changed his status on the NDCCC to non-voting; Karineh Samkian added herself as a non-voting member of the NDCCC and Watershed Monitoring and Assessment Committee; and, Steven Spedowfski changed the status of Brian Bornstein on the NDCCC to non-voting.

V. **Staff Reports:**

- A. Municipal Regional Permit (MRP) Update – Tom Dalziel stated he attended a June 16, 2009 meeting with San Francisco Bay Regional Water Quality

Control Board (Water Board) staff and Bay Area Stormwater Management Agencies Association (BASMAA) representatives. Water Board staff believed they could make the modify the draft Tentative Order National Pollutant Discharge Elimination System (NPDES) Permit sufficiently to satisfy BASMAA without making changes so substantive it would necessitate a re-notice of the permit. Water Board staff does not want to delay their targeted acceptance date of September 2009. Dalziel stated technically the only legal requirement to determine acceptance of the Permit is public notification seven (7) days prior to the hearing date. Tom Mumley indicated there would be few changes in the Monitoring section of the Permit.

BASMAA representative asked to meet four (4) times with Water Board staff to resolve the remaining issues on LID, Trash, Monitoring, Pollutants of Concern and Section C.15. Program staff and co-permittees agreed the implementation dates need to be revised.

- B. Draft Construction General Permit – Dalziel distributed the most recent Draft Construction General Permit and noted the comment period has been extended to June 24, 2009. The California Stormwater Quality Association (CASQA) was attending the hearings and drafting comments on behalf of stormwater programs. Dalziel provided a quick overview of changes and stated he would provide a detailed review at the July 15, 2009 Management Committee meeting.
- C. Wetland, Stream, and Riparian Area Protection Policies – Dalziel stated there was no new information available at this time.
- D. Proposition 84 Stormwater Grant Program – Dalziel stated Bay Area stormwater programs have met multiple times to prepare for the solicitation of concept proposals but that the State's deepening budget crisis continues to keep the allocated funds on hold and no change is expected in the immediate future.
- E. Status of Proposition 218 Election – Freitas stated he has informally contacted four (4) firms that have experience with this type of election and requested they provide a letter containing information on timeline, Engineers Report, options, costs, etc. Freitas urged co-permittees who are aware of firms they would like to be contacted to provide him that information.

Freitas confirmed so far the Program intends to proceed on a Countywide basis but that the Town of Danville and/or the City of Richmond could opt out.

Freitas indicated County Counsel recommended the best course of action if the Cities of Brentwood and Richmond want to participate in the Stormwater Utility Area Agreement (SUA) would be to amend the current SUA Agreement with language to include the cities.

- F. Legislative Bills – Various – Dalziel stated he expected all co-permittees were receiving and reading the CASQA newsletters.

Dalziel reviewed SCA 18 – A Senate Constitutional Amendment requiring voter approval to add stormwater fees to a list of activities exempt from Proposition 218 faces an uphill battle.

Senate Bill 310 – Imposes stormwater fees on activities that generate runoff or runoff of pollutants to pay for the development of a watershed improvement plan. The original version was amended to address the concerns of the Department of the Navy and National Resource Conservation District and is supported by the California Building Industry Association.

Senate Bill 346 – The phase out of copper in brake pads has passed the Senate Appropriations Committee and has gone to the Assembly Sub-committee.

- G. Clean Water Program Structure – Freitas asked co-permittees to consider the demands and shift in priorities of the MRP and to consider if the current Program structure would continue to be functional.

Some discussion ensued on the following subjects:

1. Repetitiveness of the Administrative Committee with the Management Committee;
2. Begin efforts to establish regional committees for Public Education and Monitoring. It was suggested sub-committee designees attend quarterly BASMAA meetings; and
3. Co-permittees want to have all the regional coordination and designation work completed by end of calendar year so the City Councils can have their respective Resolutions ready by March 30, 2010.

After further discussion, staff and co-permittees agreed to re-designate the Administrative Committee effective July 1, 2009, as an “ad-hoc” committee. The Management Committee Chair and possibly Vice-chair would be consulted for direction on time sensitive matters that fall between regularly scheduled Management Committee meetings.

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

San Francisco Bay RWQCB – Matt Graul – Not in attendance

Central Valley RWQCB – Kim Schwab – Not in attendance

VII. **Information Items:**

Article: “Cigarette Butts as Litter – Toxic as Well as Ugly,” *Clean Virginia Waterways*

Website, <http://www.longwood.edu/cleanva/>

Newsletter: The Watershed Project's *Ebb & Flow*, June 2009. To access online go to <http://www.thewatershedproject.org/enewsindex.html>

VIII. **Old/New Business:**

Freitas stated four (4) Trash ads produced by O'Rorke would be available at the July 2009 Management Committee meeting.

Freitas asked co-permittees if anyone in addition to Program staff planned on attending the CASQA conference in November 2009. Because of budget restrictions, it appeared only Program staff would be attending.

IX. **Adjournment:**

Spedowski adjourned the meeting at 3:30 pm.

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CONTRA COSTA
CLEAN WATER
PROGRAM

CONTRA COSTA CLEAN WATER PROGRAM
Watershed Assessment & Monitoring Committee
June 23, 2009 Meeting Minutes

Attendance:

MUNICIPALITY

ATTENDED

ABSENT

City of Antioch

City of Concord - **Chairperson**

Contra Costa County

City of San Pablo – **Vice Chairperson**

Phil Hoffmeister

Jeff Roubal

Charmaine Bernard

Nancy Stein

Karineh Samkian

Non-Voting Members

City of Richmond

City of Orinda

City of Walnut Creek

Lynne Scarpa

Cathy Terentieff

Rinta Perkins

Program Staff:

Jamison Crosby

Michelle Luebke

Michelle McCauley

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- I. Introductory Remarks and Announcements: At 9:35 a.m. Jeff Roubal asked for self-introductions then he proceeded immediately to the agenda. Nancy Stein was welcomed back to the committee after her absence.

 - II. Urban Creeks Council – 10 Year Retrospective – Mike Vukman and Jim Chayka of the Urban Creeks Council provided a PowerPoint overview of the establishment and growth of the Streamside Management Program for Landowners (SMPL) Program at the Urban Creeks Council. At the conclusion of the presentation Vukman explained how the receipt of \$300,000 in EPA Grant money focused on sediment as a pollutant of concern (POC), will allow them to begin implementing some of the projects they have been advocating through the years of meeting with creekside landowners. The grant will provide up to two-thirds of the cost of design and permitting of projects plus one-to-one matching funds for construction (up to \$30,000 total per landowner). The grant lasts for 3 years and projects selected would have to complete construction within this time frame. Questions were asked and Vukman answered what he could and responded to some that the process has not been fully thought through yet and he would respond at a later date with more

information. Karineh Samkian asked if the money could go to a public entity or only private landowners. Vukman will inquire and get back to the group.

Vukman stated he needs to begin notifying potential grant applicants of the availability of grant monies. Some discussion occurred over what information should be included in the notification and who it should be disseminated to. Co-permittees stated they want to be involved in the process of determining outreach strategies. In the end it was determined that WAM would discuss prioritizing which watersheds they would want to target for the grant and provide this information to UCC to help with their outreach to potential candidates.

Rinta Perkins stressed she would like Vukman to query the files of landowners contacted previously through SMPL to get a list of potential grantees. Vukman will do this and report back to the committee by the July WAM meeting.

- III. BMI Sampling – 2009 Season – Michelle Luebke stated all sampling for spring 2009 was completed. She did not have the official tally of sites on-hand but estimated the volunteers sampled thirty-four (34) sites, which included additional sites beyond the sites designated by the Program funded by the City of Richmond and the City of Walnut Creek.

Luebke stated the New Zealand mudsnail invasion is noticeably worse in West Antioch Creek. Luebke performed a creek walk to determine the spatial extent of the snail throughout the creek and noted she found it all the way from just downstream of the municipal reservoir to 1 mile from the mouth of the creek. Phil Hoffmeister stated no state agencies would work with him to eradicate the problem. Charmaine Bernard suggested he contact the Federal Department of Fish and Wildlife who are working in the western states to eradicate the non-native mussel invasion.

- IV. Program Sub-committee Re-organization – Crosby distributed copies of the “Program Organizational Structure” for review. These were also distributed in the June Management Committee packet. Crosby asked co-permittees for suggestions in structuring sub-committees to meet the upcoming MRP requirements and needs of the co-permittees. Co-permittees responded they would like to see the WAM Committee moving toward regional coordination as called for in the MRP. Samkian suggested a regional WAM group be created under the auspices of the existing BASMAA Regional Monitoring Coalition with one or two city representatives attending along with Program staff.

Samkian suggested and co-permittees agreed the WAM Committee should be designated as an ad-hoc committee that meets two to four times per year. This would allow co-permittees time to participate in the regional WAM group but still provide opportunities for the Program’s WAM Committee to meet and vote when necessary on items requiring their input. At the July WAM meeting liaisons should be selected to represent the Program at the regional meetings with Crosby.

Co-permittees would also like to see the Municipal Maintenance Workgroup be elevated to a regular monthly committee and Commercial-Industrial Workgroup meet less frequently at two to four times per year.

In the end, Samkian made a motion to make WAM an ad-hoc committee with the Chair and Vice-Chairpersons serving as the representatives to the BASMAA Regional Monitoring Coalition. The motion passed with unanimous approval of the committee. Once representatives to the BASMAA Regional Monitoring Coalition are chosen, the Management Committee would need to approve those selections.

V. Program Updates:

- Brake Pad Partnership – SB346 passed the Senate Appropriations Committee and is now awaiting a hearing in the Assembly Environmental Safety and Toxic Materials committee scheduled for June 30th. If the bill passes the committee it will go to an Assembly hearing in August 2009, following recess. Crosby requested co-permittees attend the hearing. She will provide information about the location and time as it becomes available.
- PCBs TMDL – This item is still not listed on the State Water Board Agenda. But comments were recently solicited from stakeholders and Crosby reviewed the comment letter BASMAA submitted on this topic.
- Staff recently met with Kim Schwab and other Central Valley Regional Water Quality Control Board staff to discuss how they would handle the MRP once it was adopted. They stated they would like to add a few Central Valley creeks to the list of those to be monitored (e.g. Marsh Creek). They intend to release an almost carbon copy of the MRP within a few months of the MRP's release.
- Crosby distributed two spreadsheets from the BASMAA Regional Monitoring Coalition describing the tasks at hand for status monitoring and POC monitoring with ideas as to whether activities should be carried out regionally or by county. Co-permittees can review and provide comments to Crosby at their convenience.
- The Pyrethroids re-evaluation is still moving very slowly. The Pyrethroids Working Group (PWG) recently performed a building material wash-off study which Crosby felt was very poorly designed and yielded very little useable data or results. The CASQA Pesticides Subcommittee Crosby commented on the study and is becoming increasingly frustrated with the re-evaluation process because valuable time is being wasted on studies that yield few results and the PWG seems unwilling to take meaningful action.

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

- Elect WAM officers and liaisons to the BASMAA Regional Monitoring Coalition;
- Determine an outreach strategy by the Urban Creeks Council in Contra Costa

County for the EPA grant money;

- Urban Creeks Council to supply a list of potential grant applicants from its historical contact database; and
- WAM to prioritize watersheds at its July meeting.

VII. Adjournment: Roubal adjourned the meeting at 11:20 a.m.

Next Watershed Assessment & Monitoring Committee Meeting:

Tuesday, July 28, 2009
9:30 am to 11:30 am
Conference Room "B"
255 Glacier Drive
Martinez, CA 94553

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ATTENDEES

Members: Dan Jordan, Chairperson, Contra Costa County
Laura Wright, Vice-Chair, City of Pittsburg
Julie Haas-Wajdowicz, City of Antioch
Greg Connaughton, Flood Control District
Steven Spedowfski, City of San Ramon

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

Consultant: O’Rorke, Inc. – Tracy Keough, Emiko Hashisaki, Kristen Marchus

MEETING DATE: June 24, 2009
NOTES BY: Tracy Keough
SUBJECT: PEIO Meeting # 08

Materials provided:

Final TV spots
Draft print ads
Results from pre-campaign survey

I. Introductions. Meeting began at 10:10 AM and introductions were made.

II. Presentation of TV Spots. Tracy Keough presented the revised TV spots. After reviewing all spots, Dan Jordan made a motion to approve. Steven Spedowfski seconded the motion. Passed unanimously

III. Presentation of Print Ads. Keough then presented the revised print ads. The Committee provided comments, which Keough will have incorporated. The ads will be redistributed for review on Friday, June 26th, 2009.

IV. Presentation of Pre-Campaign Survey Results. Keough then distributed the Pre-Campaign Survey Report. She noted that this should be used as a baseline for determining the effectiveness of the current campaign, and as such did not require significant discussion. The Committee agreed that this document would be used later on as an evaluation tool.

V. Presentation of Website. Emiko Hashisaki presented the latest version of the website, slated to launch on June 30th.

Committee reviewed each section of the website, and provided initial comments that will be incorporated before June 30th. The Committee determined that there was an overall need for images and enhanced graphics on most secondary pages of the website, but that these and other changes could be made over time, after the current version of the site goes live.

After the site is launched on June 30th, Hashisaki will work directly with Michelle McCauley to determine in what order the remaining changes should be implemented.

VI. Next Steps. Keough will distribute revised print ads to the Committee on Friday, June 26th. Hashisaki will notify the Committee when the approved version of the website has launched on June 30th. Keough and O'Rorke staff will present Facebook options at a future meeting.

VII. Adjournment. The meeting adjourned at 11:50 PM.

**Next Regular Meeting:
Wednesday, July 22
10:00-12:00 PM
255 Glacier Drive, Martinez, CA**