



**CONTRA COSTA
CLEAN WATER
PROGRAM**

MANAGEMENT COMMITTEE MEETING AGENDA

Wednesday, January 19, 2022

1:30 PM to 3:30 PM

Join Zoom meeting:

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

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

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

VOTING MEMBERS (authorized members on file)

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

PROGRAM STAFF AND CONSULTANTS

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

NEXT MANAGEMENT COMMITTEE MEETING

Wednesday, February 16, 2022, 1:30 PM

**Contra Costa Clean Water Program
MANAGEMENT COMMITTEE MEETING AGENDA
Wednesday, January 19, 2022**

AGENDA

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

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

Regional Water Quality Control Board Staff Comments/Reports: **1:35**

Consent Calendar: **1:40**

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

- A. **APPROVE** Management Committee meeting summary (Chair)
 - 1) December 15, 2021 Management Committee Meeting Summary
- B. **ACCEPT** the following subcommittee meeting summaries into the Management Committee record: (Chair)
 - 1) Administrative Committee
 - December 7, 2021
 - 2) PIP Committee
 - November 2, 2021
 - December 7, 2021
 - 3) Monitoring Committee
 - November 8, 2021
 - 4) Development Committee
 - October 27, 2021

Presentations: **1:50**

- A. First Draft Budget for FY 22/23 (M. Avalon/A. Bullock)
 - a. See staff report for background information
- B. Confirmation of Management Committee approvals on December 15, 2021 (M. Avalon)
 - a. See staff report for background information
- C. Authorization for Advance Work (M. Avalon)
 - a. See staff report for background information

- Actions:** **2:30**
- A. AUTHORIZE staff to proceed with all advance work needed to meet anticipated compliance deadlines and as approved in the FY 21/22 Midyear Adjusted Budget.

- Reports:** **2:40**
- A. Status of Monsanto Settlement Agreement (M. Avalon)
 - B. Status of the MRP 3.0 (M. Avalon)
 - C. Report on Construction General Permit (S. Mathews)

- Updates:** **3:00**
- A. Personnel Update (K. Graves)
 - B. BAMSC Steering Committee meeting (K. Graves)
 - C. Status of RFQ process for new contracts (K. Graves)

- Information:** **3:20**
- A. CASQA Quarterly meeting January 20, 2022 (federal infrastructure funding) (A. Bullock)
 - B. Submit documentation of PCBs amounts in applicable building demolition projects (L. Welsh)
 - C. Flood Control will soon be requesting resolutions establishing SUA assessments (A. Bullock)
 - D. American Rescue Plan Act funds and how to use them (L. Hoffmeister)

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

Adjournment: Approximately 3:30 p.m.

Attachments

Consent Items

1. *Management Committee Meeting Summary December 15, 2021*
2. *Administrative Committee Meeting Summary December 7, 2021*
3. *PIP Committee Meeting Summary November 2, 2021*
4. *PIP Committee Meeting Summary December 7, 2021*
5. *Monitoring Committee Meeting Summary November 8, 2021*
6. *Development Committee Meeting Summary October 27, 2021*

Presentation Items

7. *Staff Report on First Draft Budget FY 22/23*
8. *First Draft Budget spreadsheet*
9. *Staff Report on Approval Confirmation*
10. *Staff Report on Advance Work for FY 21/22*
11. *Advance Work Schedule*
12. *Advance Work Schedule with Mitigating Risks*

Information Items

UPCOMING CCCWP MEETINGS

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

February 1, 2022 1st Tuesday	Administrative and PIP Committee Meeting 9:30 a.m. – 12:00 noon
February 14, 2022 2nd Monday	Monitoring Committee Meeting, 10am – 12 noon
February 15, 2022 3rd Tuesday	Municipal Operations Committee Meeting, 10am-12 noon
January 26, 2022 4th Wednesday	Development Committee Meeting, 1:30 p.m.-3:30 p.m.
February 16, 2022 3rd Wednesday	Management Committee Meeting, 1:30 p.m.-3:30 p.m.

BAMSC (BASMAA) SUBCOMMITTEE/ MRP 3.0 MEETINGS

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

TBD	Regional Water Board adoption hearing on MRP 3.0 Final Order
1st Thursday	Development Committee, 1:30 – 4:00 p.m. (even months)
1st Wednesday	Monitoring/POCs Committee, 9:30 a.m. – 3:00 p.m. (odd months)
4th Wednesday	Public Information/Participation Committee, 1:30 – 4:00 p.m. (1 st month each quarter)
4th Tuesday	Trash Subcommittee, 9:30 a.m.-12 noon (even month)



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MANAGEMENT COMMITTEE MEETING MINUTES

12-15-2021

Attendance:

MUNICIPALITY	ATTENDED	ABSENT
City of Antioch		Phil Hoffmeister (Chair)
City of Brentwood	Meghan Laporta (Vice Chair)	
City of Clayton		Laura Hoffmeister
City of Concord	Bruce Davis	
Town of Danville	Bob Russell	
City of El Cerrito	Stephen Prée	
City of Hercules	Nai Saelee	
City of Lafayette		Matt Luttrupp
City of Martinez	Khalil Yowakim	
Town of Moraga	Frank Kennedy	
City of Oakley	Frank Kennedy	
City of Orinda	Scott Christie	
City of Pinole	Misha Kaur	
City of Pittsburg	Jolan Longway	
City of Pleasant Hill	Frank Kennedy	
City of Richmond		Joe Leach
City of San Pablo	Karineh Samkian	
City of San Ramon	Kerry Parker	
City of Walnut Creek	Lucile Paquette	
Contra Costa County	Michele Mancuso	
CCC Flood Control and Water Conservation District	Time Jensen	

Program Staff: Karin Graves, Andrea Bullock, Michael Burger

Program Consultants: Mitch Avalon, Elizabeth Yin, Lisa Welsh, Lisa Austin, Alina Constantinescu, Hilary Pierce, Dan Cloak

Members of the Public/Others/Guests: Melinda Harris (Contra Costa County), Anand Maganti (Caltrans), Sanjay Mishra (City of Pinole)

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

Public Comments: No members of the public called in.

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



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1. **Roll call was taken and the meeting was convened by the Chair at 1:30 p.m.**
2. **Announcements:** There were no changes to the agenda. Karin Graves announced that Craig Gooch, the Program's AGOL consultant with PSOMAS is retiring. There is no expected lapse in service.
3. **Special Presentation (Caltrans):** The Vice-Chair introduced Anand Maganti, a representative for Caltrans District 4 and Stormwater coordinator with Caltrans' Division of Environmental Analysis. He introduced the committee to the Clean California Program. Caltrans' Clean California Program is a \$1.1B transformative initiative to remove litter, create jobs and beautify California and was approved by the governor.

The program began in July and will provide statewide funding. \$438M will go to expanded litter pickup and \$297M will go to the local grant program. District 4 action areas include hiring additional maintenance crews, expanding the Adopt-a-Highway program, Clean California maintenance agreements, free dump days, and volunteer litter pickup days. In 2021, 81k cubic yards of trash were picked up and the program will assist in picking up an additional 72k cubic yards per year. The program will focus on removing litter near or at homeless encampments, but will not be responsible for removing the encampments themselves.

The Adopt-a-Highway program provides an avenue to help maintain sections of roadway in the California highway system. This will include a \$350 incentive stipend per clean up event, up to \$3,000 per year. The point of contact for this program is michael.jevicky@dot.ca.gov

Clean California funding will allow Caltrans to enter into litter maintenance agreements with local municipalities. These agreements are similar to delegated maintenance agreements that have been made in the past and will provide funding to organizations to remove trash from state right of ways.

Free dump days started on September 25. Caltrans will facilitate collaboration with a local municipality to allow free dumping in the municipal dumps. A tentative schedule for dump days was displayed and is contingent upon cities and counties partnering with Caltrans. Byron Lim (510-908-2592, Byron.lim@dot.ca.gov) was listed as the contact for this program.

The local grant program will provide up to \$5M per application or project. Two workshops have been conducted to provide information on the program guidelines. More workshops will be conducted to provide information on the application process. Underserved communities will be allocated at least 50% of the funding. The grants are anticipated to be awarded March 2022. More information can be received by emailing cleanca.localgrant@dot.ca.gov.

The district 4 contact is Hardeep Takhar (510-715-6816, hardeep.s.takhar@dot.ca.gov).



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Scott Christie (Orinda) asked if Caltrans had done studies on the main source of litter within Caltrans right of ways and if measures have been taken to stop the source. Anand Maganti noted that District 4 had surveyed where there was significant levels of trash. Caltrans will address those areas with an enhanced maintenance schedule and by planning and implementing structural controls. Scott Christie (Orinda) asked more specifically where the trash was originating. Anand Maganti noted that the sources were mostly from illegal dumping and Caltrans was considering way to enforce penalties in a more significant way.

Stephen Prée (El Cerrito) asked about the acronym STGA. This stands for Significant Trash Generation Area, these are sections of highway where trash accumulates at higher levels/frequencies. Stephen Prée (El Cerrito) asked if the program pays organizations to maintain segments of the highway. Anand Maganti confirmed this, noting that these were called Delegated Maintenance Agreements. Specific proposals should be sent to Byron Lim. Stephen Prée (El Cerrito) asked for examples and categories that would qualify under the grant program. Anand Maganti suggested that for areas that are hot spots for illegal dumping, a project to remove the trash and beautify the area to discourage future dumping would be the type of project that Caltrans is looking for. This property does not have to be connected to a Caltrans right of way; it has to be part of a municipal right of way. More examples are given in the Caltrans Workshop recordings. These grants will be funded up to \$5M. Stephen Prée (El Cerrito) asked if Green Infrastructure projects counted as beautification projects. Anand Maganti noted that he was unsure, but emailing the cleanca.localgrant@dot.ca.gov could get more information.

Mitch Avalon asked if this was annual funding. Anand Maganti noted that this was a one-time funding, the project would need to be completed within 3 years, and the project had to be awarded by March 2022.

4. **Consent Calendar:** Frank Kennedy (Pleasant Hill) motioned to approve, with no changes to the Management Committee minutes, Scott Christie (Orinda) seconded. The Vice-Chair called for a vote. There were no objections or abstentions. The motion passed unanimously and the consent calendar items were approved.

5. **Presentations:**

- a. **Budget Adjustment, FY 21/22 (M. Avalon/A. Bullock):** Mitch noted that the total budget increase was about \$575k with a salary saving credit of about \$257k. The net budget increase was approximately \$318k. The amount over the 3.5M threshold was about \$287k, which will be drawn from the reserves.

The need for the adjusted budget was twofold: to increase staff augmentation to cover vacant staff positions (about \$385k) and increase in technical services (\$15k) to assist in MRP 3.0 negotiations. Additionally, there is an increase of \$175k for advance work items



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in preparation for MRP 3.0. There is a potential budget reduction of \$80k that had been recommended by the Administrative Committee.

Karineh Samkian (San Pablo) asked if the salary savings took into account the Program Manager who is on leave. Mitch Avalon confirmed this.

A list of advance work requirements was displayed. Advance work consists of a cost reporting framework, trash monitoring plan (including a mapping project of storm drain outfalls in green trash management areas), the East County Reasonable Assurance Analysis (RAA), Program for Old Industrial Area Treatment, POCs Load Reduction Accounting/Reporting, and Annual Mercury Monitoring Plan. Descriptions and due dates of each of these items was given.

Mitch Avalon displayed the schedule and noted two key concerns: when the advance work was required and when it was required in relation to the Final Order. The risk is if there are changes to the Final Order, doing any work beforehand could mean work is wasted. The Final Order was anticipated to be adopted in March with a preliminary release in mid-February. Any work done before the release of the Final Order would be considered high risk of potential loss. Work done between the Final Order's release and adoption would be low risk. Policy decisions in regards to when advanced work should begin was discussed.

The mapping project would be considered a High Risk project but is also required for provision C.5.f. The TMDL Control measure plan is also a High Risk project, but it is in the best interests of the Program to complete this work. These factors help to mitigate the potential loss of work (high risk) by starting work early.

Lucile Paquette (Walnut Creek) asked if an EPA grant was considered in this schedule. Mitch Avalon noted that the grant was included in the existing \$40,000 BASMAA budget item.

Mitch Avalon displayed the Recommended Reductions that had been made by staff under the direction of the Management Committee. The Administrative Committee agreed with the staff recommendations and added an additional reduction. He described the reductions and noted that the BASMAA regional cooperation line item could be reduced to 5k, but Staff recommended to keep the line item so that application for the EPA grant could be completed (whether as the Program or on a region wide basis). The Creek Status Monitoring costs could be reduced in order to pay for advance work cost. This would require approval by the Regional Water Board. This had discussed at the BAMSC meeting but there was concern that there could be legal liability in not performing this monitoring. There was a lack of regional support for this and Staff recommended against pursuing this avenue alone.



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Staff recommendation is to approve the adjusted budget. This adjustment is a funding allocation and can be returned to the reserve if unused. It is not approval of work. Staff also recommended direction to begin advance work. Alternatively, Permittees could proceed only with the outfall mapping project and East County RAA with other advance work to be discussed in January.

Bruce Davis (Concord) asked if the \$50k budget for mapping could be partially mitigated even if the requirements for MRP 3.0 changed. Mitch Avalon noted that this work was required for another provision, so no funding would be wasted if the provision was changed in the Final Order. If both provisions changed (highly likely), then there would be some loss of work.

Lucile Paquette (Walnut Creek) asked if the \$55k was the cost of the complete mapping project. Mitch Avalon confirmed this was the case, although the cost could change depending on the outcome of the project scope. He further noted that the cost for advance work, if not completed in FY 21/22 would be pushed into FY 22/23 as the work would still be required. However, Permittees would be in non-compliance at that point.

- b. Budget Assumptions for FY 22/23 (M. Avalon/A. Bullock):** Mitch Avalon displayed the proposed budget assumptions for FY 22/23. Policy direction was needed so staff could create the budget. Recommendations had been made by the Administrative Committee for Management Committee to approve. A number of topics of direction were discussed.

Historically, the budget threshold had been set at \$3.5M. This has kept a consistent return to Permittees but the increased costs from MRP 3.0 would drain the reserve faster without an increase in the budget threshold.

Regional Cooperation had been handled by BASMAA. With the dissolution of BASMAA, a convenient forum for collaboration is gone. Staff recommended retaining a budget line item for regional cooperation, as there is still a need for this type of work.

Reserve Fund Planning was also noted. Staff recommended creating a budget item to develop a five-year budget for the entire MRP 3.0 permit to determine when budget reserves would run out, and then develop a financing plan.

A compliance checklist had been created in the past in order to track the schedule and responsibility of each provision requirement. Staff recommended developing a compliance checklist document for MRP 3.0 and adding a budget item for this.

Alternative compliance is still in the initial phases. The Program is anticipated to play an administrative role in this and staff recommended adding a budget line item for this.



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Hydromodification Management requirements would need a policy decision to decide whether to adopt the BAHM or keep the current model. Staff recommended that this topic be referred to the Development Committee to analyze and make a recommendation.

The appeals process for MRP 3.0 will require attorney costs if the Program plans to appeal. Staff Recommended waiting until the Final Order is released before deciding to appeal or not. If the decision is to appeal, a line item for legal services would be required.

PCB load reduction projects are centered in a few jurisdictions, despite the requirement being countywide. Staff recommends referring this to the Monitoring Committee for recommendation.

Mapping requirements throughout MRP 3.0 require gathering additional information. Direction would be needed on whether a coordinated approach should be developed and could be included in the AGOL assessment project.

Grant funding would be needed to help offset the increased budget for MRP 3.0. Staff recommended including a line item for grant funding research and acquisition.

Staff recommended maintaining a 2% budget contingency.

Staff recommended maintaining the policy of rolling over unspent funds into the reserves.

Budget format was discussed. Staff is continually striving to improve budget clarity and readability. Feedback and ideas were welcomed.

The assumptions for the budget were discussed. Staff would assume that staff positions would be filled with minor staff augmentation. A 3% increase in salaries for Program staff was assumed, though contract negotiations were underway so this might change. Consultant costs were based on current contracts. Staff would assume that all provisions of the MRP 3.0 Tentative Order remain unchanged. Costs for AGOL improvements would be in line with previous years, pending the AGOL assessment currently in process. Alternative Compliance, homelessness, cost reporting, asset management, and firefighting discharges would be given a separate line item.

Lucile Paquette (Walnut Creek) asked if consultant costs could be assumed to increase by 3% per year in parallel to staff salaries. Mitch Avalon noted that this increase was built into the current contracts, but that the contracts were expiring this year and would require negotiation. It was decided to increase the assumption for consultant costs by 3% as an estimate. Lucile Paquette (Walnut Creek) also asked about the regional impact



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of MRP requirements. Mitch Avalon suggested that a line item for regional coordination would be added. Lucile Paquette (Walnut Creek) asked if there was a way to estimate the budget if staff positions were left unfilled throughout the year. Mitch Avalon noted that a cost difference between full staff and full staff augmentation could be created.

The Administrative Committee recommended: to maintain the budget threshold, to retain the regional cooperation item, to develop the compliance checklist, formation of the Alternative Compliance System with the Program as Administrator, refer the Hydromodification Management question to the Development Committee, to retain the 2% contingency, to continue rolling over unspent funds into the reserve, and to have budget to pursue grants. They could not reach a decision on reserve fund planning, budgeting for appeals of MRP 3.0, referring PCB Costs to the Monitoring Committee, or developing a countywide mapping framework.

The Management Committee approved the assumptions with the changes noted above and the recommendations made by staff and the Administrative Committee. Staff was directed to create a draft budget with all the policy considerations noted.

- c. **Proposed Organizational Structure for MRP 3.0 (K. Graves):** Karin Graves noted that as part of the budget process, Staff was looking at which permit provisions were handled by each subcommittee. New permit requirement workloads were evaluated and the current subcommittee workload was considered. Staff attempted to fit new provisions into the current subcommittee framework and tried to avoid creating new subcommittees in order to not increase costs.

The Organizational Structure chart was displayed, with proposed changes in green. Each subcommittee was discussed with current and proposed workload noted. Staff tried to match existing provisions with similar provisions introduced in MRP 3.0.

Karineh Samkian (San Pablo) asked if Copper Controls should be under Monitoring Committee. Karin Graves noted that this had been discussed with the Monitoring Committee and it was decided that the requirements of the provision were more in line with the other provisions overseen by the Municipal Operations Committee. Karineh Samkian (San Pablo) asked if the provision for firefighting discharges would currently require only a regional meeting and asked if that was why it was assigned to the PIP Committee. Karin Graves suggested that the PIP Committee had historically had a low workload and that combined with the regional outreach required of the firefighting provisions made the PIP Committee the best place for this provision.

6. Actions:

- a. **Approve Adjusted Budget for FY 21/22:** Stephen Prée (El Cerrito) motioned to approve, Kerry Parker (San Ramon) seconded. The Vice-Chair called for a vote. There were no



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objections or abstentions. The motion passed unanimously and the Adjusted Budget for FY 21/22 was approved.

7. Reports:

- a. **Status of Monsanto Settlement Agreement (M. Avalon):** No order has been issued by the judge.
- b. **Status of the MRP 3.0 (M. Avalon):** The idea to swap creek status monitoring for advance work has been shelved due to lack of region wide support. The MPC meeting with the Regional Board was cancelled and will be rescheduled in January after the Regional Water Board had a chance to read all the comment letters.

The Final Order was anticipated to be adopted in March or April.

- c. **Information on grant funding (M. Avalon):** Mitch Avalon noted that there was no indication that the federal infrastructure bill had any grant funding for Stormwater but more research would be required.

8. Updates:

- a. **Personnel Update (K. Graves):** Questions for the Watershed Management Planning Specialist position interviews are being rewritten and the advertisements will be posted in early January. Online interviews would take place in early February. Karin Graves asked for two volunteers to evaluate the online interview. This assistance would be needed in late February.
- b. **BAMSC Steering Committee meeting (K. Graves):** The last meeting was December 2 in place of November and December meetings. The Steering Committee discussed a new chair and vice chair, and it was decided to have two co-chairs instead, one from a phase 1 program and one from a phase 2 program. Reid Bogert was elected co-chair as a phase 1 program and Colleen Hunt was elected co-chair as a phase 2 program. The FY 21/22 annual report was discussed. EOA had previously created the template and this had generally been paid for by BASMAA. EOA volunteered to create the template for the current Fiscal Year, but there would need to be alternate support for the creation of the template after that.
- c. **Status of RFQ process for new contracts (K. Graves):** Staff met yesterday to review the RFQ proposals that had been received. Eight proposals had been received with at least one for each of the five service area. Reviews would happen in January with a decision made by the end of January. New contracts would be drafted starting in February.



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- d. **AGOL Work Group formation – need members (L. Yin):** Liz Yin noted that the work group will begin in January with its first meeting. An email had been sent out to AGOL account holders and an email to Management Committee members would be forthcoming. Permittees interested in information and input on the committee should fill out the form attached therein.

9. Information:

- a. **Support letter for March Creek mercury load reduction project (K. Graves):** The Program provided a letter of support to the Flood Control District for a grant to plan and develop a restoration project for Marsh Creek. A draft letter had been distributed and objections to it were requested. Receiving no objections, the final letter was sent and was included in the agenda packet.
- b. **Status of bamboo utensil order (K. Graves):** Karin Graves displayed one of the bamboo utensil sets that had been purchased by the Program. All Permittees that had ordered utensil sets had picked them up as of December 15.

10. Old/New business: Mitch Avalon announced that staff will assume that direction was given by the Committee to work on the Stormwater Mapping and East County RAA projects starting January 1.

11. Adjournment: The Chair adjourned the meeting at 3:22 p.m.



ADMINISTRATIVE COMMITTEE SUMMARY

Meeting Minutes

Tuesday, December 7, 2021

10:30 – 12:00

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

Program Staff: Andrea Bullock, Michael Burger

Consultants: Mitch Avalon

Guests:

- 1. Convene meeting and roll call (Chair):** The Chair convened the meeting at 10:30 a.m.
- 2. Announcements or Changes to the Agenda (Committee):** There were no announcements or changes to the agenda.
- 3. Approval of November 2, 2021 Meeting Minutes (Chair):** Lucile Paquette (Walnut Creek) asked for clarification of a comment in the minutes regarding a date. Mitch Avalon explained that the comment was addressed to older projects. Frank Kennedy noted a typographical error.

Jeff Brown (Hercules) motioned to approve with changes, Bob Russell (Danville) seconded. The Chair called for a vote. There were no objections. Frank Kennedy (Pleasant Hill) and Lucile Paquette (Walnut Creek) abstained. The motion passed and the minutes were approved with the changes above.

- 4. Budget Adjustment FY 21/22 (M. Avalon/A. Bullock):** The Chair noted that two emails had been sent this morning. These emails included items referenced by the staff report for this item that were



not included in the agenda packet. Mitch Avalon explained in brief the reason a budget adjustment was needed. He also noted that at the last meeting, Committee members had asked for Program staff to make recommendations on areas where the budget could be reduced. The primary reason for the adjustment was the vacant staff positions and the ongoing need for staff augmentation to cover these vacancies. He noted that the budget would be increased by \$283,000. Staff investigated a number of budget line items that could be reduced.

On-Call staff augmentation was included in the budget as a line item to cover any gaps in staff. Since staff augmentation was continuing until June 2022, this \$50,000 item could be removed. Transition Training was also anticipated in regards to training newly hired staff. While the positions that needed training were still vacant, it was recommended that this line item be retained due to potential need for training as these positions become filled.

Legal Services for the 21/22 budget was \$40,000, \$10,000 of which had been set aside for assisting BAMSC in developing a new organizational structure. Overall, this budget item would still be needed, but the budget could be reduced by \$10,000 as BAMSC had not made a decision on whether to create a new organization structure. Legal Services in relation to Alternative Compliance line items could also be reduced by \$10,000.

Hydromodification modeling costs would likely to be the same whether we stayed with our current modeling approach or switched to the Bay Area Hydrology Model approach, so staff recommended not reducing this line item.

C.3 Projects included \$20k for CAD work to support for Green Infrastructure Design Guidelines and \$50k to develop a peak flow calculator. Staff recommended not reducing these items.

Creek Status Monitoring was discussed at the last Management Committee meeting. It was noted that the Program could bargain with the RWQCB to forgo performing creek status monitoring this fiscal year and instead use the funding to pay for the advance MRP 3.0 work effort. The budget for this was \$281k with about \$41K for pesticides monitoring, leaving about \$240k for creek status monitoring work. This \$240k could be used elsewhere in the budget. The Monitoring Committee budget included \$10k for a contingency that could be eliminated as there is a contingency for the overall budget.

Mitch Avalon displayed the adjusted budget, describing the adjustments therein. He noted the increases to staff augmentation, technical services associated with MRP 3.0 processing, and MRP 3.0 advanced work. After credits for staff salaries that are replaced by the staff augmentation, the total budget is \$3.75M, with an overage of about \$251k, based on the Program's \$3.5M maximum threshold.

The list of Potential Budget Reductions for FY 21/22 Adjusted Budget was displayed. Mitch Avalon explained that the potential reductions that were currently considered was \$70k, reducing the budget overage to \$181k. Lucile Paquette (Walnut Creek) asked if the transition training was for filling the staff positions. Mitch Avalon confirmed this. The Chair asked for clarification on the \$10k

reduction in legal review. Mitch Avalon noted that this reduction was only for alternative compliance, but an additional \$10k reduction could be made to address BAMSC's organizational structure.

Lucile Paquette (Walnut Creek) asked what the BASMAA line item was if BAMSC's reorganization was addressed in another line item. Mitch Avalon noted that this line item was for the Our Water, Our World program costs and to pay for a potential grant application. He reminded the Committee that any funds not used in the budget would not be wasted; if it wasn't used, it would go back into reserves. Frank Kennedy (Pleasant Hill) asked if the Hydromodification and Peak Flow Calculator line items would be removed if the Program adopted the BAHM model from Clearcreek. It was unclear for now, but even if the BAHM model was adopted, it may require transition training and further modification to be compliant. Karin Graves noted that a portion of this line item had been used to evaluate the Tentative Order and reiterated the potential need for training and modification of a newly adopted model. Retroactive development costs to the Program for BAHM development were discussed. It was indicated that the Hydromodification line item was a policy question and the cost would be the same no matter how we proceed.

5. **Budget Policy Questions for FY 22/23 Budget (M. Avalon/A. Bullock):** One of the first steps was to consider policy issues and agree on functional assumptions staff will need in order to build a budget. Staff was requesting direction on budget policy. Mitch Avalon gave a brief overview of each of the questions that staff would ask (and the recommendations for each) to create the budget.

The workbook for a previous compliance checklist was displayed and explained how it was constructed. A recommendation to indicate which items were specific to MRP 3.0 or MRP 2.0 was made. The Chair suggested adding links to the budget line items associated with each item. Michele Mancuso (Contra Costa County) asked how this would be used, whether it would be used for MRP 2.0 or MRP 3.0. Mitch Avalon indicated that this would be used for MRP 3.0, but there were requirements and costs that carry over from MRP 2.0 to MRP 3.0. These costs/requirements should be captured by the checklist. Lucile Paquette (Walnut Creek) suggested that this would be useful to feed into the committee work plans to create a more useful tool for Permittees. Adding a committee column to the worksheet was also suggested.

The Committee considered Budget Policy recommendations to the Management Committee:

- a. Budget Threshold – Maintain the \$3.5M budget threshold? **Yes**
- b. Regional Cooperation – Retain budget line item for regional cooperation? **Yes**
- c. Reserve Fund Planning – Develop an estimated budget for the entire MRP 3.0 permit term, with a breakdown for each fiscal year? **No decision.**
- d. Compliance Checklist – Develop a compliance list for MRP 3.0 submittal/report/task requirements? **Yes**
- e. Alternative Compliance – Support formation of the Alternative Compliance System, and the Program as System Administrator? **Yes**
- f. Hydromodification Management – Refer to the Development Committee which modeling approach to use? **Yes**

- g. Appeal – Provide a budget to fund work related to appealing MRP 3.0 to the State Water Board?
No decision.
- h. PCBs Costs –Refer to Monitoring Committee, divide costs by population, spread costs through Alternative Compliance **No decision.**
- i. Mapping – Develop a countywide mapping framework, include in AGOL project? **No decision.**
- j. Contingency – Retain an overall budget contingency of 2%? **Yes**
- k. Unspent Funds – Deposit any unspent funds at the end of the fiscal year into the reserve fund?
Yes
- l. Grant Funds –Budget funding to pursue and apply for state and federal grant funds? **Yes**

It was decided that the recommendations the Committee had reached a consensus on would be presented to the Management Committee. Further discussion on other recommendations was postponed until the next meeting due to time constraints. Mitch Avalon described the budget assumptions in brief.

- 6. Proposed Organization Structure for MRP 3.0 (K. Graves):** Staff had reviewed and considered how the Program will assign the new MRP 3.0 requirements to the existing subcommittees. Specifically, the workload of each committee was considered while keeping in mind the potential of filling the vacant Watershed Planner positions. Staff had decided to avoid creating any new committees. A chart was presented showing the recommendations from Staff on how best to organize the subcommittees.

Of note, AGOL was still under consideration as Staff was trying to determine where best to locate that work. Karin Graves described the changes to each of the requirements/provisions that the subcommittees would now be responsible for and why the changes were being proposed.

The Chair asked if the Homeless Populations provision would be a better fit in Monitoring Committee rather than Municipal Operations Committee. The Committee compared this provision to other provisions currently overseen by the Municipal Operations Committee. Lucile Paquette (Walnut Creek) noted that AGOL had a lot of technical requirements and might be best moved to another committee. The Committee discussed the nature of the AGOL position requiring the representative to interact with many other subcommittees. In addition, it was suggested that AGOL approvals and authorizations belonged with the Management Committee. Lucile Paquette (Walnut Creek) asked if Karin Graves was on the BAMSC Development Committee or if there was a Program representative there. Karin Graves noted that Alina is now going to the BAMSC Development Committee and that Dan Cloak also attended some of the meetings. Lucile Paquette (Walnut Creek) noted that she was erroneously indicated as a representative on the BAMSC Development Committee and would more appropriately be listed under the BAMSC Trash Committee.

The recommendations on organization structure were approved by the Committee to bring before Management Committee.

- 7. Approve December 15, 2021 Management Committee Agenda (Committee):** Mitch Avalon gave a brief overview of the agenda, describing each of the items. A discussion of the formation of an AGOL workgroup was added to the agenda. Lucile Paquette (Walnut Creek) noted that the December 8



MPC meeting had been cancelled. Tim Jensen (Flood Control) noted that Allison Knapp was unavailable for the Management Committee Meeting and a change to the presenter of the personnel update would be needed. Tim Jensen also asked if there was information on the upcoming federal infrastructure funding and if funds would be available for stormwater services or projects.

Frank Kennedy (Pleasant Hill) motioned to approve with the above changes, Jeff Brown (Hercules) seconded. The Chair called for a vote. There were no objections or abstentions. The motion passed unanimously and the Agenda was approved.

8. **Old/New Business:** The Chair noted that he had been in contact with Caltrans regarding trash capture, but was still awaiting additional information.
9. **Adjournment:** The chair adjourned the meeting at 12:10 p.m.



PUBLIC INFORMATION/PARTICIPATION COMMITTEE
MEETING MINUTES
Tuesday November 2, 2021 9:30 am – 10:30 am

Zoom Meeting

Voting Members	Attended	Absent
City of Antioch	Julie Haas-Wajdowicz	
CCC Flood Control and Water Conservation District	Melinda Harris (Chair)	
City of Orinda		Scott Christie
City of San Ramon	Kerry Parker	
Administrative committee Members acting as PIP Members	Attended	Absent
City of Brentwood	Meghan Laporta	
Town of Danville	Bob Russell	
Contra Costa County	Michele Mancuso	
City of Hercules		Jeff Brown, Nai Saelee
City of Pleasant Hill		Ananthan Kanagasundaram

Program Staff: Andrea Bullock, Michael Burger

Consultants: Mitch Avalon, Hilary Pierce, Emily Rogers, Anna Minard, Finnesha Eastman

Guests:

- 1. Introductions, Announcements, and Changes to Agenda (Chair):** There were no announcements or changes to the Agenda.
- 2. Consent Items Approval (Chair):** Julie Haas-Wajdowicz (Antioch) motioned to approve, Kerry Parker (San Ramon) seconded. The Chair called for a vote. There were no objections or abstentions. The motion passed unanimously and the consent calendar items were approved.
- 3. Outreach Campaign Creative Concepts (Sagent):** Emily Rogers reminded the committee that Sagent had been approved to create new media elements for an outreach campaign. They have been working with Program Staff and Permittees to develop a plan for the development. Anna Minard displayed the creative campaigns that had been developed for other organizations with similar goals and requirements.

Emily described Sagent’s work with CalTrans stormwater campaigns. She noted that the CalTrans campaign would be running for several months before creating more localized content for specific locations/needs. CalTrans would be looking for partner organizations and would share creative elements with them to expand their next media campaign. Creative assets would



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be paid for by CalTrans, which could save partner organizations money on creative development.

Michele Mancuso (Contra Costa County) asked about the costs associated with a potential partnership if the program was a statewide initiative. Emily Rogers noted that the targeted creatives would be distributed by CalTrans, but the creatives would also include more local examples from each region. Anna Minard shared some location specific images where the background image had been changed to make them more targeted while the campaign's branding remained the same. Sagent had no plans for a media campaign for this year, so there is an opportunity to work with CalTrans to provide guidance and feedback to the creative elements for local areas. Collaborating with CalTrans could refocus the budget line items that had been approved for media campaign elements to more outreach materials such as videos.

The Chair asked if the resources and assets would also contain Program or Municipality logos or branding. Emily Rogers discussed the timeline that CalTrans was planning and suggested that the Program had been allowed to put its logo on similar images in the past, but she was unsure about city specific branding.

Mitch Avalon asked if the Program would have to sign a partnership agreement. Emily Rogers suggested that the Program had signed agreements with CalTrans in the past, so that could be sufficient. However, she noted that she would have to check to make sure this was the case. Mitch Avalon suggested that any agreement would have to go through Flood Control.

Michele Mancuso (Contra Costa County) had a concern that the imagery on some of the media items were potentially misleading or unclear. Emily Rogers suggested that different advertisements would need to have different verbiage and images based on the medium. Bus ads were good for text-heavy advertisements, but billboards needed to be easy to understand without too much reading required.

Julie Haas-Wajdowicz (Antioch) asked what the timeline for the CalTrans campaign was. Emily Rogers noted that the localized campaign would be ready spring 2022, but the statewide campaign was already underway. Julie Haas-Wajdowicz (Antioch) asked if the creatives would be available for use on digital billboards. The localized campaigns did not have a hard timeline, since the campaign was still in the conceptual stages, but Emily Rogers asked that Permittees keep her in the loop and she would let them know when the date was closer.

Kerry Parker (San Ramon) noted that some Permittees didn't have many billboards, but bus advertisements would be much more widely used. Julie Haas-Wajdowicz (Antioch) suggested that local access channels may also be a good option for the localized campaigns. The committee discussed the effective reach of public access channels.

The Chair asked if there was information on the number of cities and counties that had partnered with CalTrans. Emily Rogers was unsure of specific numbers, but could reach out to



CalTrans for a number. Finnesha Eastman informed that committee that 20 had been confirmed so far.

Mitch Avalon asked what the timeline for signing an agreement was. Emily Rogers suggested that the agreement could be signed now and the creatives would be delivered in the Spring.

Emily Rogers further discussed two concepts for creatives developed specifically for the Program. A focus on Bay Area relevant POCs and topics was the main focus. Using different types of creatives to target specific age demographics was also discussed.

The committee discussed specific options for creatives to address location specific concerns.

- 4. Illegal Dumping Video (H. Pierce):** The final illegal dumping video was displayed. It is available on the Program Facebook page, the Program's website, and Youtube.

The Chair noted that showing the app in the video was helpful. Julie Haas-Wajdowicz (Antioch) noted that the recyclewhere.org website would be changing in the future and asked if there was the possibility to update the video later when the url changed. Kerry Parker (San Ramon) suggested that the recyclewhere.org url would likely redirect to the new website, so there would not be a need to change the video. Hilary Pierce asked if there were any additional questions or feedback, to reach out to her.

- 5. 360 VR Video Locations for Social Media Posts (Sagent):** The video location spreadsheet was made available in the PIP agenda. Sagent was currently waiting on weather changes to record video. Anna Minard suggested that other location recommendations could be added to the spreadsheet. There is no start date and no deadline for making recommendations.

- 6. Adjournment:** The Chair adjourned the meeting at 10:28am.



PUBLIC INFORMATION/PARTICIPATION COMMITTEE
MEETING MINUTES
Tuesday December 7, 2021 9:30 am – 10:30 am

Zoom Meeting

Voting Members	Attended	Absent
City of Antioch		Julie Haas-Wajdowicz
CCC Flood Control and Water Conservation District	Michele Mancuso	
City of Orinda	Kevin McCourt	
City of San Ramon	Kerry Parker (Vice-Chair)	
Administrative committee Members acting as PIP Members	Attended	Absent
City of Brentwood	Meghan Laporta	
Town of Danville	Bob Russell	
Contra Costa County	Michele Mancuso	
City of Hercules		Jeff Brown
City of Pleasant Hill	Frank Kennedy	

Program Staff: Andrea Bullock, Michael Burger

Consultants: Mitch Avalon

Guests: Emily Rogers (Sagent), Anna Minard (Sagent), Finnesha Eastman (Sagent)

- 1. Introductions, Announcements, and Changes to Agenda (Chair):** There were no changes to the agenda. Karin Graves announced that the Program had received the promotional Bamboo Utensil sets.
- 2. Consent Items Approval (Chair):** Michele Mancuso (Contra Costa County) motioned to approve, Bob Russell (Danville) seconded. The Vice-Chair called for a vote. There were no objections or abstentions. The motion passed unanimously and the Consent Calendar items were approved.
- 3. Social Media Analytics Update (Sagent):** Anna Minard began by displaying the Social Media Quarterly Report for July 21 – September 21. During this period on Facebook and Instagram, the highest performing posts included general hashtags and tagged other local agencies (e.g. Central Sanitation). August content had the highest engagements, which were attributed to the *Storm Drains vs Sewer Systems* video. For the quarter, there was a 2.7% increase in Facebook followers. This was an unpaid campaign. In comparison, the Spring 2021 paid campaign resulted in an 8% increase in Facebook followers. Most website visitors originated from desktops, rather than mobile devices, and over half were from direct searches.



The recommendation for Facebook was to run a six-month Page Like campaign. Continuing to tag other pages and agencies would increase reach and engagement. Shorter videos and on-screen captioning on future videos was also recommended. There was also a recommendation to include Facebook links in more places (such as email signature blocks).

The recommendation for Instagram was to utilize more video content, particularly using the “reels” format, and using the carousel for multiple still photos to help increase feed frequency for followers. More tagging and consistent branding was also discussed.

Anna Minard noted that there was a high level review in the full report available on the google drive for this project.

- 4. Social Media “Page Likes” Campaign (Sagent):** Emily Rogers addressed the Like Campaign and noted that there was a marked increase in followers for paid campaigns. An outline for a proposal for a Like Campaign was displayed. The cost of the campaign would be \$1500 and would run from December 7 through June 7. In the past, pest control topics performed the best, but a focus on litter and winterizing the garden during the winter was proposed. The campaign could switch to Integrated Pest Management topics in the spring.

The general target demographic is 18-65 with an estimated audience size of 264,800 – 311,600. The audience was predominantly women, but work would be done to engage the male audience in the interest groups. Sagent was requesting guidance or approval on moving forward with this campaign.

Analytics of the campaign would be presented in the quarterly report for social media metrics. Michel Mancuso (Contra Costa County) expressed a positive reception of the work Sagent was putting in to seasonal topics. Emily Rogers noted that additional analytics for upcoming MRP 3.0 could be provided in the future, but the Committee would need to advise on what metrics they wished to see.

Michele Mancuso (Contra Costa County) motioned to approve the campaign plan, Kevin McCourt (Orinda) seconded. The Vice chair called for vote there were no objections or abstentions. The motioned passed unanimously and Sagent was directed to begin work on the Campaign.

- 5. Video Series Filming Update (Sagent):** The next video in the video series will be on fish risk. Sagent will be heading to Contra Costa County tomorrow to begin filming the video. The plan is to have the video ready for preview in February. After receiving and incorporating feedback, the video would be finalized and posted in late winter or early spring. The google drive contains the document with the script and information on the topic. A microphone had also been purchased to increase interview quality.
- 6. Paid Outreach Campaign Creative Concepts Update (Sagent):** During the last meeting, the Committee discussed a partnership with Caltrans to develop assets that could be used in local



trash abatement campaigns. These assets would be paid for by Caltrans but would be developed in partnership with local agencies. A meeting between Sagent, Caltrans, and Contra Costa Clean Water Program was discussed. Questions regarding the logistics of the program were being investigated. Finnesha Eastman noted that Sagent and Caltrans were still organizing the assets and that if the Program had ideas for the assets, Sagent would bring these to the Caltrans meeting to be included in the toolkit. It was indicated that Permittees should suggest issues that were specific to their municipality.

Karin Graves asked if there were any example cases to take away from Sagent's interaction with Caltrans in the Sacramento area. Emily Rogers noted that there was not and that discussion between clients in Sacramento happened shortly before the topic was presented to the Committee. Kerry Parker (San Ramon) asked if Caltrans would come to PIP first or go directly to Management Committee. It was noted that Caltrans had been asked to present to Management Committee first, since all Permittees were represented there. Karin Graves noted that the topic could come to the next PIP meeting for discussion. Emily Rogers offered to bring examples of how the assets had been used in the past to PIP.

- 7. FY 22-23 Budget Process (K. Graves):** The PIP Committee budget for 21/22 was displayed. A draft budget was being prepared for each subcommittee. A more in depth discussion would be on the agenda for January, but Karin Graves wanted to share the information now for consideration. It was noted that there were not many permit changes with MRP 3.0 that would affect the PIP budget in a significant way. Staff was asking for input on any requests or thoughts on things to include in the budget.

Each line item in the budget was discussed in more detail. Karin Graves described the Mr. Funnelhead program and how it was funded, noting that the Program didn't pay for this directly. It was instead funded through the Used Oil Program. However, a line item for prizes that were not covered by the alternate funding was discussed. She asked for input from the committee regarding whether to move forward with this program. The committee expressed approval for continuing the program, noting the age range of the target audience as a primary factor.

Michele Mancuso (Contra Costa County) asked if a presentation could be done by the Green Business Program on their status. Karin Graves noted that she could invite them to the Management Committee or PIP Committee.

- 8. Old/New Business:** There was no old or new business.
- 9. Adjournment:** The Vice-Chair adjourned the meeting at 10:11 a.m.

**Monitoring Committee
Meeting Minutes
November 8, 2021**

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

- **Introductory Remarks and Announcements.** Joe Camaddo opened the meeting with a quorum. No additional announcements or changes to the agenda.
- **October 2021 Meeting Summary.** City of Pinole (M. Kaur) moved to approve the October meeting summary and the City of Pittsburg seconded (J. Camaddo). There were no objections.
- **MRP 3 Tentative Order Comment Letter Review Schedule for Monitoring Committee.** Lisa W. reviewed the schedule and steps remaining to finalize the MRP 3 Tentative Order Comment Letter. Monitoring Committee will discuss final revisions to the Comment Letter during today's meeting and Management Committee will review and approve the letter during a special meeting on Wednesday, November 10.
- **MRP 3 Update from November 3rd, MPC meeting with Water Board Staff.** Lisa W. reviewed the key outcomes from the MPC meeting on November 3. The Committee discussed the following topics:
 - EPA staff Luisa Valiela has indicated to the MRP 3.0 C.8 workgroup that she is interested in funding a trash monitoring study through the San Francisco Bay Water Quality Improvement Fund (WQIF). [Note: The FY2020 WQIF Request for Applications was released in March and the applications were due in early May.] The preparation of a grant application is a significant effort, and the FY 21/22 budget would need to be revised to include a specific line item for supporting a grant application. The Program could propose MRP 3.0 permit language to WB Staff that recognizes the potential of obtaining a regional grant to support trash monitoring,

like what was done in MRP 1.0 for the Clean Watersheds for a Clean Bay (CW4CB) project, which was used to satisfy the MRP requirement to conduct pilot studies for C.11/C.12. Even if an EPA grant is secured, there are still concerns about how monitoring can be conducted at the number of sites listed in the Tentative Order across the Bay Area during a limited number of qualifying wet weather events.

- Over the next few months, the Committee will consider and recommend early actions for trash monitoring site selection, which is a substantial process. A first step would be outfall catchment delineation for potential outfall monitoring locations. This would need to be completed regardless of whether the program conducts the monitoring, or a regional grant opportunity is pursued.
 - The MRP 3.0 Tentative Order still has many deadlines that are unreasonable, such as those that occur within the first few weeks/months of the effective date of the permit. Through the Comment Letter and the testimony in February/March 2022, Program Staff will continue to request from Water Board Staff that these unreasonable deadlines be pushed to later in the year.
 - The Program could agree to do the ‘easy’ early deliverables while requesting more reasonable dates for the time-consuming items, such as the trash monitoring plan. Program Staff/Monitoring Committee could draft a SOW and schedule to demonstrate how much time it would take to develop a trash monitoring plan. An example of an early action item could be preparing a regional WQIF grant application for trash monitoring.
 - Water Board Staff support conducting power analysis for the LID monitoring plan and stated that they are conducting their own power analyses to determine LID sampling requirements. Water Board staff stated that they will share their power analysis with the Permittees.
 - Water Board Staff indicated that a better “low” PCBs threshold is 0.15 mg/kg vs 0.2 mg/kg which has been used throughout the negotiations, based on background Bay sediment concentrations. The Committee discussed how it is still unclear how Water Board Staff will determine that an area is sufficiently ‘low’ and where/when source property monitoring would no longer be required. Lisa A. and Lisa W. will review existing data and draft a map with ‘low’ watersheds.
 - Richard Looker continued to express support for using PCBs-sniffing dogs. Monitoring Committee discussed concerns with this approach including how it would be funded and validated.
- **MRP 3 Tentative Order Comment Letter Updates.** Lisa A. reviewed updates to the Comment Letter on Provisions C.8/C.11/C.12 based on the MPC meeting. The following was discussed:
 - The Committee supported keeping the MRP 2.0 vs MRP 3.0 cost comparison table in the comment letter but wanted to add “Estimated” to the MRP 3.0 costs and replace

any \$0's with either N/A or a brief description (e.g., Source Property investigations occurred within POCs monitoring).

- Mitch A. reviewed two key changes to the C.12.c. comment. First is that the Program is suggesting 77 acres of treatment (vs 1,119 acres in the permit), which is based on the existing “warm” areas of Old Industrial that are not otherwise treated, a source property, or discharge directly to the Bay. The second is that the Program is proposing a collaborative approach to working with Water Board Staff and to speed up the process to get sites referred/abated. The Committee supported both changes with a minor change: revise the comment to say that there are ‘few data’ for sites that drain directly to the Bay, not ‘no data.’
- Lisa W. and Lisa A. will estimate the remaining PCBs load that can be claimed from MRP 2.0 sites that have been referred but not yet abated. These sites require enhanced O&M until abatement occurs. The Program can share this estimate at the December 8th workgroup meeting.

- **Next Steps / Action Items**

- Lisa W. to determine the number of sites associated with the 77 acres of ‘warm’ and add that number to the Comment Letter.
 - Lisa W. to add a zoomed-in map to focus on the ‘warm’ sites in the City of Richmond.
 - Lisa W. to draft a high-level SOW and schedule for preparing a trash monitoring plan to share with Water Board Staff at the December 8th workgroup meeting for C.8/C.11/C.12.
 - Lisa W. and Lisa A. to estimate the remaining PCBs load that can be claimed from sites that have been referred in MRP 2.0 but not yet abated to share at the December 8th workgroup meeting.
 - Lisa A. and Lisa W. will review existing data and draft a map with ‘low’ watersheds for the C.12.c treatment plan.
- **Adjournment.** The Chair adjourned the meeting at 12:00 pm.

Next Scheduled Monitoring Committee Meeting: Monday, December 13, 2021, 10:00 AM-12:00 noon, Zoom meeting.



Meeting Summary

Development Committee

October 27, 2021, 1:30 – 3:30

Note: This summary was adopted at December 8, 2021 Development Committee meeting.

Voting Members:

Municipality	Attending	Absent
City of Antioch	Phil Hoffmeister	
City of Brentwood		Aman Grewal
City of Clayton	Laura Hoffmeister	
City of Concord	Mitra Abkenari	
Contra Costa County	John Steere	
Town of Danville	Bob Russell	
City of Lafayette		Matt Luttrupp
Town of Moraga	Frank Kennedy	
City of Pittsburg	Joe Camaddo (Chair)	
City of Pleasant Hill	Frank Kennedy	
City of San Ramon		Rod Wui
City of Walnut Creek	Joel Camacho	
Program Staff/Consultants		
Mitch Avalon	Consultant	,
Alina Constantinescu	Consultant	
Dan Cloak	Consultant	

Introductions, Announcements, and Changes to Agenda

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

Approve Previous Meeting Summaries

On a motion by Phil Hoffmeister, seconded by Bob Russell, the summary of the September 22, 2021 meeting was accepted.

Municipal Regional Permit 3.0

Regional Water Board October 12-23 Workshop Debrief

Committee members debriefed and shared impressions from the October 12-13 Regional Water Board Workshop on the MRP 3.0 Tentative Order (TO). In general, attendees felt that Board members were supportive of our comments and asked good questions, but that Board staff seemed more reluctant and less receptive to our comments. For several provisions, the impression was that Board staff was moving away from previous negotiations and established partnerships.

Dan Cloak presented the C.3 slides from a presentation initially given by Mitch Avalon at the October 20th meeting of the Management Committee. The presentation covered the key topics from the Regional Water Board Workshop and reviewed the Program's testimony and outcomes. The full presentation is attached to this summary.

Discuss Program's draft comments on Provision C.3

Comments on MRP 3.0 TO are due November 16. Dan Cloak shared the Program's draft comments (latest version from morning of the meeting, attached to this summary) and requested feedback from the Committee. Of particular note was a new comment in the 'General Comments' section of the letter that discussed the TO's numeric green infrastructure requirements (which span across multiple provisions) and a request to support the permittees' GI plans instead. Dan requested that Committee members provide their edits/comments on the letter by noon Friday, October 29. Dan and Alina will work on incorporating everyone's comments into the next stage of the draft letter to be discussed at the Staff meeting the following Monday. Several members noted that they will submit edits.

Hydromodification in Municipal Regional Permit 3.0

Karin Graves led a discussion on the hydromodification (HM) provisions in the TO. Karin's presentation was previously shared with the Committee and included in the agenda packet.

The issue arises from the fact that the TO would require changes to the Program's current HM approach (in place since 2006, revised in 2009) by imposing stricter sizing factors than those currently in use. The new factors could result in a potential 30% increase in HM facility size.

Karin presented several options for HM compliance in the future. Options ranged from complying with the TO as is, requesting additional negotiations and potential peer review for the Program's previous reports supporting the lower sizing factors, or switching to using the Bay Area Hydrologic Model (BAHM) exclusively or in conjunction with the current approach. BAHM is being used in Santa Clara, Alameda, and San Mateo Counties and the Regional Water Board considers it to be in compliance with the MRP. Use of BAHM in Contra Costa County would entail modifications to the software.

Discussions on this topic will continue and no final decision/ direction was taken at the meeting.

Stormwater C.3 Guidebook, 8th Edition

No updates were shared on this project. Handbook changes were put on hold while Dan and staff focused on the MRP 3.0 TO.

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

No items were brought up.

Next Meeting Date

Committee discussed rescheduling the November and December meetings because of the holidays. The agreement was to hold one meeting, on **Wednesday, December 8th** same time (1:30p-3:30p) in lieu of both November 24th and December 22nd meetings.

Action Items

Submit comments on the draft comment letter to Dan and Alina by Friday at noon.

Adjournment

The meeting was adjourned at 3:30 PM.

NEXT DEVELOPMENT COMMITTEE MEETING:

Wednesday, December 8, 2021

1:30 PM – 3:30 PM

Via videoconference



Date: January 19, 2022

To: Management Committee

From: Mitch Avalon, Program Consultant

Subject: Confirm FY 22/23 Budget Policy Approvals

Recommendation:

Review and confirm the approval of policy issues and questions at the December 15, 2021 Management Committee meeting.

Background:

At the December 15, 2021, Management Committee meeting, the Committee considered a lengthy list of policy questions that staff requested direction on in order to prepare the first draft budget for FY 22/23. In addition, the Committee considered a series of assumptions that were less policy oriented and more administrative oriented proposed by staff that would also be needed in preparation of the budget. At the end of the meeting, the Committee was somewhat rushed in approving all of the policy questions and assumptions. As a result, the following is a list of the items considered and the decision made for each one as understood by staff.

Budget Policy Direction

- **Budget Threshold.** The budget threshold will remain at \$3.5 million.
- **Regional Cooperation.** Retain a budget line item for regional cooperation.
- **Reserve Fund Planning.** Develop an estimated budget for the entire MRP 3.0 permit, and develop a financing strategy.
- **MRP 3.0 Compliance Checklist.** Develop a compliance checklist document.
- **Alternative Compliance.** Budget the cost to be the Administrator.
- **Hydromodification Management.** Refer to the Development Committee.
- **Appeal.** Budget the appeal costs for now and wait to see the Final Order.
- **PCBs Load Reduction Costs.** Refer to the Monitoring Committee.
- **Mapping.** Include in the AGOL Assessment project.
- **Grant Funding.** Budget for tracking opportunities and applying for grants.
- **Contingency.** Maintain a 2% contingency.
- **Unspent Funds.** Continue rolling over unspent funds into the reserve fund.

- **Advance Work.** Authorize just the work that must begin in January.

Budget Assumptions

- **Staffing Levels.** Full employee staffing with on-call staff augmentation.
- **Employee Salary Increases.** 3% salary increase, or actual salary costs.
- **Consultant Costs.** 3% increase over current contract costs.
- **MRP 3.0 Requirements.** Use Tentative Order to develop first draft budget.
- **AGOL/GIS.** Include a minor budget line item for AGOL improvements.
- **Alternative Compliance.** Include a separate budget item for administration.
- **Homelessness.** Include a separate budget line item for homelessness.
- **Cost Reporting.** Include separate budget item for Cost Reporting Framework.
- **Asset Management.** Include an item for an asset management framework.
- **Firefighting Discharges.** Include a separate item for firefighting discharges.

Please let staff know if there are any discrepancies in the decisions noted above.

Fiscal Impact:

None.

Attachments:

None



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: January 19, 2022

To: Management Committee
From: Mitch Avalon, Program Consultant
Subject: First Draft Budget for FY 22/23

Recommendation:

Review and consider the First Draft Budget for FY 22/23 and provide any comments and direction to staff.

Background:

Staff used the policy direction and assumptions approved by the Management Committee at their meeting on December 15, 2021, to prepare the attached first draft of the FY 22/23 Program Budget. It should be noted that some budget items are blank or have a zero budget, indicating the amount needed for that activity has not been determined yet. These budget items are highlighted in yellow, along with budget items that have not been reviewed by a committee. In addition, many of these numbers are very tentative and will likely change as staff has more time to analyze the work necessary to accomplish the budget line item.

For the last three years, staff has proposed changes to the budget format to increase ease of use and improve tracking capabilities, and this year is no different. The format is now more truly organized by permit provision and all of the work and technical services needed to meet the requirements in each provision are located in that provision section of the budget. So, for example, the monitoring work that was all within the "Water Quality Monitoring (C.8)" budget section has been split up and placed under the provisions where the monitoring is required. Budget items that are not under a specific provision, are located in the beginning of the budget and are associated with permit-wide activities. Finally, the master budget line items more closely align with the individual subcommittee budgets. This should make it easier to go between the subcommittee budgets/work plans and the master budget.

The FY 22/23 budget is the first year of MRP 3.0, and includes some new budget items. Below is a discussion of some of the key budget items and an explanation

of the proposed budget amount. Also below are some new requirements that will require defining the role and responsibility the Program should play in compliance activities. Staff has provided some initial recommendations on Program roles responsibilities. The more the Program is involved, the higher the budget needed.

Key Budget Items

- **Staff Augmentation.** Staff recommends retaining Watershed Resources Consulting in a staff augmentation role for the first six months of the fiscal year. Similar to last year, this support service may be needed until the Program Manager position has been filled and an appropriate transition period concluded. Staff also recommends a budget item for on-call staff augmentation to provide flexibility in meeting the compliance needs related to MRP 3.0. The Administrative Committee requested estimated costs for all positions fully staffed compared to the current staffing with some positions filled with staff augmentation. The cost for all positions fully staffed is \$1,345,808 (senior clerical, ASA-3, two watershed planners, senior watershed planner, and program manager), and the cost for current staffing with staff augmentation is \$1,382,470 (senior clerical, ASA-3, senior watershed planner, and consultants). Staff augmentation costs are based on the budget amounts in the FY 21/22 Midyear Adjusted Budget approved at the December 15, 2021 Committee meeting. Staff costs are salaried positions so they don't vary, while staff augmentation costs can vary depending on the need. However, for comparison purposes the costs between the two staffing arrangements are about the same.
- **Financing Plan Strategy.** The proposed scope of work for this item is not to develop an actual Financing Plan, but to gather data, identify the financial issues, potential options, known hurdles or barriers, and develop a strategy for funding an adequate reserve fund. The Financing Plan would come later and would be a plan to implement the strategy.
- **Alternative Compliance.** The grant-funded team assembled to develop the Alternative Compliance System has indicated a desire to have the Clean Water Program be the system administrator. At this time it is not known the scope or extent of the roles and responsibilities the Program would be undertaking. Assuming the Management Committee approves the Program as administrator, staff is proposing a modest budget amount as a placeholder until the true scope of effort is determined. There are two components to the Program's participation in the Alternative Compliance project; first are the set up costs to establish the Program as the administrator, and the second are the costs to implement two pilot projects. The Alternative Compliance system is anticipated to be completed in FY 21/22 with completion of a final report and agreements with Contra Costa permittees, although some work will

likely spill over into FY 22/23. The grant will cover those costs but will not cover the remaining costs to set up the Alternative Compliance system, such as working with the Regional Water Board to amend the permit, setting up the tracking tool, outlining the financial payment processes, establishing operational procedures, and other program related activities. This budget item is in the General Consultant Services/Projects section as it is of a permit wide nature. To test out the Alternative Compliance system, two pilot projects are proposed to be implemented in FY 22/23. This budget item is in the Provision C-3 section as it is project specific and under the purview of the Development Committee. It's likely that the Committee will not have all the information necessary to decide whether to approve the Program as administrator prior to approving the Program Budget, so budget approval would be an appropriation only and **not** authorization to perform any work.

- **Hydromodification Management.** Many of the budget items associated with Hydromodification Management are carryovers from the current fiscal year. The Management Committee will need to decide whether to retain the existing Contra Costa hydrology model or switch to the Bay Area Hydrology Model. Deciding whether to stay or switch is a complicated and complex decision that may take some time to make. As a result, staff has carried over many of the budget items from the current fiscal year into the next fiscal year that are impacted by which hydrology model is being used.
- **Monitoring Costs.** The estimated monitoring costs, not including the Regional Monitoring Program (RMP), is estimated to be \$985,000 for FY 22/23. The monitoring costs for FY 21/22 is about \$572,000, which is quite a bit lower. Although FY 21/22 is a gap year, the monitoring budget is pretty consistent with the budgets from prior non-gap years, for example FY 18/19 was \$590,000 and FY 19/20 was \$567,000.
- **Reserve Fund.** The current reserve fund is about \$3 million. The amount in the reserve fund over the last several years is contained in the "Reserve History - Forecast" tab in the budget Excel workbook. The amount of the proposed budget exceeding \$3.5 million will need to be taken from the reserve fund. For the first draft budget that amounts to a reduction of \$561,074. When the estimated budget for the entire five year permit is completed, the Committee will have a better idea of how long the reserve fund will last.

Program's Role and Responsibilities

- **Firefighting Foam.** Staff anticipates meeting this requirement will involve attending and coordinating planning meetings with the Regional Water Board and fire fighter associations to develop realistic and feasible

requirements for discharges from fighting fires. Program staff will attend the planning meetings, represent the interests of permittees at the meetings, and coordinate and prepare written comments to proposed requirements.

- **Unsheltered Homeless Discharges.** There are three primary tasks in this provision; producing a map of homeless encampments in relation to the storm drainage system, developing a report of best management practices to address homeless discharges, and preparing a report of activities and actions implemented to reduce homeless discharges. Some of the work associated with this requirement will be performed by or in coordination with the County Health Department and Social Services Department. The mapping and implementation report will likely be done by each individual jurisdiction, which makes sense as homelessness is not a problem in every jurisdiction. However, there may be a desire for the Program to work with the Regional Water Board, and the County Health Department and Social Services Department to develop some overall guidelines. These guidelines might include a consistent nomenclature for the data being collected, consistent definitions for the types of individuals and groups the data is being collected on, and reporting format. The best management practices report is required to be developed "collectively", so there will certainly be a role there for the Program.
- **Cost Reporting.** A cost reporting framework is due in December, 2022, and staff is anticipating the Committee would prefer to have the Program prepare the framework since it is a requirement of everyone and it would be more efficient to do one framework rather than 19 individual frameworks. In addition, permittees are "...encouraged to collaboratively develop the framework...", implying a role for the Program. However, after the completion of the framework, staff anticipates that each individual jurisdiction would prepare their own cost accounting report, as every accounting system is structured somewhat differently.
- **Asset Management.** There is no requirement for an asset management framework, similar to the cost reporting framework, but staff believes such a framework would be valuable. It would provide guidance to all permittees on such things as the types of assets to be included in the asset management program, a naming convention for the various types of stormwater assets, and standard replacement costs. It would also provide a detailed process and schedule to complete an asset management program. For example, some steps might include categorizing assets, inventorying assets, collecting data and inputting data, determining service life, determining remaining service life, developing a maintenance schedule, developing a replacement

schedule, and developing a financing plan. A set of uniform guidelines would be helpful to meet the Tentative Order requirement to assess "...the programmatic benefit from countywide or regional roll-up of collected information...."

Staff recommends the Committee consider the above key budget items and proposed roles and responsibilities for the Program and provide direction to staff.

Fiscal Impact:

Staff will prepare the second draft budget in accordance with the direction provided.

Attachments:

First Draft Budget for FY 22/23

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Contra Costa Clean Water Program (CCCWP)
FIRST DRAFT Fiscal Year 2022/23 Group Program Budget
(Version 2)

Budget Row		Description/Expenditure	ADOPTED Adj FY 2021/22 Dec 15, 2021	Projected FY 22/23	FY 2022/23 Notes
1		Administrative/Personnel (See Admin Worksheet)		\$1,575,009	
2	7608	Staff Salaries and Benefits + County Overhead		\$1,345,809	3% increase
3	7609	Staff Augmentation (Watershed Resources Consulting for 6 months)		\$109,200	Assumes PM position vacancy
4	7609	On-Call Staff Augmentation (as needed) (LWA, GC, H&A)		\$100,000	
5	7608	Staff Training and Conferences		\$10,000	
6	7612	Non-Program County Staff Labor		\$10,000	
7		General Supplies & Equipment		\$7,788	
8	7605	Misc. Office Equipment/Supplies not covered by County Overhead		\$6,600	
9	7605	Groupsite Annual Fee		\$1,188	
10		Association/Memberships/License Fees		\$38,634	
11	7611	ESRI (AGOL Annual License Fee)		\$10,000	
12	7611	California Stormwater Quality Association (CASQA)		\$28,634	\$5K for OWOW + 3% annual increase
13		Legal Services		\$95,000	
14	7606	County Counsel and Contract Administration		\$10,000	
15	7610	MRP 3.0 Appeal (Richards, Watson & Gershon)		\$35,000	
16	7610	On-Call Legal Services (Richards, Watson & Gershon)		\$30,000	
17	7613	Alternative Compliance Legal Review (Richards, Watson & Gershon/County Counsel)		\$20,000	
18		Regional Projects/Regional Cooperation		\$244,221	
19	7618	BAMSC		\$40,000	
20	7618	SFEI - RMP		\$184,221	3% increase
21	7618	SFEI - CECs		\$20,000	
22		General Consultant Services/Projects (See Consultant Services/Projects Worksheet)		\$232,000	
23	7616	5-Year MRP 3.0 Budget		\$10,000	
24	7609	Financing Plan Strategy for MRP 4.0		\$20,000	
25	7616	MRP 3.0 Compliance Checklist		\$10,000	
26	7616	Grant Tracking & Application		\$40,000	
27	7616	Alternative Compliance Administrator Set Up			
28	7616	Project Management, Technical Review, Regulatory Compliance, etc. (LWA/Geosyntec)		\$97,000	
29	7616	Project Management, Technical Review, Regulatory Compliance, etc. (Wood)		\$5,000	
30	7645	Project Management, Technical Review, Regulatory Compliance, etc. (Dan Cloak)		\$0	(moved to C.3)
31	7665	GIS/AGOL Maintenance, Minor Upgrades (Psomas)		\$50,000	

Contra Costa Clean Water Program (CCCWP)
FIRST DRAFT Fiscal Year 2022/23 Group Program Budget
(Version 2)

Budget Row		Description/Expenditure	ADOPTED Adj FY 2021/22 Dec 15, 2021	Projected FY 22/23	FY 2022/23 Notes
32	7654	Municipal Operations (C.2) - Training/Workshop (See MOC Worksheet)		\$3,000	
33		New Development/Redevelopment (C.3) (See Development Committee Worksheet)		\$319,500	
34	7641	Hydromodification Management Modeling (Dubin)		\$50,000	
35	7641	Hydromodification Management Maps (Psomas)		\$15,000	
36	7641	Hydromodification Management Calculator (TBD)		\$40,000	
37	7641	Green Infrastructure Design Guidelines (TBD)		\$20,000	
38	7641	Peak Flow Control Calculator		\$50,000	
39	7645	Update Stormwater C.3 Guidebook		\$35,000	
40	7645	Alternative Compliance Program Implementation (2 Pilot Projects)		\$50,000	
41	7645	General Technical Services Support (Dan Cloak)		\$51,500	3% increase
42	7645	Annual C.3 Training/Workshop		\$8,000	
43	7664	Industrial/Commercial Controls (C.4) - Training/Workshop (See MOC Worksheet)		\$3,000	
44	7662	Illicit Discharge/Detection and Elimination (C.5) (See MOC Worksheet)		\$0	
45	7628	Construction Controls (C.6) (See Development Committee worksheet -LWA)		\$0	
46		Public Information/Participation (C.7) (See PIP Committee Worksheet)		\$160,300	
47	7617	School-Aged Children Outreach		\$9,000	
48	7617	Watershed Stewardship Green Business Program		\$6,000	
49	7617	Public Outreach through Bringing Back the Natives Garden Tour (Kathy Kramer-Sponsor)		\$16,500	
50	7617	Used Oil/Student Outreach /Youth Programs (Matt Bolender)		\$2,000	
51	7617	Outreach Campaign, Public Education, Citizen Involvement (ProProse dba Sagent)		\$70,800	
52	7617	Public Outreach through Website Maintenance and Hosting (WebSight Design)		\$15,000	
53	7617	General Youth/Public Outreach; Media Management (ProProse dba Sagent)		\$36,000	3% increase
54	7617	Outreach Contingency		\$5,000	
55		Water Quality Monitoring (C.8) (See Monitoring Committee Worksheet)		\$535,000	
56	7618	LID Monitoring Plan		\$60,000	
57	7618	Trash Monitoring Plan		\$50,000	
58	7618	Trash Monitoring		\$195,000	
59	7618	Pollutants of Concern Monitoring		\$50,000	Does not include source properties
60	7618	Pesticides and Toxicity Monitoring		\$70,000	
61	7618	Marsh Creek SSID Response			Response to Jan 3, 2022 RB letter
62	7618	Comprehensive Bio-assessment Final Report WY 2012 – 2021		\$15,000	

Contra Costa Clean Water Program (CCCWP)
FIRST DRAFT Fiscal Year 2022/23 Group Program Budget
(Version 2)

Budget Row		Description/Expenditure	ADOPTED Adj FY 2021/22 Dec 15, 2021	Projected FY 22/23	FY 2022/23 Notes
63	7618	Urban Creeks Monitoring Report (POC, Pesticides and Toxicity, Trash, LID)		\$95,000	
64		Pesticide Toxicity Control (C.9) (See MOC Worksheet)		\$67,993	
65	7636	Our Water Our World (Plant Harmony)		\$67,493	
66	7636	Outreach to Pest Control Professionals		\$500	
67	7620	Trash Load Reduction (C.10) (See MOC Worksheet)		\$60,000	
68	7620	Trash Reduction and Impracticability Report		\$50,000	
69	7620	Trash Load Reduction Plan		\$10,000	
70	7618	Mercury Controls (C.11) (requirements addressed under C.12)		\$0	
71	7618	PCBs Controls (C.12) (See Monitoring Committee Worksheet)		\$390,000	
72	7618	Old Industrial Area PCBs Load Reduction Project		\$200,000	project development phase
73	7618	Source Property Investigation		\$150,000	
74	7618	Annual Progress Report on Controlling PCBs		\$20,000	includes PCBs during building demo
75	7618	PCBs in Electrical Utilities		\$10,000	
76	7618	Guidance for MRP 3.0 Building Demolition Requirements			
77	7618	PCBs Control Measure Plan in Old Industrial Area		\$10,000	
78		Exempted and Conditionally Exempted Discharges (C.15) (See PIP Committee Worksheet)		\$15,000	
79	7617	Firefighting Discharges		\$15,000	
80		Unsheltered Homeless Discharges (C.17) (See MOC Worksheet)		\$120,000	
81	7616	Homeless Mapping		\$20,000	
82	7616	BMP Report		\$50,000	
83	7616	Implementation Plan		\$50,000	
84		East Contra Costa County Projects (C.19) (See Monitoring Committee Worksheet)		\$75,000	
85	7618	Methylmercury Monitoring for Delta TMDL		\$20,000	
86	7618	Marsh Creek Dissolved Oxygen Monitoring		\$35,000	
87	7618	Annual Mercury Monitoring Plan		\$10,000	
88	7618	Pyrethroid Control Program Baseline Monitoring Report		\$5,000	
89	7618	East County TMDL Control Measure Plan		\$5,000	
90		Cost Reporting (C.20) (see PIP Committee Worksheet)		\$10,000	
91	7617	Cost Reporting Framework		\$10,000	
92		Asset Management (C.21) (see Development Committee Worksheet)		\$30,000	
93	7645	Asset Management Framework		\$30,000	

Contra Costa Clean Water Program (CCCWP)
 FIRST DRAFT Fiscal Year 2022/23 Group Program Budget
 (Version 2)

Budget Row		Description/Expenditure	ADOPTED Adj FY 2021/22 Dec 15, 2021	Projected FY 22/23	FY 2022/23 Notes
94		GROUP PROGRAM BUDGET SUBTOTAL	\$4,137,667	\$3,981,445	
95	7698	2% CONTINGENCY	\$82,753	\$79,629	
96		TOTAL GROUP ACTIVITIES BUDGET	\$4,220,421	\$4,061,074	
97		CONTINGENCY EXPENSE	\$0	\$0	
98		SALARY CREDIT (PM)(12 Months)	(\$107,782)	\$0	
99		SALARY SAVINGS (Other)	\$0	\$0	
100		SALARY SAVINGS (WMPS)(12 months)	(\$406,802)	\$0	
101		<i>SUBTOTAL</i>	<i>(\$514,584)</i>	<i>\$0</i>	
102		<i>NET SUBTOTAL GROUP PROGRAM BUDGET</i>	<i>\$3,705,837</i>	<i>\$4,061,074</i>	
103		SUA FUNDING CAP	\$3,500,000	\$3,500,000	
104		NET TOTAL GROUP PROGRAM BUDGET	\$3,705,837	\$4,061,074	
105		<i>SUA FUNDING GAP</i>		<i>(\$561,074)</i>	

NOTES

- ¹ Budget totals are shown for the Midyear Adjusted Budget for FY 21/22, but line item budget numbers are not shown as there are significant changes and rearrangement of budget line items in the new FY 22/23 budget.
- ² Highlighted budget items indicate items that have not had committee review or the amount has not yet been determined.



Date: January 19, 2022

To: Management Committee
From: Mitch Avalon, Program Consultant
Subject: Authorizing Advance Work for FY 21/22

Recommendation:

Consider and authorize advance work in FY 21/22 to meet anticipated compliance schedules in MRP 3.0.

Background:

At the December 15, 2021, Management Committee meeting, the Committee approved the Midyear Adjusted Budget for FY 21/22, which included a number of advance work activities. The Final Order for MRP 3.0 has not been adopted by the Regional Water Board, however the Tentative Order released in September includes schedules for several requirements that can only be met if work is done during the current fiscal year (advance work).

The Committee reviewed a schedule for completing the advance work, with some of the items needing to begin in January (see attached advance work schedule). The Committee considered the relative risk involved in performing work prior to adoption of the Final Order, concerned that advance work would be wasted if the requirements were changed from those in the Tentative Order. The Committee also reviewed the mitigation of risk for certain activities and a schedule of advance work overlaid with the level of risk associated with each activity relative to the anticipated adoption of the Final Order (see attached schedule with mitigated risk). The highest level of risk is for activities performed before the Final Order is released, but that risk can be mitigated as follows:

Storm Drain Outfall Mapping Project for Trash Management Areas

- The mapping work is also required in provision C.5.f
- It is unlikely this requirement will change in the Final Order
- Trash monitoring is strongly supported by NGOs

East County TMDL Control Measure Plan

- It's to our advantage to have information to the Central Valley Regional Water Board (RB5) as soon as possible
- We worked together with RB5 to develop the schedule in the Tentative Order
- RB5 is going to reopen the TMDL and they need our information before then

Program for Old Industrial Area Treatment

- It is unlikely this requirement will change in the Final Order

Mercury Monitoring Plan

- It is unlikely this requirement will change in the Final Order
- This requirement was agreed to with RB5, making it even less likely to be changed

From a legal perspective, there is no statute, case, or precedential order that indicates when a deadline is too soon following permit adoption. However, we can argue that the deadlines are unrealistic, as they are technically infeasible, violate permittees' due process rights, don't provide enough time to reasonably complete the permit requirement, and fundamentally unfair - requiring permittees to expend resources anticipating permit requirements that may not be adopted. From a financial perspective, if the advance work is not done in FY 21/22, it would have to be done in FY 22/23. So the advance work is not wasted unless requirements are changed (hence the risk). Doing the advance work does provide the advantage of spreading out initial MRP 3.0 tasks over two years, and not doing the advance work does expose permittees to potential non-compliance and receiving a Notice of Violation. There is also a concern that performing advance work is tacit agreement to the early deadlines imposed by the Regional Water Board and could set a precedent for subsequent permits. And from a reasonableness perspective, it just seems unreasonable to expect work prior to a permit's effective date. However, high risk based on changing permit requirements, is low risk based on avoiding non-compliance.

At the December 15, 2021 Management Committee meeting, the Committee authorized work to begin on those activities that needed to begin in January. Recently, after the January 4, 2022 Administrative Committee meeting, the Regional Water Board's tentative schedule for adopting the MRP 3.0 Final Order was moved from mid-March to mid-April. This one-month delay also increases the window of risk by one month. However, staff still recommends the Committee authorize work on all other advance work activities.

Fiscal Impact:

The budget for the advanced work has been approved, this would authorize the expenditure of the budgeted funds, which amount to a total of \$175,000.

Attachments:

Advance Work Schedule

Advance Work Schedule with Mitigated Risk

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FY 21/22 Pre-MRP 3.0 Advance Work Schedule/Risk (Revised)

Task (Provision)	Cost	Description of Work per the MRP 3.0 Tentative Order	When Work Must Begin					
			Jan	Feb	Mar	Apr	May	Jun
Cost Reporting Framework (C.20.b.i)	\$15,000	The cost reporting framework is due December 31, 2022. Work on the framework will need to begin in FY 21/22 to meet this schedule.				XX	XX	XX
Scope out outfall mapping project for TMAs (C.8.e.v.i)	\$5,000	The trash monitoring plan is due September 30, 2022. A primary data need for this task is mapping the storm drain outfall catchments. This task would scope the work effort of that mapping project.	XX	XX	XX	XX	XX	XX
Mapping storm drain outfall catchments for TMAs (C.8.e.v.i)	\$50,000	The trash monitoring plan is due September 30, 2022. A primary data need is mapping the storm drain outfall catchments. This cost is a placeholder; the final cost of this task would be based on the project scope above.	XX	XX	XX	XX	XX	XX
Draft Trash Monitoring Plan (C.8.e.v.i)	\$20,000	Prepare draft trash receiving water monitoring plan after storm drain outfall mapping project is complete.				XX	XX	XX
East County RAA (C.19.d.ii)	\$30,000	Preparation of the TMDL Control Measure Plan, due on August 1, 2022.	XX	XX	XX	XX	XX	XX
Program for Old Industrial Area Treatment (C.11.c/C.12.c)	\$30,000	PCBs Treatment Report, outlining treatment of 1,119 acres in old industrial areas, is due September 30, 2022. This report will need to be written in FY 21/22.			XX	XX	XX	XX
POCs Load Reduction Accounting/Reporting (C.11.d,e/C.12.b,d,e)	\$10,000	The 2022 Annual Report (September 30, 2022) requires new information, including source properties, bridge inventory, Caltrans specifications, and municipal utility data. This budget is to format the new report.				XX	XX	XX
Mercury Monitoring Plan (C.19.d.iii.1)	\$15,000	Prepare Baseline Monitoring Report, which is due September 19, 2022.			XX	XX	XX	XX
Total	\$175,000							

Policy Decision: Start work January 1, 2022, and as needed prior to release of Final Order. High risk (red)

Policy Decision: Start work only after release of Final Order. April 1 start work date. Low risk (yellow).

Policy Decision: Start to work only after adoption of Final Order. May 1 start work date. No risk (green)

Note: This chart based on risk associated with potential changes to permit requirements from the Tentative Order to the Final Order

Note: This chart based on current schedule for Final Order adoption in mid-April and release of final permit in mid-March.

FY 21/22 Pre-MRP 3.0 Advance Work Schedule/Mitigated Risk (Revised)

Task (Provision)	Cost	Description of Work per the MRP 3.0 Tentative Order	Begin Work to Meet T0 Schedule					
			Jan	Feb	Mar	Apr	May	Jun
Cost Reporting Framework (C.20.b.i)	\$15,000	The cost reporting framework is due December 31, 2022. Work on the framework will need to begin in FY 21/22 to meet this schedule.				XX	XX	XX
Scope out outfall mapping project for TMAs (C.8.e.v.i)	\$5,000	The trash monitoring plan is due September 30, 2022. A primary data need for this task is mapping the storm drain outfall catchments. This task would scope the work effort of that mapping project.	XX	XX	XX	XX	XX	XX
Mapping storm drain outfall catchments for TMAs (C.8.e.v.i)	\$50,000	The trash monitoring plan is due September 30, 2022. A primary data need is mapping the storm drain outfall catchments. This cost is a placeholder; the final cost of this task would be based on the project scope above.	XX	XX	XX	XX	XX	XX
Draft Trash Monitoring Plan (C.8.e.v.i)	\$20,000	Prepare draft trash receiving water monitoring plan after storm drain outfall mapping project is complete.				XX	XX	XX
East County RAA (C.19.d.ii)	\$30,000	Preparation of the TMDL Control Measure Plan, due on August 1, 2022.	XX	XX	XX	XX	XX	XX
Program for Old Industrial Area Treatment (C.11.c/C.12.c)	\$30,000	PCBs Treatment Report, outlining treatment of 1,119 acres in old industrial areas, is due September 30, 2022. This report will need to be written in FY 21/22.			XX	XX	XX	XX
POCs Load Reduction Accounting/Reporting (C.11.d,e/C.12.b,d,e)	\$10,000	The 2022 Annual Report (September 30, 2022) requires new information, including source properties, bridge inventory, Caltrans specifications, and municipal utility data. This budget is to format the new report.				XX	XX	XX
Mercury Monitoring Plan (C.19.d.iii.1)	\$15,000	Prepare Baseline Monitoring Report, which is due September 19, 2022.			XX	XX	XX	XX
Total	\$175,000							

Policy Decision: Start work January 1, 2022, and as needed prior to release of Final Order. High risk (red)

Policy Decision: Start work only after release of Final Order. April 1 start work date. Low risk (yellow)

Policy Decision: Start to work only after adoption of Final Order. May 1 start work date. No risk (green)

Note: This chart based on risk associated with potential changes to permit requirements from the Tentative Order to the Final Order

Note: This chart based on current schedule for Final Order adoption in mid-April and release of final permit in mid-March.