



CONTRA COSTA CLEAN WATER PROGRAM

MANAGEMENT COMMITTEE MEETING AGENDA

Wednesday, December 15, 2021

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 Laporta (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/ Jason Chen/ 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, January 19, 2022, 1:30 PM

**Contra Costa Clean Water Program
MANAGEMENT COMMITTEE MEETING AGENDA
Wednesday, December 15, 2021**

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.

Special Presentation: **1:35**

Caltrans District 4 Litter Abatement Program and partnership opportunities (Anand Maganti)

Regional Water Quality Control Board Staff Comments/Reports: **2:00**

Consent Calendar: **2:05**

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) November 17, 2021 Management Committee Meeting Summary

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

1) Administrative Committee

- November 2, 2021

2) PIP Committee

- September 7, 2021

3) Monitoring Committee

- October 18, 2021

4) Municipal Operations Committee

- October 19, 2021

Presentations: **2:10**

A. Budget Adjustment, FY 21/22 (M. Avalon/A. Bullock)

a. See staff report for background information

B. Budget Assumptions for FY 22/23 (M. Avalon/A. Bullock)

a. See staff report for background information

C. Proposed Organizational Structure for MRP 3.0 (K. Graves)

a. See staff report for background information

Actions: None 3:00

Reports: 3:00

- A. Status of Monsanto Settlement Agreement (M. Avalon)
- B. Status of the MRP 3.0 (M. Avalon)
 - a. Swapping creek status monitoring for advance work
 - b. December 8, 2021 MPC meeting cancelled
- C. Information on grant funding (M. Avalon)

Updates: 3:10

- A. Personnel Update (K. Graves)
- B. BAMSC Steering Committee meeting (K. Graves)
- C. Status of RFQ process for new contracts (K. Graves)
- D. AGOL Work Group formation – need members (L. Yin)

Information: 3:20

- A. Support letter for Marsh Creek mercury load reduction project (K. Graves)
- B. Status of bamboo utensil order (K. Graves)

Old/New Business: 3:25

Adjournment: Approximately 3:30 p.m.

Attachments

Consent Items

1. *Management Committee Meeting Summary November 17, 2021*
2. *Administrative Committee Meeting Summary November 2, 2021*
3. *PIP Committee Meeting Summary September 7, 2021*
4. *Monitoring Committee Meeting Summary October 11, 2021*
5. *Municipal Operations Committee Meeting Summary October 19, 2021*

Presentation Items

6. *Staff Report on Budget Adjustment for FY 21/22*
7. *Budget Adjustment spreadsheet*
8. *Chart of potential budget reductions*
9. *Staff Report on Budget Assumptions for FY 22/23*
10. *Meeting Compliance Requirements for HM Projects*
11. *MRP 3.0 Compliance Checklist*
12. *Staff Report on Organizational Structure for MRP 3.0*
13. *Organizational Chart for MRP 3.0*

Information Items

14. *Support letter for the Marsh Creek Mercury load reduction project*

UPCOMING CCCWP MEETINGS

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

January 4, 2022 1st Tuesday	Administrative and PIP Committee Meeting 9:30 a.m. – 12:00 noon
January 10, 2022 2nd Monday	Monitoring Committee Meeting, 10am – 12 noon
January 18, 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.
January 19, 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)



CONTRA COSTA
CLEAN WATER
PROGRAM

MANAGEMENT COMMITTEE MEETING MINUTES

11-17-2021

Attendance:

MUNICIPALITY	ATTENDED	ABSENT
City of Antioch	Phil Hoffmeister <u>(Chair)</u>	
City of Brentwood		Meghan Laporta
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	Andrew Kennedy	
City of Oakley	Andrew Kennedy	
City of Orinda	Scott Christie	
City of Pinole	Misha Kaur	
City of Pittsburg	Jolan Longway	
City of Pleasant Hill	Andrew 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	Michele Mancuso	

Program Staff: Karin Graves, Andrea Bullock, Michael Burger

Program Consultants: Mitch Avalon, Elizabeth Yin

Members of the Public/Others/Guests: None were present.

Formatted: Font: Not Bold

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.



CONTRA COSTA
CLEAN WATER
PROGRAM

1. Roll call was taken and the meeting was convened by the Chair at 1:30 p.m.
2. **Announcements:** Mitch Avalon noted that Jay Davis will not be available until the end of the [presentation items meeting](#). His presentation was moved to later in the meeting.
3. **Consent Calendar:** Karineh Samkian (San Pablo) noted a correction to the minutes; she had been mistakenly cited as abstaining from a vote. Bob Russell (Danville) motioned to approve the consent calendar items [with the noted correction to the Management Committee minutes](#), Bruce Davis (Concord) seconded. The Chair called for a vote. There were no objections or abstentions. The motion passed unanimously and the consent calendar items were approved.

4. **Presentations:**

- a. **Report on the Regional monitoring Program (Jay Davis, SFEI):** Mitch Avalon began by introducing Jay Davis, the lead scientist for the Regional Monitoring Program from SFEI. Jay Davis began by giving a brief discussion of the RMP and the RMP Update for 2021. The featured project for the RMP was the fish risk report. The data generated in the RMP was important for the PCB and Mercury TMDL calculations. They are also the main sources of information for the fish consumption advisory [notices](#). The report shows that despite the best efforts, the Bay is still not entirely fishable. This is due in large part to legacy contaminants, though this is not the only problem.

The Bay has one of the best fish contamination monitoring programs in the country. The most recent sampling was in 2019 and is done on a 5-year cycle. This was the 8th sampling. 13 locations and 16 species were sampled. While there were many contaminants that [were](#) sampled, the 3 primary contaminants studied were PCBs, Mercury, and PFO~~s~~[s](#).

PCBs are the primary contaminants within the Bay. The 2019 study shows that there are still large concentrations of PCBs in bay fish species. Shiner surfperch are the key indicator species for PCB~~s~~ contamination in the Bay and the fish consumption advisory recommends no consumption of shiner surfperch. San Leandro Bay had the highest average concentration, followed by Oakland and Richmond Harbor. Berkley had the lowest average and was the only location below the no consumption target. Lowering these concentrations will require targeted remediation efforts in these areas. There has been no clear evidence of decline of average PCB~~s~~ concentration in the Bay over the last 25 years. This is believed to be due to continuing inputs from watersheds and legacy contamination [in and](#) sediments already present in the Bay.

Mercury is similar to PCBs. Many species are well above the threshold for concentration. Bat Rays had the highest average concentration. Unlike PCBs, many species are under



CONTRA COSTA CLEAN WATER PROGRAM

the water quality objective. Striped bass is the key indicator species for Mercury, and had the second highest average concentration. There has not been much change in the average concentration over the last 50 years.

The third contaminant discussed was PFAS, the main PFAS contaminant being PFOS. PFOS accumulates at the highest concentration in fish of all PFAS. There ~~was~~ been limited monitoring done for PFAS (mostly in the south bay). There is no threshold in CA for PFOS but Bay fish have shown concentrations higher than the thresholds set in other states.

There are a large number of Stormwater studies currently underway. The Status and Trends is one of the primary reports and is reevaluated every 20 years. The new focus for this study is for emerging contaminants, though legacy contaminants will continue to be an important factor.

The Chair asked if the mercury was elemental mercury or methyl-mercury. Jay Davis noted that total mercury was measured, but 90% of mercury is methyl-mercury. Mercury TMDLs in the Bay Area are based on total Mercury. Michele Mancuso (Contra Costa County) asked how long it was expected for a reduction in contaminant concentrations in fish to be observed. Jay Davis noted that the sampling in San Leandro Bay that had been done shows that if inputs could be controlled, the reductions could be as high as 85% over a 10 year period. But this modelling was preliminary and depended heavily on sampling location.

Stephen Prée (El Cerrito) asked if there was a reason that California doesn't have a PFOS threshold. Jay Davis noted that other states have more acute issues with PFOS, due in large part to manufacturing use of PFOS in those places. California also already has strict recommendations on fish consumption, which other places may not. ~~so PFOS thresholds were unlikely to affect.~~ As such, a PFOS threshold was not a priority. Lucile Paquette (Walnut Creek) noted that sampling had been done in Santa Fe channel, Redwood Channel, and Emeryville Crescent and asked if there was any expected sampling from the Richmond Harbor. Jay Davis noted that there was no movement in that direction; there was hope that management actions already in place at these sampling locations could reduce contaminant concentration in these areas in a measurable way to act as a test case for other areas. Lucile Paquette (Walnut Creek) asked if the advanced modeling was done through the PCB workgroup or the FPLS. Jay Davis noted that the modelling was through the PCB workgroup, but there was hope that these modelling efforts could be applied to emerging contaminants as well.

Lucile Paquette (Walnut Creek) asked if SFEI had done a Pulse of the Bay report this year. Jay Davis noted that generally, Pulse of the Bay and RMP updates were done on alternating years.



CONTRA COSTA CLEAN WATER PROGRAM

b. **End of year budget report for FY 20/21 (A. Bullock):** Two columns had been added to the previous budget sheet: FY 20/21 Expenditures and Unspent Budget for FY 20/21. Andrea Bullock displayed the carry over report. ~~These columns would be used for crafting the assumptions on the budget for the next Fiscal Year.~~ There were unspent budget expenditures of ~\$1.16M that included the Salary credits for vacant staff positions. This total would be returned to the budget reserve, giving the Program a reserve of roughly \$3M. It was noted that this does not contain the \$1.2M set aside for the operational ~~reserve~~ budget. The total unspent budget was discussed. Mitch Avalon noted that there were a number of projects and line items that were planned for Fiscal Year 20/21, but were carried over to the next year. Because this was a gap year, similar savings were not expected for next Fiscal Year. The Chair asked about the line item for non-program county staff labor. Andrea Bullock noted that this was for any County personnel from a different division that provided support to Program activities. Normally, this was not as high as the \$30K listed on the budget. This was due to a change in work orders. The transparency of the budget was discussed. The Chair asked if the fish risk expenditures were accurate. Program Staff confirmed that there were unforeseen issues due to COVID that compounded costs.

c. **Budget Adjustment, FY 21/22 (M. Avalon/A. Bullock):** The approved budget for Fiscal Year 21/22 had assumed full staffing. However, at the beginning of the Fiscal Year, the two watershed planner positions were vacant. An adjustment had been approved by the Management Committee in August to continue staff augmentation through the first half of the Fiscal Year. The County was still seeking to fill these positions, but they would not be filled before the end of December. These positions were anticipated to be filled around March or April. In order to continue staff augmentation, as well as address potential requirements for MRP 3.0, another budget adjustment was now necessary.

Additionally, the adjustments for the budget included anticipated advanced work for MRP 3.0. This advance work would need to be done before July 2022, but it was still uncertain if the Final Order would require this work.

The recommendation was to adjust the budget for 6 months rather than have to adjust the budget again before the end of the Fiscal Year. The line item for MRP 3.0 advanced work was added for \$155,000. With the credits for salary savings for 6 months, \$251,000 would need to come from the reserves. It was noted that this was a draft budget but was a solid projection. Mitch Avalon pointed out that there may be requirements to increase the budget but there were also potential places where savings could be realized. Karineh Samkian (San Pablo) and Laura Hoffmeister (Clayton) asked Program Staff to make recommendations where expenditures could be cut based on Program operations. Lucile Paquette (Walnut Creek) asked about the expenditures for OWOW and pointed out that there ~~would be savings~~ no need to spend for this after CASQA took over in January. CASQA's reduced membership costs for OWOW could result in a savings. She also noted that the Program could potentially negotiate with the



CONTRA COSTA CLEAN WATER PROGRAM

RWQCB, as it had done in the past, to reduce ~~stationary~~ creek status monitoring ~~this year due to weather patterns~~ and shift ~~the cost to pay for advance worker reduce the cost~~. The Committee discussed this and there was general approval. The Chair asked when the Program would know when a letter could be sent to the RWQCB regarding the reduced creek monitoring. The Committee discussed time frames and it was noted that the December 8 MPC meeting may be the best time to bring this up. Bruce Davis (Concord) noted that there may be savings in the Technical Services line items for C.3 Projects and the Hydromodification Calculator. These line items had already been discussed, but there may be room to save on projects that could be put off until the next Fiscal Year. The Committee discussed the potential for cost savings in the Hydrograph Modification Management, but that would require the Program to make policy decisions regarding which hydrology model would be used. The Chair asked if this would be brought before the Administrative Committee. Mitch Avalon confirmed that the budget would begin in earnest by the December Administrative Committee meeting.

- d. **Budget Process for FY 22/23 (M. Avalon/A. Bullock):** Mitch Avalon began by displaying the time table for the Fiscal Year ~~22/23~~ budget process. The budget process would start in December. Included in the packet was a chart that outlined~~s~~ the steps in this process. Mitch Avalon noted that the chart showed both the Management Committee and Administrative Committee meetings for each month. The December meetings would be used to review budget timeline, policy, and assumptions. The first draft of the budget would be presented ~~in at the~~ January for Administrative Committee and Management Committee ~~meetings for~~ review. The second draft would be ready for the February meetings. Approval of the final draft would happen at the March meetings and the final budget was anticipated to be finalized and printed ~~on~~ March 17. The budget would then be effective July 1.

Lucile Paquette (Walnut Creek) asked if there would need to be adjustments made after the Final Order of MRP 3.0 is released. Mitch Avalon suggested that it depended on when the Final Order was received, but one of the budget assumptions was that the requirements in the Tentative Order stand without change. It was unlikely that changes to the Final Order would be received before the first draft of the budget was ready. The best case scenario was to receive changes to MRP 3.0 between the first and second drafts where changes could be made to the budget at that time. If changes to MRP 3.0 were received after the final ~~budget draft~~ is approved, then budget adjustments would need to be made.

5. Actions:

- a. **DIRECT Staff to prepare a FY 21/22 Adjusted Budget for review and approval at the December 15, 2021 Management Committee Meeting:** The Chair summarized the points that were discussed during the presentations. Michele Mancuso (Contra Costa County) motioned to direct staff to prepare the adjusted budget, Karineh Samkian (San



CONTRA COSTA CLEAN WATER PROGRAM

Pablo) seconded. The Chair called for a vote. There were no objections or abstentions. The motioned passed unanimously and Program staff were directed to prepare an adjusted budget.

6. Reports:

- a. **Status of Monsanto Settlement Agreement (M. Avalon):** There was no new information on the settlement.
- b. **Status of the Tentative Order comment letter:** Program staff had sent the Tentative Order comment letter on November 15. Mitch Avalon requested that any Permittee that sent a separate comment letter also send that letter to the Program.

7. Updates:

- a. **Personnel Update (A. Knapp):** Karin Graves reported that County Human Resources had approved the hiring of two watershed planners and a draft advertisement had been created. The next step was to for the notice to be posted. It was hoped that the advertisement could be posted on the first week of December, but if that date didn't work then it was too soon it was preferred to wait until after the holidays. Once all applications were received, the Program would need Management Committee members to help review the applications. An email soliciting assistance would come in the near future. Lucile Paquette (Walnut Creek) suggested that the County do a salary survey for this position. The Chair asked if there had been a salary survey already. Karin Graves noted that this could be done, but this would add to the timeline for posting and hiring. A salary survey would only be approved if there was an attempt to hire but there were no interested candidates.
- b. **BAMSC Steering Committee meeting (K. Graves):** The last meeting was at the end of October and mainly reviewed the October 12 and 13 Workshop and comment letters for MRP 3.0. The next meeting would be on December 2. Karin Graves would be bringing the water quality improvement fund grant and the approach to the advance work for MRP 3.0 before BAMSC for discussion.
- c. **Update on 1-800-No-Dumping program (K. Graves):** There were a number of updates to the Program website and phone tree for illegal dumping resources proposed over the last six months. All the updates had been completed. An illegal dumping video had also been created and posted on the website's main page. Karin Graves demonstrated the online illegal dumping report form. Michele Mancuso (Contra Costa County) asked what the emails sent by the report form looked like and a test of the system was discussed. The real time illegal dumping phone numbers and new hotline options were also discussed. There are now links to Permittee garbage and recycling information as well as



CONTRA COSTA CLEAN WATER PROGRAM

Household Hazardous Waste disposal options on the Program website. The illegal dumping video was discussed and it was suggested that the number of illegal dumping incidents cited in the video may not be accurate for the County as a whole. Laura Hoffmeister (Clayton) asked how to navigate to the waste disposal options page and the process was demonstrated. Karineh Samkian (San Pablo) noted that the illegal dumping video referenced an app used by unincorporated ~~C~~ounty and not by all Permittees. San Pablo would be clipping out that section of the video to avoid confusing viewers. Any other Permittees not using the app could also receive the edited video.

- d. **Status of RFQ process for new contracts (K. Graves):** The RFQ posting had been extended to ~~the~~ November 29 or 30. Contra Costa County Finance would then collect ~~all~~ submitted RFQs and send them on to the Program in December. The Permittees that volunteered to review proposals would then be contacted. It was anticipated that reviews would happen in January.

8. **Information:** There were no Information Items.

9. **Old/New Business:** Mitch Avalon noted that a Caltrans presentation on litter abatement had been discussed at the Municipal Operations Committee meeting. The Municipal Operations Committee suggested that it may be useful for Caltrans to give a presentation to the Management Committee and he asked if there was interest in this. The Chair noted his interest and there were no objections.

10. **Adjournment:** The Chair adjourned the meeting at 3:28pm.



ADMINISTRATIVE COMMITTEE SUMMARY

Meeting Minutes

Tuesday, November 2, 2021

10:30 – 12:00

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

Program Staff: Andrea Bullock, Michael Burger

Consultants: Mitch Avalon

Guests: Allison Knapp (Contra Costa County), Laura Hoffmeister (Clayton)

- 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):** Mitch Avalon noted that there were two agendas for approval on Agenda Item 6.
- 3. Approval of October 5, 2021 Meeting Minutes (Chair):** Jeff Brown (Hercules) motioned to approve, Bob Russell (Danville) seconded. There were no objections or abstentions. The motion passed unanimously and the minutes were approved with no changes.
- 4. Tentative Order Status (M. Avalon):** Mitch Avalon began by describing the process to assemble the final comments from subcommittees and Program Staff. The final draft of the Tentative Order Comment Letter was compiled Monday and was now being reviewed by Program Staff. He noted that there were potential changes to the letter arising from the MPC meeting tomorrow. These changes would be incorporated into the letter by Thursday and the final letter would be distributed Thursday for the special Management Committee meeting on November 10. Provisions C.20 and

C.21 (Cost Reporting and Asset Management) did not have assigned subcommittees and Mitch Avalon announced that they were handled by the Administrative Committee.

The Chair asked if the Program was on track to meeting the November 4 deadline so that Management Committee members would have time to review it. It was confirmed that the letter would still be ready by November 4 even with changes from the MPC meeting.

Provision C.10 was discussed, with notes on changes being pointed out based on the October 12 & 13 workshop as well as subcommittee discussion. It was noted in the comment letter that the trash accounting system was set up using 2009 as the baseline for trash calculations and credits. Trash generation currently is higher than in 2009 and continues to increase each year. There is also no accounting for illegal dumping or homeless in the 2009 calculations. The Program's comments are focused on the trash load credit system to be updated with specific attention to source control/product bans, creek and shoreline clean up, illegal dumping, and homeless encampment credits. It is also being requested to revise direct discharge control plan requirements for a wider adoption. It was suggested that these control plans have proven to have been effective for the Permittees that have them. Mitch Avalon asked if the verbiage regarding discontinuation of the plans should be removed. The Committee discussed alternate language and opted to remove the language surrounding discontinuation. Michele Mancuso (Contra Costa County) expressed a concern about the language surrounding the increase in trash generation and homeless encampments. She suggested that the language could be interpreted as suggesting that the work being done is not making a difference in trash abatement. The Committee discussed the way in which trash generation is calculated and that it isn't a one size fits all calculation. Laura Hoffmeister (Clayton) suggested that the comment letter should reflect this. Mitch Avalon suggested adding language that promotes additional credits for all trash sources could help.

For C.15 the comment letter notes that Permittees don't, in general, have jurisdiction over the fire departments that operate within city boundaries. There is also concern that there may be interference with emergency services in trying to capture fire fighting discharge during an active emergency. A study that describes pollutants that may be present in fire fighting discharges was cited as justification, but the Program's comment suggests that this is far from conclusive. There is also concern that FAA guidelines require PFAS for use in airport fires which would require Permittees to enforce regulations on the FAA. The new requirements are not practical or feasible; the Program suggests the creation of a new workgroup that the Program would participate in to advise on procedures to improve water quality from fire fighting discharge. The Committee discussed the different fire districts that are present county-wide and that there may be a precedent that fire districts could be issued a separate NPDES permit in a similar way to water districts. The Chair asked if there was a comment suggesting that fire districts could be considered a pollution source. Mitch Avalon noted that the Program was trying to work with the Fire Districts and such a comment could create a more adversarial relationship.

Cost Reporting (C.20) comments didn't have many changes from the Administrative Draft comment letter. The major comments were to request a plan/objective that hadn't been including in the Tentative Order and more time to develop the framework. Laura Hoffmeister (Clayton) asked what

the objective of this provision was. Mitch Avalon noted that this was the core of the comment and likely arose from previous objections to the cost of new requirements on the basis that the Water Board did not understand the costs imposed. The Committee discussed the cost categories and the difference in accounting systems between each Permittee. The Chair pointed out that the reasoning for including provision C.20 in the Permit language was still unclear or undefined. Michele Mancuso (Contra Costa County) asked about the Land Cost category of the requirement and what would be included in this category. This would likely count the cost to acquire land for stormwater projects as well as realty costs associated with personnel to carry out the acquisition.

Asset Management (C.21) also had the same comments as the Administrative Draft letter, but the provision language had been modified slightly. The comments focused on the request that the provision clarify that the assets referenced are only Permittee owned and operated assets and not private assets. These should be limited to permanent infrastructure and not mobile or impermanent assets. Design standards should then be used to assess performance of these assets rather than the assessment calculations outlined in the new provision. Laura Hoffmeister (Clayton) noted that a separate asset management system would be required in order to create the report for this requirement. The Committee discussed the inclusion of the climate adaption plan. Laura Hoffmeister (Clayton) asked if there was language that cost estimates were for current (post 2011) projects only. According to proposed Permit language, the reporting would require estimates from current and all previous permit cycles (back to 2005). Adding a comment for confining asset management reporting to a certain date range or when it was installed as a regulated project was discussed.

- 5. Budget Process FY 22/23 and Budget Adjustment FY 21/22 (M. Avalon/A. Bullock):** Mitch Avalon began by discussing the two parts to the topic. The first was to begin the budget process for Fiscal Year 22/23 and the second was a budget adjustment for the current Fiscal Year budget.

The budget adjustment was discussed first and would cover the currently vacant staff positions and the staff augmentation to cover these vacancies. A budget adjustment had been made previously to last through the end of the calendar year, but a new adjustment would be needed to carry these adjustments into the new year. The Program has already begun the solicitation process for the Watershed Management Planning Specialists, but it was not expected that staff could be hired before March or April 2022.

A brief overview of the FY 22/23 budget process was then discussed. The budget timeline and policy assumptions would be reviewed by the Administrative Committee and Management Committee in December. A first draft would be considered in January with a second review anticipated for February. A final draft budget would be ready by March with a finalized and printed version expected for approval on March 17.

Andrea Bullock discussed the budget carryover report. The report shows the budget after all the adjustments for Fiscal Year 20/21. The expenses can be used to help craft the budget for the next Fiscal Year. Credits for staff vacancies were included at the end of the budget with a line item for the amount placed back into the Program's reserves. Laura Hoffmeister (Clayton) asked if the \$1.2M

that had been set aside was accounted for on the report. Mitch Avalon noted that this was not a Reserves report and would need a separate report for that accounting. A note that this \$1.2M was not included in the calculation was suggested. This item would also be on the November Management Committee agenda for review.

The committee discussed CASQA's administration of the Our Water, Our World program. This would now be a state wide program rather than a Bay Area specific program. This could reduce the cost of membership in the program and allow for materials to be placed in retailer outlets on a state level, since getting regional outlets to carry outreach material had been reported to be cumbersome.

- 6. Approve November 17, 2021 Managment Committee Agenda (Committee):** Mitch Avalon began by giving a brief overview of the agenda for the Special Management Committee meeting for November 10. There is only one item: a presentation on the Tentative Order comment letter and an action to approve the letter. The Chair motioned to approve, Michele Mancuso (Contra Cost County) seconded. The Chair called for a vote. There were no objections or abstentions. The motion passed unanimously and the agenda for the Special Management Committee meeting was approved.

The agenda for the November 17 Management Committee meeting was then displayed. Each item was explained in brief with a special note in regards to a presentation from SFEI. It had been requested in the past that SFEI give a presentation and Mitch Avalon had contact SFEI to schedule a presentation. The presentation would be a report on the Regional Monitoring Program. It was noted that an action item would need to be added to direct the Program to adjust the budget. Jeff Brown (Hercules) motioned to approve the agenda with the change of adding an action item for the budget adjustment, the Chair seconded. The Chair called for a vote. There were no objections or abstentions. The motion passed unanimously and the agenda for the November 17 Management Committee meeting was approved.

- 7. Old/ New Business:** There was no old or new business.

- 8. Adjournment:** The Chair adjourned the meeting at 11:57am.



PUBLIC INFORMATION/PARTICIPATION COMMITTEE
MEETING MINUTES

Tuesday, September 7, 2021 9:30 am – 10:30 am

Zoom Meeting

Voting Members	Attended	Absent
City of Antioch	Phil Hoffmeister	
CCC Flood Control and Water Conservation District	Melinda Harris	
City of Orinda	Scott Christie	
City of San Ramon	Kerry Parker	
Administrative committee	Attended	Absent
Members acting as PIP Members		
City of Brentwood	Meghan Laporta	
Town of Danville	Bob Russell	
Contra Costa County	Beth Baldwin, Michelle Giolli	
City of Hercules		Jeff Brown
City of Pleasant Hill		Ananthan Kanagasundaram

Program Staff: Karin Graves, Andrea Bullock, Michael Burger

Consultants: Hilary Pierce, Mitch Avalon, Finnisha Eastman, Sandy Matthews, Anna Minard, Emily Rogers.

Guests: Matt Bolender

- 1. Convene meeting and roll call (Chair):** The Vice Chair convened the meeting at 9:39.
- 2. Introductions, Announcements, and Changes to Agenda (Chair):** There were no announcements or changes to the Agenda.
- 3. Consent Items Approval (Chair):** The Consent items were approved.
- 4. Mr. Funnelhead Annual Update (Matt Bolender):** Matt Bolender began by sharing a video outlining the Annual status of the Mr. Funnelhead program. Following the video, he gave a more in-depth description of the state of the Program moving forward with COVID-19 restrictions. He described the in-person events produced by the Used Oil Program and the reduction of the Program's budget by CalRecycle. Scott Christie (Orinda) asked if the program was continuing to reach out to schools about in-person presentations. Matt Bolender noted that they were reaching out through emails and letters to schools throughout the county for interest and availability for live events but noted that many schools were hesitant to commit due to recently returning to the classroom. It was suggested that the next shows may be in the Winter and, if there was no interest then, that the Program would need retool itself to be more online friendly.



CONTRA COSTA CLEAN WATER PROGRAM

Scott Christie (Orinda) suggested Orinda's annual car show may be an opportunity that Mr. Funnelhead could attend. The Chair asked if the presentations were held inside and if it was possible to transition to outside presentations. Matt Bolender noted that he had considered touring some of the schools to investigate exterior locations, but there was concern that the weather may interfere with these types of events. Phil Hoffmeister (Antioch) asked when the cutoff date for the school interest was. Matt Bolender was unsure due to each school district having different policies and scheduling. He also mentioned the safety concerns for unvaccinated school aged children as well as the actors. The Chair asked if the Mr. Funnelhead presentations were oil specific or if they could incorporate trash and litter. She also noted that many cars were moving to electric and that education on batteries may replace or supplement the presentations. Matt Bolender noted that oil filters were their largest issue, as oil was mostly being recycled. There was some discussion of plastics, but he noted that the state wanted oil and filters to be the major focus of the Mr. Funnelhead program. Matt Bolender suggested that electric cars were not as widespread and there was a focus on older cars and cars that weren't maintained correctly.

5. **Snapchat Filters (Sagent):** Anna Minard introduced the idea of the Snapchat filters for the Coastal Cleanup Day. Sagent's goal was to obtain approval from the committee to move forward with one of the filters. She noted the uses of the Snapchat filters and their use as a call to action. Each of the proposed filters was described and displayed; a mock-up of a large and small format were shared. The filters would have an icon for more information. Anna Minard asked for input. Kerry Parker (San Ramon) and the Chair noted that the last option was their preferred option. An informal vote was taken.

The Committee approved option 4.

6. **360 VR Video Locations for Social Media Posts (Sagent):** Anna Minard displayed the Video Location spreadsheet and noted that there was no hard deadline for this item. She further described the messaging that would accompany the videos. She directed the Committee to look at and review the options in the packet. She encouraged input from the Committee over the next week. Karin Graves added that the Program had opted to postpone the creation of videos until after the smoke from recent fires had died down. A loose time-frame of February or March was proposed. Mitch Avalon suggested this might align well with restoration projects.
7. **Reusable Straws and To-Go Ware (K. Graves):** Karin Graves reminded the Committee of the To-Go Ware concept introduced at the last two meetings. The Program had investigated the idea of To-Go Ware and Straws (and Cleaners). ChicoBag, which the Program had previously used, did not offer straws in their packets. She described the costs of other options. The Committee was asked for feedback on whether this was something that the Program should move forward on. Scott Christie (Orinda) noted that the Program had ordered items in the past and offered them to Permittees to purchase. He asked if this was going to be handled in a similar fashion, in that the Program would order and stock inventory of items that Permittees could buy at their discretion. Karin Graves noted that the idea was to get a commitment from Permittees and



CONTRA COSTA
CLEAN WATER
PROGRAM

make a bulk purchase through the Program. The Committee discussed which option would be best with support for the option that included all utensils, straw, and cleaner.

It was decided to bring this before Management Committee.

8. Adjournment: The Chair adjourned the meeting at 10:43am.

**Monitoring Committee
Meeting Minutes
October 18, 2021**

VOTING MEMBERS		
MUNICIPALITY	ATTENDED	ABSENT
City of Pittsburg	Joe Camaddo (Chair)	
CCC Flood Control District	Beth Baldwin (Vice-Chair) / Michelle Giolli / Michele Mancuso	
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		
Staff Augmentation	Lisa Welsh / Lisa Austin	
Program Consultant	Mitch Avalon	

- **Introductory Remarks and Announcements.** Joe Camaddo opened the meeting with a quorum. No additional announcements or changes to the agenda.
- **August 2021 Meeting Summary.** Walnut Creek (L. Paquette) moved to approve the September meeting summary and the City of Pinole seconded (M. Kaur). Joe Camaddo abstained. There were no objections.
- **MRP 3 Tentative Order Comment Letter Review Schedule for Monitoring Committee.** Lisa W. reviewed the schedule and process to provide written comments on the MRP 3 Tentative Order comment letter for Provisions C.8, C.11, C.12, C.14, and C.19. She noted that since sending out the agenda packet the Regional Water Board (RWB) extended the MRP 3 TO review period by one week - from Tuesday, November, 9 to Tuesday, November 16. When Management Committee selects a new date for the special meeting to discuss and approve the full comment letter, staff will draft a revised schedule for the monitoring-related provisions and distribute it to Mon Com.
- **MRP 3 Tentative Order Comment Letter for C.8, C.11, C.12, C.14, and C.19.** Lisa A. reviewed the draft comments on the monitoring-related provisions. The following was discussed:

General Comments

- Include a table with all the required reports and deliverables with the due date as stated in the TO. In the table, describe if the deliverable is an annual submittal, a new requirement, and if the report is necessary. Then, add a column

to describe if there is a requested change with a new date. Justify the requested change through a comment in the specific provision.

- A cost table will also be included and it will either be added with the general comments or within Provision C.8. Costs will be comprehensive and include SSID, creek monitoring, and RMP costs.

C.8 Monitoring Comments

- When comparing MRP 2 costs to MRP 3 costs, SSID + Creek Monitoring should be approximately equal to Trash + Green Stormwater Infrastructure (GSI) + Pollutants of Concern (POC) Monitoring.
- Michelle G. will try to obtain a reasonable estimate for permitting end-of-pipe systems for trash monitoring.
- The group discussed how the RWB seemed to think that the requirements in the MRP 3 TO are comparable to MRP 2 and to other MRPs in California. Comparisons between the Bay Area and SoCal are frequently made, but there are notable differences between the regions (e.g., swimmable waters, population, etc.).

C.11/12 Mercury/PCBs Comments

- The draft written comments are similar to the Workshop testimony. The group discussed that maps could be used to support and illustrate some of the comments. Geosyntec will add a map of the Old Industrial area with moderate (>0.2 mg/kg) and high results (>1.0 mg/kg) from PCBs sediment sampling, similar to the map of the City of Oakland that was presented during the Workshop testimony.
- Lucile suggested that monitoring could focus on areas that are known to contain low concentrations of PCBs so that they can be 'eliminated.'
- The comments should describe the areas in CCCWP that do not need to be addressed (e.g., already been treated, direct discharge, non-jurisdictional, etc.)

C.12 PCBs in Building Demolition Comments

- The group discussed the importance of keeping the PCBs in Building Demo program in good status and figure out an effective implementation approach (there are a lot of PCBs in old building materials). There were only two applicable structures in Contra Costa County in the last two years under this program, so it is currently not a huge burden to the Permittees.
- The group discussed that the RWB wants to tighten up the program, but they putting it on the back of the permittees (originally RWB wanted to do their own inspections). If there is an easy way to get around the requirements, then that isn't the mark of an effective program.
- Lisa A. agreed to check in with Jon Konan (EOA) about the status of discussions on PCBs in Building Demo. It could be discussed at the next BAMSC meeting.

C.19 East County Comments

- Recommend that the Control Measure Plan and Annual Mercury Monitoring Plans be pushed back from the one month after and on, respectively, the effective date of the permit term.

• Next Steps / Action Items

- Lisa W. will send the revised MRP 3.0 Tentative Order review with the new date of the Special Management Committee Meeting to the Monitoring Committee.
 - Because the TO review period has been extended by one week and there is not a conflict between the November Monitoring Committee Meeting and the Special Management Committee Meeting. No change to the scheduled Monitoring Committee Meeting on November 8.
-
- **Adjournment.** The acting Chair adjourned the meeting at 12:00 pm.

Next Scheduled Monitoring Committee Meeting: Monday, November 8, 2021, 10:00 AM-12:00 noon, Zoom meeting.

G:\NPDES\05_Monitoring Committee\03_Minutes&Attend\FY 21-22\Approved Minutes\2021-10-18\01_2021_Oct_18_MonCom_Minutes_Approved.docx



**Municipal Operations Committee (MOC)
Meeting Minutes
October 19, 2021**

MUNICIPALITY	ATTENDED [via Web/Phone]
VOTING	
City of Antioch	<i>Phil Hoffmeister, Jeff Cook</i>
City of Brentwood	<i>Melissa Barcelona</i>
City of Concord	<i>Jesse Crawford</i>
Contra Costa County	<i>Michelle Giolli (Vice Chair), Beth Baldwin</i>
Town of Danville	<i>Bob Russell</i>
City of El Cerrito	<i>Stephen Prée</i>
City of Martinez	
City of Pittsburg	<i>Joseph Camaddo (Chair)</i>
City of Richmond	
City of San Pablo	<i>Karineh Samkian</i>
City of Walnut Creek	<i>Lucile Paquette</i>
NON-VOTING	
PROGRAM STAFF and CONSULTANTS	
Staff Augmentation	<i>Elizabeth Yin</i>
Program Staff	<i>Mitch Avalon</i>
GUESTS	

1. **Introductions/Announcements:** Joe Camaddo (City of Pittsburg) welcomed the group to the Zoom call and asked for announcements. No announcements were made.
2. **Approval of Minutes:** Stephen Prée (City of El Cerrito) made a motion to approve the September 21, 2021 Meeting Summary. Pittsburg seconded the motion. The Committee voted to approve the September 21, 2021 Meeting Summary
3. **Program Update:**
 - Annual Report Status
 - i. Elizabeth Yin (Program Staff, Consultant) asked for Permittees to submit their completed Municipal Annual Reports to the Program.
 - AGOL
 - i. Elizabeth announced that a formal process for evaluating AGOL will begin in November. Elizabeth will be working with Beth Baldwin (Contra Costa County) to establish a workgroup that will evaluate and develop a report on AGOL needs and potential updates.
4. **MRP 3.0 Tentative Order:**
 - Overview

- i. The MRP 3.0 Tentative Order was released on Sept 10, with a comment period ending on Nov 9. The SFRWQCB held workshops on Oct 12, Oct 13. Final Approval of MRP 3.0 is expected in February 2022.
 - ii. Based on the outcome of the workshop, the SFRWQCB extended the comment period by one week.
 - iii. Elizabeth Yin (CCCWP) provided an update on the Program's schedule for responding to the MRP 3.0 Tentative Order, including deadlines for comment letter feedback and revisions. The Program expected to hold a special Management Committee to finalize the draft comment letter on November 10th.
 - iv. Elizabeth provided a review of the topics identified by the Program and the Select Committee as being key topics for providing testimonial at the MRP 3.0 Workshops.
 - Tentative Order Comment Letter
 - i. Based on feedback obtained from MOC at the October meeting, Elizabeth reviewed specific questions and comments of Tentative Order Provisions C.2, C.4, C.5, C.9, C.10, C.13, C.15, and C.22 with the Committee. The outcome of the discussion included the removal of several comments that the Committee felt had been addressed, the refinement of some language, as well as the identification of a new comment regarding credits for trash reduction associated with programmatic efforts.
 - ii. Lucile Paquette (City of Walnut Creek) and Beth offered to assist Program Staff with drafting new comment language to address the programmatic efforts associated with trash reduction. Elizabeth would set up a meeting to discuss how to proceed with this small working group.
 - iii. Elizabeth requested for the MOC to review the draft comment letter and provide any final comments or revisions by Wednesday, October 27th by close of business.
5. **Old/New Business:**
- No additional topics were discussed.
6. **Adjournment:** Chair Joe Camaddo adjourned at 11:30 AM.

G:\NPDES\06_MOC Committee\02_Minutes&Attend\FY 21-22\Approved Minutes\2021-10-12\MOC Meeting Minutes 20211016_final_approved.docx



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: December 15, 2021

To: Management Committee

From: Mitch Avalon, Program Consultant

Subject: Budget Adjustment for FY 21/22

Recommendation:

Accept the staff report, consider any budget reduction, and approve the budget adjustment for FY 21/22.

Background:

Budget Reduction Analysis. At the November 17, 2021 Management Committee meeting, staff presented the reasons for the second budget adjustment; providing staff augmentation through the end of the fiscal year and budgeting for MRP 3.0 work in advance of the permit's effective date. The Committee asked staff to review the adjusted budget and provide recommendations for budget items that could be reduced. Staff did this and took a conservative approach, as it makes no sense to reduce the FY 21/22 adjusted budget, only to add the same amount onto next year's FY 22/23 budget. Under current policy, if there is year-end leftover funds in the FY 21/22 budget, the leftover funds would be rolled into the reserve fund. Below is a list of budget line items staff analyzed for opportunities to reduce the budget, along with a staff recommendation.

On-Call Staff Augmentation. When the FY 21/22 budget was developed last year, the assumption was full staffing of the Program. As a cushion, the budget included a \$50,000 line item to provide staff augmentation on an on-call basis. With this current budget adjustment extending full staff augmentation through to the end of the fiscal year, this budget item is not needed. Staff recommends eliminating this budget line item.

Transition Training. This budget item was intended to fund staff training by consultants currently doing staff augmentation work. This would allow a smooth transition from consultants doing staff work to staff doing staff work. Staff recommends retaining this budget line item.

BASMAA. The Bay Area Stormwater Management Agencies Association has ceased to exist, but a budget item remained to fund regional coordination and

regional project work. FY 21/22 is a gap year, and there are no regional projects. However there is a cost associated with Our Water Our World, which was handled by BASMAA but will now be paid directly to CASQA. That cost is \$5,080. The other potential regional cooperation effort could be an application for the upcoming EPA Water Quality Improvement Fund grant. If the grant application was completed solely by the Program the cost would be about \$30,000, however if the grant application is completed through a regionally coordinated effort, the cost would be about \$10,000. More will be known as BAMSC meets to discuss this, but to be conservative, this item should not be reduced. Staff recommends not reducing this budget item.

Legal Services. The FY 21/22 budget included \$40,000 in legal services, \$10,000 of which was earmarked for assisting BAMSC in developing a memorandum of agreement for a new organizational structure. Legal service costs up to and including October are about \$9,000. The Program will incur legal services as part of the Final Order process, and potential costs if the Program decides to appeal the permit to the State Water Board. It appears there is no room to reduce the budget for legal services, however the \$10,000 earmarked for a memorandum of agreement could be eliminated, since it's unclear what plan BAMSC has for providing regional services, if any.

Alternative Compliance Legal Review. The legal review work for the first set of documents has been completed and no further legal review is expected for the rest of the fiscal year, except for a three hour meeting to review comments. Staff recommends reducing this budget by \$10,000.

Hydromodification Management. The FY 21/22 budget included three HM budget items: modeling, applicability maps, and a calculator. The modeling would complete work mandated in MRP 2.0 and has been on hold pending direction from Regional Water Board staff and/or updated requirements in the MRP 3.0 Final Order. Pending the content of that direction or the MRP 3.0 Final Order, the Development Committee may recommend a compliance solution that employs the Bay Area Hydrology Model (BAHM) to check or validate designs prepared using the Guidebook. If BAHM is used, there will be costs associated with revising and updating BAHM for use in Contra Costa County. It is unlikely there would be cost savings compared to what has been previously budgeted for completing the work mandated in MRP 2.0. Draft applicability maps were prepared and submitted in 2017, and Regional Water Board staff's comments on the maps were received in 2020. Program staff and consultants are working with Permittee staff to respond to the comments on the maps. Once the comments are resolved, Psomas would be directed to revise the maps accordingly, and the revised maps would then be submitted to the Regional Water Board. The Tentative Order would require submittal of maps by September 2023. As to the calculator, applicants and municipal staff use the calculator in conjunction with the Stormwater C.3

Guidebook to design HM features and facilities to be incorporated in development projects and to ensure the designs comply with permit HM requirements. The calculator was last updated in 2009 in connection with the Guidebook 4th Edition and requires workarounds to run under current Windows operating systems. However, updates to the calculator are on hold pending the outcome of the modeling effort and now, a potential decision to use BAHM to check or validate designs for land development projects that are prepared using the Guidebook and the calculator. Staff recommends not reducing these budget line items as the funds will be needed to implement permit requirements and to assist Permittees to ensure HM is implemented on land development projects regardless of the specific technical methods used.

C.3 Projects. The budget includes \$20,000 for CAD work and illustrations to support GI Design Guidelines and \$50,000 to develop and incorporate Peak Flow compliance calculations into the existing IMP Sizing Calculator. It is anticipated that the G.I. Design Guidelines would be integrated into the *Stormwater C.3 Guidebook*, 8th Edition, which is scheduled to be completed this fiscal year. The Peak Flow compliance effort would be coordinated with updates to the IMP Sizing Calculator, and are therefore dependent on when that would occur. Staff recommends not reducing these budget line items.

Creek Status Monitoring. There is a nascent proposal to bargain with the Regional Water Board to not perform creek status monitoring this fiscal year and instead use the funding to pay for the advance MRP 3.0 work effort. If the Committee decides to fund MRP 3.0 work in advance of the permit's effective date, this would be a good way to pay for the work. However, it is unclear at this time whether this proposal is viable or not, so staff is not recommending any reduction until the proposal is vetted with other Bay Area programs and agreement is reached with the Regional Water Board. Initial discussions with Alameda, Santa Clara, San Mateo programs indicate a concern over liability exposure if creek status monitoring is not performed this fiscal year. BayKeeper sued the Regional Water Board over the Contra Costa and San Mateo permit prior to MRP 1.0. The ruling stated that MS4 permits must be specific on type, frequency, and interval in their monitoring provisions. Thus the other programs think that not following the type, frequency, and interval requirements of MRP 2.0 this water year would be risky due to potential third party lawsuits. The budget includes about \$281,000 for creek status and pesticides monitoring. The pesticides monitoring costs are about \$41,000, leaving about \$240,000 for creek status monitoring work.

Monitoring Contingency. The C.8 Water Quality Monitoring section in the FY 21/22 budget includes a \$10,000 monitoring contingency. Since the overall budget has a 2% contingency, this one may not be needed. Staff recommends eliminating the monitoring contingency.

At their December 7, 2021 meeting, the Administrative Committee considered the above items and staff recommendations and decided to include a \$10,000 budget reduction for funds earmarked to assist BAMSC in developing a memorandum of agreement (from the Legal Services budget). There doesn't appear to be any support in the near future for developing a memorandum of agreement, so this is a low risk budget reduction. Attached is a chart showing the items above, the original budget for the item, and the potential budget reduction.

Key Adjusted Budget Items. Also attached is a spreadsheet showing the first draft of the adjusted budget, using the adopted adjusted budget for the first six months of the fiscal year as a baseline for the proposed adjusted budget for the last six months of the fiscal year. The spreadsheet shows increased budget for staff augmentation in the "Administrative/Personnel" section, an increase for MRP 3.0 technical support in the "Technical Services" section, and a new line item in the "Technical Services" section for MRP 3.0 advance work.

Staff augmentation. This adjusted budget adds another six months of staff augmentation services at a cost of about \$385,000. This would carry on the existing service model through to the end of the fiscal year. If staff positions are filled before the end of the fiscal year, then staff augmentation would cease at the time the positions are filled. There would be a period of transition training between consultant augmentation staff and the new Program employees, which would be covered by the transition training budget item.

Technical Services. There is a \$15,000 increase in the Technical Services budget line item to pay for extra costs associated with the MRP 3.0 Tentative Order workshops, workshop testimony, comment letters, coordination meetings, and upcoming testimony and written comments for the Final Order.

Advance Work. The adjusted budget includes a \$140,000 allocation to conduct advance work, but approval to do the work is a policy decision. The Tentative Order requires submittal of several work products on a schedule that can only be met if work on the submittals is done in advance of the permit's effective date (July 1, 2022). The policy question is twofold: 1) does the Management Committee agree to perform work in advance of the effective date, and 2) if so are there conditions on when work should begin; for example (in descending order of risk) would work begin before release of the Final Order, after release of the Final Order but before adoption of the Final Order, or only after adoption of the Final Order. The latest schedule from the Regional Water Board has the Final Order adoption hearing in March, with the document released 30 days prior to the adoption hearing. Attached is a chart showing the advance work items needed to be done before July 1, 2022 and the estimated costs.

Fiscal Impact:

The adjusted budget will increase technical services costs by approximately \$155,000, and staff augmentation costs by approximately \$385,000. The total increase is about \$540,000, however this is offset partially by salary savings of about \$257,000, so the actual budget increase is approximately \$283,000 (disregarding any budget contingency). The total increase in the adjusted budget exceeds the \$3.5 million budget threshold by \$251,000, which would have to be taken out of reserves. Some adjustments could be made to reduce reserve drawdown, as noted above and shown on the attached budget reduction chart.

Attachment:

Chart of potential budget reductions
FY 21/22 First Draft Adjusted Budget
Chart of pre-MRP 3.0 advance work

G:\NPDES\Mgmt Committee\Agendas\FY 21-22\ Agenda Packet\2021-12\MC Mtg 12-15-2021 Staff Report Budget Adjustment

Contra Costa Clean Water Program (CCCWP)
Fiscal Year 2021/22 Group Program Budget -ADOPTED
ADJUSTED December 15, 2021 (DRAFT)

Budget Row		Description/Expenditure	Adopted FY 2020/21	Adjusted FY 2020/21 Dec 16, 2020	Adopted FY 2021/22	Adjusted FY 2021/22 August 18, 2021	Adjusted FY 2021/22 Dec 15, 2021 DRAFT (2)	FY 2021/22 Notes	FY 2020/21 Notes
1		Administrative/Personnel (See Admin Worksheet)	\$2,047,318	\$2,337,856	\$1,528,583	\$1,804,859	\$2,190,337		
2	7608	Staff Salaries and Benefits + County Overhead	\$1,533,362	\$1,559,143	\$1,308,383	\$1,308,383	\$1,308,383	6 FTE + 3% COLA	
3	7609	Staff Augmentation (Larry Walker Associates, Inc. for 12 months)	\$124,552	\$249,103	\$0	\$154,963	\$309,926		
4	7609	Staff Augmentation (Geosyntec, Inc. for 12 months)	\$132,005	\$264,010	\$0	\$121,314	\$242,628		increased by \$5,628
5	7609	Staff Augmentation (Watershed Resources Consulting for 12 months)	\$101,400	\$210,600	\$109,200	\$109,200	\$218,400		
6	7609	Staff Augmentation (Transition Training)	\$50,000	\$0	\$50,000	\$50,000	\$50,000		
7	7609	On-Call Staff Augmentation (as needed)	\$100,000	\$49,000	\$50,000	\$50,000	\$50,000		
8	7608	Staff Training and Conferences	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000		
9	7612	Non-Program County Staff Labor	\$0	\$0	\$5,000	\$5,000	\$5,000		
10		General Supplies & Equipment	\$7,435	\$7,435	\$7,788	\$7,788	\$7,788		
11	7605	Misc. Office Equipment/Supplies not covered by County Overhead	\$6,600	\$6,600	\$6,600	\$6,600	\$6,600		
12	7605	Groupsite Annual Fee	\$835	\$835	\$1,188	\$1,188	\$1,188	New rate for G/S (old rate \$810)	
13		Association/Memberships/License Fees	\$81,174	\$81,174	\$72,720	\$72,720	\$72,720		
14	7611	Bay Area Stormwater Management Agencies Association (BASMAA)	\$49,118	\$49,118	\$40,000	\$40,000	\$40,000	For interim Regional coordination	assume 3%
15	7611	ESRI (AGOL Annual License Fee)	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000		
16	7611	Bay Friendly Landscape Coalition (BFLC)	\$0	\$0	\$0	\$0	\$0		
17	7611	California Stormwater Quality Association (CASQA)	\$22,056	\$22,056	\$22,720	\$22,720	\$22,720	assume 3% increase	assume 3%
18		Legal Services	\$40,000	\$60,000	\$70,000	\$70,000	\$70,000		
19	7606	County Counsel and Contract Administration	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000		
20	7610	On-Call Services Legal Services (Richards, Watson & Gershon)	\$30,000	\$30,000	\$40,000	\$40,000	\$40,000	\$10K for BASMAA MOA	MRP 3.0 negotiations
21	7613	Alternative Compliance Legal Review (Richards, Watson & Gershon/County Counsel)	\$0	\$20,000	\$20,000	\$20,000	\$20,000		
22		Regional Projects	\$193,646	\$193,646	\$178,855	\$178,855	\$178,855		
23	7618	BASMAA	\$20,000	\$20,000	\$0	\$0	\$0		see MOU
24	7618	SFEI-RMP	\$173,646	\$173,646	\$178,855	\$178,855	\$178,855	assume 3% increase	assume 3%
25		Technical Services (See Technical Services Worksheet)	\$497,100	\$497,100	\$483,300	\$583,300	\$738,300		
26	7616	Project Management, Technical Review, Regulatory Compliance, etc. (LWA/Geosyntec)	\$122,000	\$122,000	\$125,000	\$125,000	\$140,000	\$15K increase for MRP 3.0 support	
27	7616	Project Management, Technical Review, Regulatory Compliance, etc. (Wood)	\$20,000	\$20,000	\$50,000	\$50,000	\$50,000		Added \$20K
28	7645	Project Management, Technical Review, Regulatory Compliance, etc. (Dan Cloak)	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000		
29	7645	Development Committee Projects (TBD)	\$0	\$0	\$0	\$100,000	\$100,000	Projects TBD; \$50K LWA	
30	7665	GIS/AGOL Maintenance, Minor Upgrades (Psomas)	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000		\$15K for hydromaps moved to Development
31	7617	Youth/Outreach; Media Management (ProPose aka Sagent)	\$160,100	\$160,100	\$113,300	\$113,300	\$113,300		3% increase
32	7616	MRP 3.0 Advance Work	\$0	\$0	\$0	\$0	\$140,000		
33	7654	Municipal Operations (C.2) - Training/Workshop (See MOC Worksheet)	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000		
34		New Development/Redevelopment (C.3) (See Development Worksheet)	\$113,000	\$113,000	\$178,000	\$178,000	\$178,000		
35	7641	Hydromodification Management Modeling (Dubin)	\$35,000	\$35,000	\$50,000	\$50,000	\$50,000		
36	7641	Hydromodification Management Maps (Psomas)	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000		
37	7641	Hydromodification Management Calculator (TBD)	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000		
38	7641	Green Infrastructure Design Guidelines (TBD)	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000		
39	7641	Peak Flow Control Calculator	\$0	\$0	\$50,000	\$50,000	\$50,000		

Contra Costa Clean Water Program (CCCWP)
Fiscal Year 2021/22 Group Program Budget -ADOPTED
ADJUSTED December 15, 2021 (DRAFT)

Budget Row		Description/Expenditure	Adopted FY 2020/21	Adjusted FY 2020/21 Dec 16, 2020	Adopted FY 2021/22	Adjusted FY 2021/22 August 18, 2021	Adjusted FY 2021/22 Dec 15, 2021 DRAFT (2)	FY 2021/22 Notes	FY 2020/21 Notes
40	7645	Annual C.3 Training/Workshop	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000		
41	7664	Industrial/Commercial Controls (C.4) - Training/Workshop (See MOC Worksheet)	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000		
42	7662	Illicit Discharge/Detection and Elimination (C.5) (See MOC Worksheet)	\$0	\$0	\$0	\$0	\$0		
43	7628	Construction Controls (C.6) See Development worksheet (LWA)	\$0	\$0	\$7,000	\$7,000	\$7,000		
44		Public Information/Participation (C.7) (See PIP Worksheet)	\$64,600	\$64,600	\$44,000	\$44,000	\$44,000		
45	7617	Misc. Outreach (Updating materials for other Permit provisions)	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000		
46	7617	Watershed Stewardship (Green Business Program)	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000		
47	7617	Bringing Back the Natives Garden Tour (Kathy Kramer-Sponsor)	\$16,000	\$16,000	\$16,000	\$16,000	\$16,000		
48	7617	Used Oil/Student Outreach /Youth Programs (Matt Bolender)	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000		
49	7617	Outreach Effectiveness Evaluation (TBD)	\$20,600	\$20,600	\$0	\$0	\$0		due 9/2020
50	7617	Website Maintenance and Hosting (WebSight Design)	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000		
51		Water Quality Monitoring (C.8) (See Monitoring Worksheet)	\$502,815	\$502,815	\$568,674	\$571,674	\$571,674	assume 3% increase	C.12 Project Services
52	7618	Creek Status and Pesticides Monitoring	\$272,950	\$272,950	\$281,139	\$281,139	\$281,139		
53	7618	UCMRs	\$77,765	\$77,765	\$80,098	\$80,098	\$80,098		
54	7618	POC Monitoring and Reporting	\$20,600	\$20,600	\$50,000	\$50,000	\$50,000		
55	7618	MeHg Study (Only)	\$5,150	\$5,150	\$5,305	\$5,305	\$5,305		
56	7618	Monitoring and Reporting Support	\$20,600	\$20,600	\$41,218	\$41,218	\$41,218		
57	7618	Provide Fish Risk Flyers/Signs	\$5,150	\$5,150	\$5,305	\$5,305	\$5,305		
58	7618	Distribute Fish Risk Flyers	\$10,300	\$10,300	\$10,609	\$10,609	\$10,609		
59	7618	Effectiveness Evaluation and Status Report	\$10,300	\$10,300	\$5,000	\$5,000	\$5,000		
60	7618	Marsh Creek Monitoring	\$35,000	\$35,000	\$5,000	\$5,000	\$5,000		added \$5,000; Project Services (LWA)
61	7618	TMDL Implementation Plan/RAA	\$0	\$0	\$25,000	\$25,000	\$25,000	LWA monitoring	
62	7618	POC Load Reduction Report	\$0	\$0	\$10,000	\$10,000	\$10,000	LWA monitoring	
63	7618	Manage Building Material PCB's	\$0	\$0	\$5,000	\$5,000	\$5,000	Geosyntec	
64	7618	East County RAA	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	LWA monitoring	Project Services (LWA)
65	7618	East County Pyrethroid Management Plan Monitoring Report	\$0	\$0	\$0	\$3,000	\$3,000	ADH	
66	7618	Montioring Contingency	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000		
67		Pesticide Toxicity Control (C.9) (See MOC Worksheet)	\$66,100	\$66,100	\$67,993	\$67,993	\$67,993	assume 3% increase	
68	7636	Our Water Our World (Debi Tidd Consulting)	\$65,600	\$65,600	\$67,493	\$67,493	\$67,493		assume 3%; up to 36 store count
69	7636	Outreach to Pest Control Professionals	\$500	\$500	\$500	\$500	\$500		
70	7620	Trash Reduction (C.10) (See MOC Worksheet)	\$0	\$0	\$0	\$0	\$0		
71	7618	Mercury Controls (C.11)	\$0	\$0	\$0	\$0	\$0		
72	7618	PCBs Controls (C.12)	\$0	\$0	\$0	\$0	\$0		
73	7618	Managing PCBs during Building Demolition - Data Collection	\$20,000	\$20,000	\$0	\$0	\$0		LWA
74	7665	GIS Modification Needs Assessment	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000		
75		GROUP PROGRAM BUDGET SUBTOTAL	\$3,689,188	\$3,999,726	\$3,262,913	\$3,642,189	\$4,182,667		
76	7698	2% CONTINGENCY	\$73,784	\$79,995	\$65,258	\$72,844	\$83,653		
77		TOTAL GROUP ACTIVITIES BUDGET	\$3,762,972	\$4,079,720	\$3,328,172	\$3,715,033	\$4,266,321		
78		CONTINGENCY EXPENSE	\$0	\$0	\$0	\$0	\$0		
79		SALARY CREDIT (PM) (12 Months)	(\$46,686)	(\$93,372)	(\$63,666)	(\$53,891)	(\$107,782)	34% salary credit for 6 months	25% savings credit for 6 months

Contra Costa Clean Water Program (CCCWP)
Fiscal Year 2021/22 Group Program Budget -ADOPTED
ADJUSTED December 15, 2021 (DRAFT)

Budget Row		Description/Expenditure	Adopted FY 2020/21	Adjusted FY 2020/21 Dec 16, 2020	Adopted FY 2021/22	Adjusted FY 2021/22 August 18, 2021	Adjusted FY 2021/22 Dec 15, 2021 DRAFT (2)	FY 2021/22 Notes	FY 2020/21 Notes
80		SALARY SAVINGS (Other)	\$0	\$0	\$0	\$0	\$0		
81		SALARY SAVINGS (WMPS)(12 months)	(\$243,189)	(\$486,378)	\$0	(\$203,401)	(\$406,802)		6 mo savings for two vacancies
82		SUBTOTAL	(\$289,875)	(\$579,750)	(\$63,666)	(\$257,292)	(\$514,584)		
83		NET SUBTOTAL GROUP PROGRAM BUDGET	\$3,473,097	\$3,499,970	\$3,264,506	\$3,457,742	\$3,751,737		
84		SUA FUNDING CAP	\$3,500,000	\$3,500,000	\$3,500,000	\$3,500,000	\$3,500,000		
86		NET TOTAL GROUP PROGRAM BUDGET	\$3,473,097	\$3,499,970	\$3,264,506	\$3,457,742	\$3,751,737		

Recommended Reductions to the FY 21/22 Adjusted Budget by the Administrative Committee		
FY 21/22 budget item	Budget Amount	Potential Reduction
On-Call Staff Augmentation (as needed)	\$50,000	\$50,000
Staff Augmentation (Transition Training)	\$50,000	
Bay Area Stormwater Management Agencies Association (BASMAA)	\$40,000	
On Call Legal Services (Richards, Watson and Gershon)	\$40,000	\$10,000
Alternative Compliance Legal Review (RWG/County Counsel)	\$20,000	\$10,000
Hydromodification Management Modeling (Dubin)	\$50,000	
Hydromodification Management Maps (Psomas)	\$15,000	
Hydromodification Management Calculator (TBD)	\$40,000	
Green Infrastructure Design Guidelines (TBD)	\$20,000	
Peak Flow Control Calculator	\$50,000	
Creek Status and Pesticides Monitoring (see note below)	\$281,139	
Monitoring Contingency	\$10,000	\$10,000
Total		\$80,000
Amount over \$3.5 million threshold (\$251,737 minus Total)		\$171,737

Notes:

1. At their meeting on December 7, 2021, the Administrative Committee discussed reducing the budget items listed in the chart above, and after some deliberation agreed with the recommendations of staff and added \$10,000 set aside to find a memorandum of agreement for BAMSC (blue highlight), resulting in a total budget reduction of \$80,000.
2. Of the \$281,139 budgeted for creek status and pesticides monitoring, about \$41,000 in costs are associated with pesticides monitoring, leaving about \$240,000 for creek status monitoring work.

Adjusted Budget FY 21/22: Pre-MRP 3.0 Advance Work

Task	Cost	Description of Work
Task A.5.1 Cost Reporting Framework (Provision C.20)	\$15,000	Per the MRP 3.0 Tentative Order, the cost reporting framework is due December 31, 2022. If this date is not changed, work on the framework will need to begin in FY 21/22.
Task B.6.1 Special Project to scope mapping storm drain outfall catchments for TMAs (Provision C.8.e.v.i)	\$5,000	Per the MRP 3.0 Tentative Order, the trash receiving water monitoring plan must be submitted by September 30, 2022. A primary data need for this task is mapping the storm drain outfall catchments. This task would scope the work effort to refine the cost of Task B.6.2
Task B.6.2 GIS delineation of storm drain outfall catchments for TMAs (Provision C.8.e.v.i)	\$50,000	Per the MRP 3.0 Tentative Order, the trash receiving water monitoring plan must be submitted by September 30, 2022. A primary data need for this task is mapping the storm drain outfall catchments. We estimate that this work would need to be completed by March 2022 to complete the trash monitoring plan by September. This cost is a placeholder; the cost of this task would be refined based on Task B.6.1.
Task E.3.2 East County RAA (Provision C.19.d.ii)	\$30,000	Preparation of the TMDL Control Measure Plan, which is due on August 1, 2022.
Task E.6.1 Program for Old Industrial Area Treatment (Provision 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. If this date is not changed, this report will need to be written in FY 21/22.
Task F.4 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.
Total	\$140,000	



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: December 15, 2021

To: Management Committee

From: Mitch Avalon, Program Consultant

Subject: FY 22/23 Budget Policy Issues and Assumptions

Recommendation:

Provide staff with any comments, additions, or changes to the list below, and identify any other information that would be helpful in providing policy guidance and assumptions in developing the FY 22/23 budget.

Background:

December is the beginning of the budget process. One of the first steps is to consider policy issues and agree on functional assumptions staff will need to build the budget for FY 22/23. Below are two sections; the first is a list of policy issues that could impact the budget and will need to be considered and decided upon, the second is a list of assumptions recommended by staff that will provide the boundaries necessary to prepare a first draft budget.

Budget Policy Direction

- **Budget Threshold.** The budget threshold has been set at \$3.5 million for the past several years. Establishing a threshold provides a consistent "return to source" amount each year of SUA funds back to permittees. Any budget amount that goes over the threshold is taken out of reserves in order to preserve the consistent return to source funding back to permittees. The budget for MRP 3.0 will be more than the budget over the last several years for MRP 2.0. Maintaining the same threshold will result in an increased drawdown of the reserves.
- **Regional Cooperation.** In the past, BASMAA provided a forum for regional cooperation and regional projects, and a convenient means to budget for those activities. Without BASMAA the convenient forum is gone, but the need for regional work remains as does the need to retain a budget line item for these activities. Recommendation: staff recommends retaining a budget line item for regional cooperation.

- **Reserve Fund Planning.** The budget for MRP 3.0 will be more than the budget for MRP 2.0, resulting in a quicker drawdown of the reserve fund. It would be prudent to have a discussion and develop a plan, a financing plan, for addressing the eventual funding shortfall when reserve funds are depleted. To begin that discussion, staff would need to develop a five-year budget through the permit term to determine when reserve funds would be depleted. Recommendation: staff recommends a budget item to develop an estimated budget for the entire MRP 3.0 permit, and a budget item to develop a financing plan.
- **MRP 3.0 Compliance Checklist.** After MRP 2.0 was approved, Tom Dalziel prepared what was referred to as "the matrix" which listed all permit requirements, who was responsible for implementation, when submittals were due, and other information. It was a massive document. Attached is a similar, but simpler document prepared by LWA for the Program Manager. It was never completed, but shows the format contemplated at the time. It is an Excel workbook with a worksheet for each provision, however the packet only includes the master worksheet and one provision worksheet, as the format for all provision worksheets are the same. So far, suggestions to improve the format include adding a column to identify which requirements were a carryover from MRP 2.0 and which requirements are new with MRP 3.0, providing a connection to the budget, and identifying the appropriate committee. This type of document would be valuable for Program staff as well as permittee staff, and will be needed to prepare a five year permit budget. Recommendation: staff recommends developing a compliance checklist document similar to past efforts and requests Committee input on what type of information should be included.
- **Alternative Compliance.** One of the tools being developed for our compliance toolbox is the ability to mitigate permit requirements off-site through a proposed Alternative Compliance System. The Alternative Compliance System is still in its initial stages, but there appears to be a role that the Clean Water Program would play in developing alternative compliance projects as the System administrator. There will be a policy decision, at some point, to agree or not to agree to be part of the Alternative Compliance System, but to keep the project moving along, the Clean Water Program should include a budget item for this work.
- **Hydromodification Management (HM).** The MRP 3.0 Tentative Order proposes new HM requirements specific to Contra Costa permittees that are onerous and, in the opinion of our consultants, unimplementable. The Program commented extensively on these proposed requirements. After adoption of the MRP 3.0 Final Order, the Management Committee will need to make a policy decision on how best to meet the HM requirements. Staff may recommend that Contra Costa Permittees make use of the Bay Area Hydrology Model (BAHM), currently used in Santa Clara, Alameda, and San Mateo Counties, to ensure land development projects subject to HM

requirements can comply with the permit. Instead of calculating sizing factors using Contra Costa's model, it may be advisable to use BAHM to calculate updated IMP sizing factors for use with the C.3 Guidebook and IMP Sizing Calculator and/or to establish a process in which permittees could forward applications for development approvals to a designated party who would input the submitted LID design/IMP Sizing Calculator output into BAHM and run BAHM to check the project for HM compliance. Budget implications are currently unknown, but it is estimated that this strategy could be implemented with the funds previously budgeted in FY 21/22 for pursuing Regional Water Board staff approval of the 2017 HM Report (HM modeling). Attached is a more detailed description and history of the issue facing permittees to meet HM requirements. Recommendation: staff recommends the Management Committee refer the question of which modeling approach to use to the Development Committee to consider and return to the Management Committee with a recommendation.

- **Appeal.** When the MRP 3.0 Final Order is adopted, the Program will need to decide whether or not to appeal the decision to the State Water Board. The appeal must be filed within 30 days after the adoption date. If the policy decision is to file an appeal, then the budget for legal services would need to reflect that additional workload. Staff recommends waiting until the Final Order is released before deciding whether to appeal or not. However, if the decision is to appeal MRP 3.0, then the estimated cost to research, prepare, and file a petition with the State Water Board is \$25,000 (FY 21/22 cost). If the State Water Board processes the petition in FY 22/23, the estimated cost for legal services is \$35,000.
- **PCBs Load Reduction Costs.** MRP 3.0 Tentative Order requires a significant amount of work to reduce PCB loads. While the load reduction goal may be met at a regional level, this work will be conducted in old industrial areas located primarily in two or three permittee jurisdictions. Since our permit is a joint municipal permit, this requirement applies collectively to all permittees. How the cost to do localized work is paid for on a collective basis is a policy question that would likely be reflected in the budget. This is a complex issue that the Committee may want to refer to the Monitoring Committee to develop a recommendation.
- **Mapping.** There are several mapping requirements throughout MRP 3.0 that entail information on drainage area, infrastructure location, and infrastructure type. Is there a desire to have a coordinated approach to developing and acquiring this information? Not necessarily through the gathering of data, but perhaps more through the planning and development of a consistent format. A consistent approach may also be useful in creating a more seamless experience using AGOL.
- **Grant Funding.** The budget for MRP 3.0 will be more than past budgets for MRP 2.0, increasing drawdown on the reserve fund. The Committee may want to optimize opportunities to acquire grant funds to pay for permit

activities. If the Committee wants to aggressively identify, track, and pursue grant funds, then staff recommends including a budget item for grant funding acquisition.

- **Contingency.** Decide if the budget should include a contingency, and if so should it be maintained at 2% as it has been for the past several years. Recommendation: staff recommends a 2% contingency.
- **Unspent Funds.** Determine if unspent funds at the close of the fiscal year should be deposited into the next fiscal year reserves, except for budgeted but unspent funds for specific projects. Recommendation: staff recommends rolling over unspent funds into the reserve fund.
- **Budget Format.** Staff is continuing to improve the format for readability and ease of review. Any feedback/ideas are welcome.

Budget Assumptions

- **Staffing Levels.** Assume a full complement of County employee staffing with technical consultants as needed to provide support to staff, with minimal to no staff augmentation. This would equate to the staffing levels of 2017 or 2018. Budget all positions at top step. It should be noted that if the Program Manager is still on leave, there may be a need for some staff augmentation, and there may also be a desire to provide some staff augmentation for the Development Committee to allow Dan Cloak to complete his C.3 projects.
- **Employee Salary Increases.** Assume a 3% salary increase for all employees. Salary contracts will expire on June 30, 2022 and contract negotiations are currently underway. It is unknown at this time what the salary increase might be, if any, but a 3% COLA is a reasonable assumption.
- **Consultant Costs.** Assume consultant costs based on current contracts. Consultant contracts for technical services will expire at the end of the current fiscal year and new contracts will be awarded. True consultant costs will not be known until the new contracts are approved, which will be after the budget process is completed.
- **MRP 3.0 Requirements.** Assume that the MRP 3.0 Final Order will be approved either in February 2022 or March 2022, and for the first draft of the budget assume no changes in the requirements outlined in the Tentative Order.
- **AGOL/GIS.** Assume a minor budget line item for AGOL improvements. The ad hoc AGOL Workgroup will convene in January and begin their work to assess the needs of the AGOL platform and interface. The Workgroup plans on completing their work and presenting a report to the Management Committee in May. It is likely that the Workgroup report will recommend two tiers of improvements. The first tier would be relatively easy and minor improvements to the existing platform/interface that could be done over FY 22/23. The second tier would be bigger changes that could impact the platform and

interface and would be included in the RFP for the next GIS service contract in FY 23/24.

- **Alternative Compliance.** Assume a separate budget line item for alternative compliance administration. It is anticipated that developing projects will begin in FY 22/23.
- **Homelessness.** Assume a separate budget line item for homelessness. The best management practices report, map, and implementation report are all due with the 2023 Annual Report, so work will have to be performed in FY 22/23.
- **Cost Reporting.** Assume a separate budget line item for the Cost Reporting Framework. The Framework is due in December 2022 and though the Program's role has yet to be decided, at the least it would provide some guidance.
- **Asset Management.** Assume a separate budget line item for an asset management framework. Asset management plans must be submitted with the 2025 Annual Report, giving permittees three years to develop their plans. Staff recommends developing a framework document in FY 22/23 outlining the process, cost, and schedule to develop an asset management plan, as assistance and guidance to permittees.
- **Firefighting Discharges.** Assume a separate budget line item for addressing firefighting discharges. Initial work will entail coordination with fire districts, fire district associations, and other stormwater programs in the Bay Area.

The Administrative Committee considered the above policy issues at their December 7, 2021 meeting and after some deliberation were able to provide a recommendation to the Management Committee on some, but not all, of the issues. Attached is a chart showing the policy issues and the recommendation from the Administrative Committee.

Fiscal Impact:

None at this time.

Attachments:

Meeting Requirements for HM Projects
MRP 3.0 Compliance Checklist
Policy Recommendations Chart

Meeting the Compliance Requirements for Hydromodification Management Projects

Background. MRP Provision C.3.g.ii.(3) requires Permittees, when reviewing applications for land development projects that are HM projects, to require applicants to use a continuous simulation hydrologic computer model to simulate pre-project and post-project runoff to design HM controls. One such model is the Hydrologic Simulation Program – FORTRAN (HSPF). In 2001-2006, Bay Area stormwater programs used HSPF to analyze local rainfall and runoff and devised procedures applicants and municipal reviewers use to design and analyze HM controls for individual land development projects. Countywide stormwater programs in Santa Clara, Alameda, and San Mateo counties retained Clear Creek Solutions to adapt the Western Washington Hydrology Model (WWHM), which is based on HSPF, to hydrologic and hydrogeomorphic conditions in their counties. The resulting Bay Area Hydrology Model (BAHM) generally requires an engineer with background in hydrology to input and characterize the proposed design for a land development project. BAHM provides the most technical support for designs that depend on detention basins for flow control, although more recent editions accommodate some incorporation of LID into a design for a development project. BAHM works by simulating approximately hourly rainfall over a 30-year period to compare the pre-project and post-project conditions for each development project. Importantly, MRP Provision C.3.g.ii.(3) states that “HM controls designed using BAHM and site-specific input data shall be considered to meet the HM Standard. Such use must be consistent with the directions and options set forth in the most current BAHM User Manual.” The User Manual allows considerable flexibility to the applicant’s engineer to choose how to represent the design and estimated performance of proposed HM facilities.

In 2003-2006, Contra Costa Clean Water Program (CCCWP) consultants used HSPF to develop sizing factors for a specified suite of standard HM controls, including bioretention. The sizing factors allow simplified computing and calculations; the standardized designs for controls ensure that performance is accurately represented (i.e., there is consistency between what is represented in the model and what is built in the field) and that the controls are buildable and maintainable. The sizing factors, with adjustment equations for variations in rainfall, are published in Table 3-6 of the *Stormwater C.3 Guidebook* and are incorporated in the IMP Sizing Calculator which is available on CCCWP’s website. The instructions and calculator facilitate LID designs that are integrated with the site and landscaping design of development projects and that can be readily checked for compliance by a permit technician. The suite of controls and sizing factors were last updated in 2009, and the IMP Sizing Calculator was updated at that time (consequent with the *Stormwater C.3 Guidebook* 4th Edition). The City of Vallejo subsequently adopted HM requirements based on Contra Costa’s *Guidebook*; other Solano County entities adopted BAHM.

In MRP 1.0 (2009), the Water Board specifically allowed the use of the sizing factors, but also adopted the specific (and to some extent, arbitrary) technical standards that are used to size detention basins in BAHM. CCCWP has since pursued efforts, as directed by the Water Board, to show that LID facilities, including bioretention, can meet the newly adopted technical standards. This included a project to monitor the performance of five LID facilities during two

rainy seasons (completed in 2011-2012 and reported in 2013) and show via modeled simulation how the facilities would perform in rainfall events encountered over a 30-year period.

MRP 3.0 Tentative Order. In MRP 2.0 (2015) the Water Board allowed Permittees to propose a new standard, based on direct simulation of erosion potential, and also mandated that Contra Costa permittees submit a report updating the sizing factors. CCCWP worked closely with Water Board staff to scope and implement the project during 2016 and 2017 and submitted the report as required in September 2017. The report proposed the direct-simulation-of-erosion-potential standard as a basis for determining compliance.

CCCWP received Water Board staff comments on the 2017 report in 2020; however, in subsequent discussions CCCWP staff and consultants were unable to pick up the thread of the 3-year old conversation and bring it to a successful conclusion. The Tentative Order for MRP 3.0 includes a requirement that CCCWP submit a new technical report, and mandates specific conclusions the report must contain. CCCWP's consultants have been unable to decipher the draft language in terms of technical coherence but have determined it would not be possible to implement it as written. CCCWP's comments on the Tentative Order ask that the language specifying conclusions to be included in the new technical report be deleted, although we don't expect Water Board staff will do that.

Next Steps. As an alternative means of achieving compliance—to allow applicable housing and commercial land development projects in our jurisdictions to continue to be built—CCCWP staff and consultants are considering alternatives that could involve using BAHM to calculate updated IMP sizing factors for use with the Guidebook and IMP Sizing Calculator and might also include setting up a process in which permittees could forward applications for development approvals to a designated party who would input the submitted LID design/IMP Sizing Calculator output into BAHM and run BAHM to check the project for HM compliance. Budget implications are currently unknown, but it is currently estimated that this strategy could be implemented with the funds previously budgeted in FY 21/22 for pursuing Regional Water Board staff approval of the 2017 HM Report (HM modeling). Staff recommends the Development Committee be tasked with determining which HM compliance strategy would be best for Contra Costa permittees. The Development Committee would consider the options available once the MRP 3.0 Final Order is adopted, and then provide a recommendation to the Management Committee.

Summary of October 2018-End of Permit Term a Required Actions - CCCWP Key Compliance Dates At-A-Glance						
When is it due	How is it submitted	What has to be done	Why (Permit Provision)	Who does it	Permittee Level of Effort	
10/15/2018		Planned POC monitoring effort	C.08.h.iv	Program	Review/Approve	
3/31/2019	CEDEN	Electronic submittal of monitoring data	C.08.h.ii	Program	Review	
3/31/2019	UCMR	Report monitoring data	C.08.h.iii	Program	Review/Approve	
6/30/2019		Develop PCBs Building Demolition Program	C.12.f.ii (1)	BASMAA	Participate	
7/1/2019		Preliminary trash receiving water monitoring report	C.10.b.v.b	Program	Review/Approve	
7/1/2019		Implement PCBs Building Demolition Program	C.12.f.ii (2)	Permittee	Action	
7/1/2019		Develop method and data collection program to assess loads reduced	C.12.f.ii (3)	BASMAA	Participate	
9/30/2019	Annual Report	Green Infrastructure (GI) Plan	C.03.j.i (5)(b)	Permittee	Action	
9/30/2019	Annual Report	Documentation of legal mechanism to implement GI Plan	C.03.j.i (5)(c)	Permittee	Action	
9/30/2019	Annual Report	Plan and schedule to participate in new & ongoing processes to promote GI	C.03.j.iii (3)	Permittee	Action	
9/30/2019	Annual Report	Methods to track and report GI implementation	C.03.j.iv (3)	Program	Participate/Review	
9/30/2019	Annual Report	Mobile Business Source Control	C.05.e.iii (2)	Permittee/Program	Action/Participate	
9/30/2019	Annual Report	Publicize MS4 Map	C.05.f	Permittee	Action	
9/30/2019	Annual Report	Preliminary estimate of PCBs and Hg load reductions through GI	C.11.c.iii (3) C.12.c.iii (3)	Program	Participate/Approve	
9/30/2019	Annual Report	Alternate (to population-based) load reduction method (Optional)	C.12.b.iii (4)	Program	Participate/Approve	
9/30/2019	Annual Report	CCCWP Program Annual Report	C.17.a	Program	Review/Approve	
9/30/2019	Annual Report	Jurisdiction Annual Report	C.17.a	Permittee	Action	
10/15/2019		Planned POC monitoring effort	C.08.h.iv	Program	Review/Approve	
10/15/2019	Mail/Courier	Submit paper copy of Annual Report	C.17.a			
3/15/2020	IMR	Findings of PCBs Bay margin fate and transport study	C.12.g.iii	BASMAA	Review/Approve	
3/31/2020	IMR	Integrated Monitoring Report	C.08.h.	Program	Review/Approve	
3/31/2020	CEDEN	Electronic submittal of monitoring data	C.08.h.ii	Program	Review	
6/30/2020		ROWD	C.20	Program	Review/Approve	
7/1/2020		Final trash receiving water monitoring report	C.10.b.v.b	Program	Review/Approve	

Summary of October 2018-End of Permit Term a Required Actions - CCCWP Key Compliance Dates At-A-Glance						
When is it due	How is it submitted	What has to be done	Why (Permit Provision)	Who does it	Permittee Level of Effort	
9/30/2020	Annual Report	Spill reporting phone number, website screen shot, and point of contact	C.05.c.iii	Permittee	Action	
9/30/2020	Annual Report	Outreach to Municipal Officials	C.07.g	Permittee	Action	
9/30/2020	Annual Report	Estimate of the area and land use treated with GI by 2020, 2030, 2040; and description of the model used.	C.11.c.iii (2) C.12.c.iii (2)	Program	Participate/Approve	
9/30/2020	Annual Report	Reasonable Assurance Analysis for of PCBs and Hg load reductions through GI	C.11.c.iii (3) C.12.c.iii (3)	Program	Participate/Approve	
9/30/2020	Annual Report	Reasonable Assurance Analysis for PCBs and Hg load reductions through control measure implementation	C.11.d.iii C.12.d.iii	Program	Participate/Approve	
9/30/2020	Annual Report	Findings of the Hg risk reduction program	C.11.e.iii	Program	Review/Approve	
9/30/2020	Annual Report	Documentation of requirements of C.12.f.ii (1) have been met	C.12.f.iii (3)	Permittee	Action	
9/30/2020	Annual Report	Documentation of # of applicable structures that applied for demo permit and list/location of applicable structures demolished and summary of control measures	C.12.f.iii (4)	Permittee	Action	
9/30/2020	Annual Report	Submit method and data collection program to quantify loads PCBs load reduced by program	C.12.f.iii (5)	BASMAA	Review/Approve	
9/30/2020	Annual Report	Effectiveness of public health impacts of PCBs risk reduction program	C.12.h.iii	Program	Review/Approve	
9/30/2020	Annual Report	CCCWP Program Annual Report	C.17.a	Program	Review/Approve	
9/30/2020	Annual Report	Jurisdiction Annual Report	C.17.a	Permittee	Action	
10/15/2020		Planned POC monitoring effort	C.08.h.iv	Program	Review/Approve	
10/15/2020	Mail/Courier	Submit paper copy of Annual Report	C.17.a			

Routine tasks, such as training and inspections, are not included above.

Milestone dates	How is it submitted	What has to be done	Why (Permit Provision)	Who does it	Permittee Level of Effort	Program Committee	Notes
9/30/2019	Annual Report	Green Infrastructure (GI) Plan	C.03.j.i (5)(b)	Permittee	Action		
9/30/2019	Annual Report	Documentation of legal mechanism to implement GI Plan	C.03.j.i (5)(c)	Permittee	Action		
9/30/2019	Annual Report	Plan and schedule to participate in new & ongoing processes to promote GI	C.03.j.iii (3)	Permittee	Action		
9/30/2019	Annual Report	Methods to track and report GI implementation	C.03.j.iv (3)	Program	Participate/Review		

FY 22/23 Budget Policy Recommendations From The Administrative Committee

Policy Description	Recommendation
Budget Threshold	Maintain budget threshold at \$3.5 million
Regional Cooperation	Retain budget line item for regional cooperation
Compliance Checklist	Develop a compliance list for MRP 3.0 submittal/report/task requirements
Alternative Compliance	Support formation of the Alternative Compliance System, and the Program as System Administrator
Hydromod Mgmt	Refer to the Development Committee which modeling approach to use
Contingency	Retain an overall budget contingency of 2%
Unspent Funds	Deposit any unspent funds at the end of the fiscal year into the reserve fund
Grant Funds	Budget funding to pursue and apply for state and federal grant funds

FY 22/23 Budget Policies Considered by the Administrative Committee

Reserve Fund Planning	Develop an estimated budget for the entire MRP 3.0 permit term and budget for a Financing Plan (yes/no)
Appeal	Provide a budget to fund work related to appealing MRP 3.0 to the State Water Board (yes/no)
PCBs Costs	Refer to Monitoring Committee, divide costs by population, spread costs through Alternative Compliance, others?
Mapping	Develop a countywide mapping framework, include in AGOL project, others?

Note: The Administrative Committee considered budget policy issues at their December 7, 2021 meeting. After some deliberation, the Committee was able to decide on several of the policy issues but unable to decide on others. The top half of the chart are the policy recommendations from the Administrative Committee to the Management Committee. The bottom half of the chart reflect policy items without a clear recommendation.



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: December 15, 2021

To: Management Committee

From: Karin Graves, Acting Program Manager

Subject: Proposed Subcommittee Assignments for MRP 3.0

Recommendation:

Review and consider the proposed organizational structure and subcommittee assignments to meet the anticipated compliance needs for the Municipal Regional Permit (MRP) 3.0, and provide staff with any direction or comments.

Background:

Contra Costa Clean Water Program (CCCWP) staff are in the process of drafting the Fiscal Year 2022-2023 (FY 22-23) budget. As part of the budget process, each existing CCCWP subcommittee is responsible for reviewing budget items for the specific permit provisions under that subcommittee's purview. The permit provisions assigned to each sub-committee are noted in a CCCWP organizational structure document which is updated as needed. The MRP 3.0 Tentative Order, released on September 10, 2021, includes several new permit provisions anticipated to be in the final permit. In order to move forward with the budget process for FY 22-23, staff have assigned the new permit provisions to existing sub-committees.

Recommendations:

Staff reviewed the current assignments for each sub-committee, specifically considering how to distribute the new permit's workload more equitably amongst the existing sub-committees. Staff also looked at how oversight of the subcommittees could be divided between the Program Manager, Senior Watershed Management Planning Specialist (WMPS) and two WMPSs in anticipation of fully staffing the Program in FY 22-23. Finally, assignments were reviewed to ensure that the numbering and content of MRP 3.0 permit provisions matches those included in the organizational structure document. Consideration was also given to streamlining the new work required by MRP 3.0 and keeping efforts cost neutral. For example, fitting oversight of new permit provisions into existing sub-committees could keep costs lower than creating new sub-committees or ad-hoc committees.

Attached to this memorandum and described below are a recommended organizational structure for incorporating new permit requirements into the CCCWP subcommittees.

AGOL Support - Staff anticipate that some level of consultant or staff AGOL support will be needed to meet new permit requirements. Since AGOL overlaps with many of the sub-committee's work, the AGOL support person could report to the Management Committee and possibly one or more of the sub-committees as needed.

Monitoring Committee - Outdated permit provisions were removed and C.16.5 was updated to C.19 for East County requirements. The work overseen by the Monitoring Committee is already robust in nature so no new additional permit provisions were added.

Development Committee - Asset Management requirements were assigned to this sub-committee since C.3 facilities will be a key component of asset management tracking. Staff also recommend that efforts to structure the Alternative Compliance program are overseen by this sub-committee since Alternative Compliance is part of C.3 requirements.

Public Information and Participation (PIP) Committee – The workload of this subcommittee has been historically light and outreach content spans multiple permit provisions. C.20 Cost Reporting and C.15.b.iii Fire Fighting Discharge requirements were added to this subcommittee. Administrative Committee members are currently serving as PIP members and can help address cost reporting and the regional coordination and outreach effort required by firefighting discharges requirements.

Municipal Operations Committee – C.13 Copper Controls was moved from Monitoring to Municipal Operations as this subcommittee has historically handled this provision. Permit provision C.17 Homeless Populations was added since the requirements are linked to permit requirements under C.10 Trash Load Reductions and C.5 Illicit Discharge Detection and Elimination.

Fiscal Impact:

None at this time. Staff are recommending that new permit provisions are added to existing subcommittees so the time and labor associated with subcommittee oversight (by staff and permittees) will continue at the same level of effort.

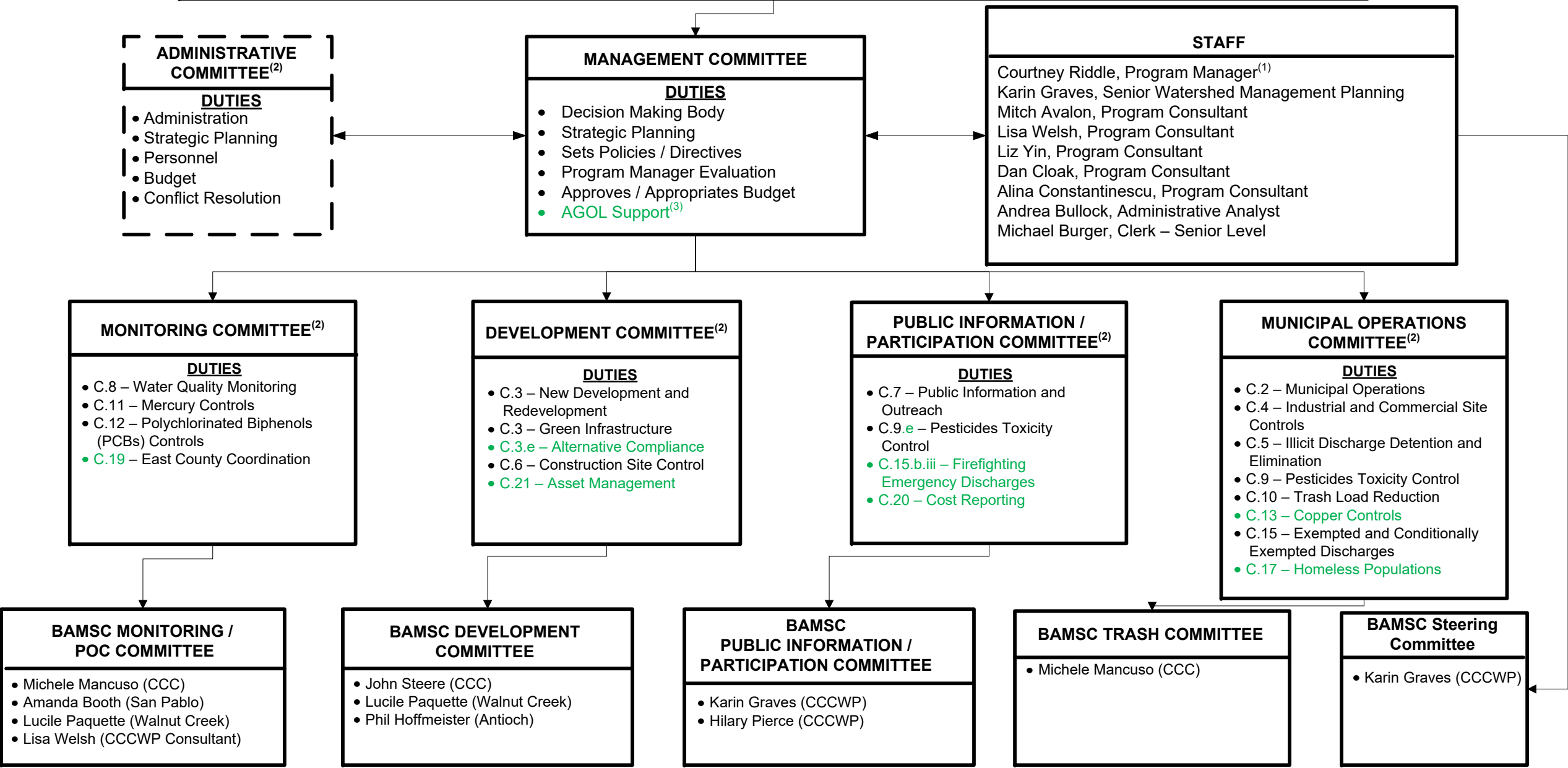
Attachments:

CCCWP Org Structure 21-22 Recommendations_12-07-21

CONTRA COSTA CLEAN WATER PROGRAM
ORGANIZATIONAL STRUCTURE **RECOMMENDATIONS**

Attachment 1.2

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



⁽¹⁾ Courtney Riddle has been on leave since August 2019

⁽²⁾ The Administrative, Monitoring, Development, PIP, and Municipal Ops Committees are advisory to the Management Committee.

⁽³⁾ The Program is evaluating which committee(s) will provide oversight of AGOL support.



CONTRA COSTA
CLEAN WATER
PROGRAM

December 10, 2021

Proposition 1 Grant Review
Sacramento-San Joaquin Delta Conservancy
1450 Halyard Drive, Suite 6
West Sacramento, CA 95691

RE: Support for Marsh Creek Reservoir Restoration and Total Mercury Reduction Project

Dear Proposition 1 Grant Reviewer,

The Contra Costa Clean Water Program (CCCWP) is writing to express its support for the Marsh Creek Reservoir Restoration and Total Mercury Reduction Project. The CCCWP is comprised of Contra Costa County, the cities of Antioch, Brentwood, Clayton, Concord, El Cerrito, Hercules, Lafayette, Martinez, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon and Walnut Creek, the towns of Danville and Moraga, and the Contra Costa County Flood Control and Water Conservation District. CCCWP assists its members in implementing stormwater pollution prevention activities in compliance with the municipal regional stormwater permit.

The project's goals of reducing mercury-laden sediment in the reservoir and reducing the total output of mercury to areas downstream of the Marsh Creek Reservoir are consistent with the CCCWP's goal of achieving reduced loading of methylmercury from urban runoff to the Delta.

In addition, the project's goal to increase reservoir and habitat resiliency to climate change is consistent with climate change adaptation strategies that CCCWP members have adopted or will be identifying during the next five years.

The CCCWP views this restoration project as a critical piece of improving overall watershed conditions, and supports the Flood Control District's efforts in implementing restoration at the Marsh Creek Reservoir.

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

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

If you need any further information, please feel free to contact me at (925) 313-2042 or at karin.graves@pw.cccounty.us

Sincerely,

Karin Graves
Acting Program Manager
Contra Costa Clean Water Program
www.cccleanwater.org

Cc:
CCCWP Management Committee