



CONTRA COSTA CLEAN WATER PROGRAM

MANAGEMENT COMMITTEE MEETING AGENDA

Wednesday, March 16, 2022

1:30 PM to 3:30 PM

Join Zoom meeting:

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

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

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

VOTING MEMBERS (authorized members on file)

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

PROGRAM STAFF AND CONSULTANTS

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

NEXT MANAGEMENT COMMITTEE MEETING

Wednesday, April 20, 2022, 1:30 PM

**Contra Costa Clean Water Program
MANAGEMENT COMMITTEE MEETING AGENDA
Wednesday, March 16, 2022**

AGENDA

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

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

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

Consent Calendar: **1:40**

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

- A. APPROVE** Management Committee meeting summary (Chair)
 - 1) February 16, 2022 Management Committee Meeting Summary
- B. ACCEPT** the following subcommittee meeting summaries into the Management Committee record: (Chair)
 - 1) Administrative Committee
 - February 1, 2022
 - 2) Monitoring Committee
 - January 10, 2022
 - 3) Municipal Operations Committee
 - January 18, 2022
 - 4) Development Committee
 - January 26, 2022

Presentations: **1:50**

- A. Final Draft Budget for FY 22/23 (K. Graves /A. Bullock)
 - a. See staff report for background information
- B. Stormwater Legislation (K. Graves)
 - a. See staff report for background information
- C. Urban Creeks and Integrated Monitoring Report (L. Austin)
 - a. See staff report for background information
- D. Responding to Changes to the Final Order (K. Graves)
 - a. See staff report for background information

- E. Partner with Caltrans on their current Outreach Campaign (K. Graves)
 - a. See staff report for background information

Actions:

2:40

- A. APPROVE submittal of the Urban Creeks Monitoring Report and Integrated Monitoring Report to the Regional Water Quality Control Board, AUTHORIZE the acting Program Manager to sign the transmittal letter, and AUTHORIZE the acting Program Manager to transmit the monitoring data to the California Environmental Data Exchange Network.
- B. APPROVE the Contra Costa Clean Water Program Budget for Fiscal Year 2022/2023.
- C. SUPPORT Assembly Bill 1690.

Reports:

2:45

- A. Status of Monsanto Settlement Agreement (K. Graves)
- B. Status of the MRP 3.0 (K. Graves)
- C. CASQA Quarterly meeting on January 20, 2022 (S. Mathews)

Updates:

3:05

- A. Personnel Update (K. Graves)
- B. BAMSC Steering Committee meeting (K. Graves)
- C. Status of AGOL Assessment project (L. Yin/K. Graves)

Information:

3:20

- A. Requesting brochure needs through each subcommittee (K. Graves)
- B. Construction Training Stormwater Workshop, March 30, 8:30 - 11:00

Old/New Business:

3:25

Adjournment: Approximately 3:30 p.m.

Attachments

Consent Items

1. *Management Committee Meeting Summary February 16, 2022*
2. *Administrative Committee Meeting Summary February 1, 2022*
3. *Monitoring Committee Meeting Summary January 10, 2022*
4. *Municipal Operations Committee Meeting Summary January 18, 2022*
5. *Development Committee Meeting Summary January 26, 2022*

Presentation Items

6. *Staff Report on Final Draft Budget FY 22/23*
7. *Final Draft Budget spreadsheet, with highlights for review*
8. *Final Draft Budget spreadsheet, clean for adoption*
9. *Staff Report on Stormwater Legislation*
10. *Assembly Bill 1690*
11. *Assembly Bill 1690 Fact Sheet*
12. *Assembly Bill 2106*

13. *Staff Report on the Urban Creeks Monitoring Report*
14. *Urban Creeks Monitoring Report – Umbrella version (via link provided in Staff Report)*
15. *Urban Creeks Monitoring Report submittal letter*
16. *Urban Creeks Monitoring Report letter regarding CEDEN*
17. *February 16, 2022 Staff Report on the draft Urban Creeks Monitoring Report*
18. *Staff Report on Changes to the Final Order*
19. *Staff Report on Caltrans Outreach Campaign*

UPCOMING CCCWP MEETINGS	
All meetings will not be held at 255 Glacier Drive, Martinez, CA 94553, but will be held virtually	
April 5, 2022 1st Tuesday	Administrative and PIP Committee Meeting 9:30 a.m. – 12:00 noon
April 11, 2022 2nd Monday	Monitoring Committee Meeting, 10am – 12 noon
April 19, 2022 3rd Tuesday	Municipal Operations Committee Meeting, 10am-12 noon
March 23, 2022 4th Wednesday	Development Committee Meeting, 1:30 p.m.-3:30 p.m.
April 20, 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.	
March 29, 2022	MRP 3.0 Steering Committee meeting, 2:00 – 4:00
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

02-16-2022

Attendance:

MUNICIPALITY	ATTENDED	ABSENT
City of Antioch	Phil Hoffmeister (Chair)	
City of Brentwood	Meghan Oliveira	
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	Tim Clark	
City of Martinez	Khalil Yowakim	
Town of Moraga	Frank Kennedy	
City of Oakley	Frank Kennedy	
City of Orinda	Scott Christie	
City of Pinole		Misha Kaur
City of Pittsburg		Jolan Longway
City of Pleasant Hill	Frank Kennedy	
City of Richmond		Joe Leach
City of San Pablo	Amanda Booth	
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, Liz Yin, Dan Cloak, Lisa Welsh, Hilary Pierce

Members of the Public/Others/Guests: Nancy Gardiner (Haley & Aldrich), Yvanna Hrovat (Haley & Aldrich), Melinda Harris (Flood Control), Allison Knapp (Contra Costa County), Michelle Alexander (Sagent), Emily Rogers (Sagent), Finnesha Eastman (Sagent)

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:** There were no announcements. Mitch Avalon noted that three items were going to be added to the Information portion of the meeting.
3. **Consent Calendar:** Scott Christie (Orinda) motioned approval with no changes, Amanda Booth (San Pablo) seconded. The Chair called for a vote. There were no abstentions or objections. The motion passed unanimously and the Consent Calendar items were approved.
4. **Presentations:**
 - a. **Special Presentation by Caltrans:** Emily Rogers began by introducing Michelle Alexander. This item had been presented to the PIP committee who, in turn, recommended a presentation be given to the Management Committee. Michelle Alexander introduced herself and gave a brief overview of her work.

From July 2021 to July 2024, the campaign has been and will be active. The goals of the partnership are to educate Californians about the sources and pathways of stormwater pollution with a focus on trash/litter. General behaviors and habits are the focus. Sagent is conducting a variety of research over the three year campaign. General market and multicultural focus groups have been used to help in the campaign's planning.

Of 500 respondents in the focus, 18% reported littering in the last 24 hours: 13% said this was an accidental occurrence, 11% said it was intentional, and 5% said both. Overall, respondents seemed to have a good idea of how litter enters waterways. Some neighborhoods are experiencing inequities in services, trash removal, and access to disposal options. Creative concepts were also introduced to the focus groups. There was an increased receptiveness to realistic creatives rather than pristine images. First person and locally relevant information were also found to be most empowering.

Based on the results, Sagent had a number of insights and recommendations. The most critical focus was litter reduction: behavior messaging and calls to action. Art direction was to make a striking comparison between before and after photos. Agencies working with Caltrans can provide images from their area to localize the content. There was a decision to avoid images of homeless encampments to avoid blame as well as, at least initially, people picking up litter. Environments were the focus now, people and pets would come in later campaign portions.

Michelle Alexander shared an example billboard, noting the Let's Change This to That branding suggested a powerful combined effort to keep our waterways clean. A website



CONTRA COSTA CLEAN WATER PROGRAM

has been launched (cleanca.com) with resources for partners. The Stormwater program video was then displayed. Social media posts were also shared.

Michelle Alexander shared the paid media campaign focuses. Target audiences, media tactics, and timelines. The development phase would be February 14 through April 11. The Campaign would launch on May 2 and run through June 26.

Tim Clark (Lafayette) asked if most of the trash that data was collected on was food packaging or something else. Michelle Alexander was unsure, but suggested that she could get that data from Caltrans. The Chair asked if the survey was going to be done next year. Sagent said that it would be and there were three surveys scheduled. The Chair asked if the results were posted publicly. They were not.

Lucile Paquette (Walnut Creek) asked if avoiding pictures of people picking up trash was to promote the Adopt-a-Highway program. Michelle Alexander confirmed that this phase of the campaign was to focus on the branding with the Fall campaign to introduce behavior messaging. The Adopt-a-Highway program was being conducted in parallel with this program. Lucile Paquette (Walnut Creek) asked if partnerships with waste management companies was being considered. Michelle Alexander said this was a good idea and it could be incorporated into the campaign. She further cited other clients who had done similar things.

- b. Second Draft Budget for FY 22/23 (M. Avalon/A. Bullock):** The changes from the first draft that was presented at the previous meeting were discussed. The second draft budget is about \$4.2M, which is about \$740k over the \$3.5M threshold. Advanced work for MRP 3.0 totaled about \$175k in FY 21/22. Added to the SUA Funding Gap, the total was about \$915k for a total budget of \$4.4M. The reserve fund is currently about \$3M, and will be depleted during MRP 3.0 if this drawdown rate is continued.

A column was added to the budget to identify items that have approved advance work funds from Fiscal Year 21/22. The \$175k advance work budget was approved at the December meeting and work authorization was approved at the January meeting. At the Administrative Committee meeting, there was concern that the FY 22/23 budget was very high. One way to control the budget increase was to have conditional approval for certain items. Staff identified about a dozen items that would require approval before work could begin. When the work is ready to be done, the items would come back for authorization. The total cost for items on this list was about \$680k. Many of these items were contingent upon the final order requirements.

Some items were one-time costs that will be present this year but not in proceeding years. The largest item in question was the PCB Load Reduction Project. Grants were being investigated to help offset these costs. Part of the budget is to investigate supplemental funding to help offset the depletion of the reserve fund.



CONTRA COSTA CLEAN WATER PROGRAM

Budget trimming should be realistic and reasonable. The current budget was based upon the best available information and arbitrary targets for budget reduction could result in an artificially low budget. An artificially low budget could undermine additional funding efforts.

Lucile Paquette (Walnut Creek) asked if the budget cap should be a hard cap, regardless of whether it was increased or remains the same. Mitch Avalon noted that it was difficult to decide if the budget was too high until the MRP 3.0 Final Order was released. The budget cap has historically been a soft threshold; a good target, but there were a number of new requirements that would need to be budgeted for. The Committee discussed how the Program has viewed the budget and used adjustments in the past.

Mitch Avalon displayed the full budget, noting the columns for advance work and conditional budget items. Staff augmentation would be dependent on the vacancies in the Program Staff. The appeal to MRP 3.0 would be contingent on Committee approval to begin the appeal process. The BAMSC line item was reduced by \$5k, as the Our Water, Our World program was now handled by CASQA. It would be reduced by an additional \$5k for the pesticide regulatory monitoring. Both these items were moved to C.9.

Hydrograph Modification costs will vary depending on whether the Program moves to the Bay Area Hydrology model or continues with the current model.

The estimate of the trash monitoring plan was \$50k, the initial mapping for this plan was \$55k. The trash monitoring work could be pushed back by one year and staff was asking if the \$195k should be removed or reduced.

Guidance for MRP 3.0 Building Demolition Requirements was increased to \$20k. The Marsh Creek dissolved oxygen monitoring line item was retitled to include monitoring and a response to the Regional Board SSID comment letter.

Mitch Avalon mentioned that the Municipal Operations Committee had discussed moving all C.17 items into the conditional budget column.

The Chair asked how much the conditional items totaled. Mitch Avalon noted that the total, including the addition of C.17 items, was about \$803k. The Chair asked if the Hydromodification items would be referred to the Development Committee. Mitch Avalon confirmed this and further explained that the Development Committee would be making a recommendation on which Hydrology model should be used. Laura Hoffmeister (Clayton) asked when the budget would be ready for approval by the Committee. The budget was planned to be approved at the March meeting. The Committee discussed the budget approval timeline. The final budget was expected to be



CONTRA COSTA CLEAN WATER PROGRAM

ready for approval on the March 16 Management Committee meeting. The budget would be included in the agenda packet that would be disseminated a week before the meeting.

c. Approaches to Preparing Testimony for the MRP 3.0 Adoption Hearing (M. Avalon):

Mitch Avalon gave a brief description of the process. The Select Committee is meeting March 29 to develop a strategy of approach. Several approaches were being considered including: focus on 2-3 "complex" items, compiling a list of minor changes to focus on, and/or focusing on the directions where the permit was not following through with Regional Board recommendations. The Management Committee, the PMA subcommittee, and the CCEAC would coordinate finding speakers. Additional details were available in the staff report.

The Chair asked if the hearing would be on Zoom or in person. The format was still being considered and a meeting was scheduled in March to determine the format.

Laura Hoffmeister (Clayton) asked if there was a date that talking points would be available. It was noted that Staff would be developing background materials after receiving the Final Order so that speakers and permittees could develop talking points. It was expected to have this information toward the end of March.

d. Draft Findings of Proposed UCMR/IMR submittals (L. Welsh): Lisa Welsh noted that the UCMR was going to be submitted March 31 per MRP 2.0 requirements. The UCMR includes an overarching report with appendices for regional, local/targeted reports and a report on Pollutants of Concern. The agenda packet contained maps of sampling locations, with POCs focused on one watershed in the Richmond area.

Comments were requested by February 23 and should be sent to Lisa Welsh. The full draft UCMR was sent to Monitoring Committee about 2 weeks ago. The reports were available on the Program's Groupsite for Permittees.

Lisa Welsh summarized the key findings. In general the reports' findings were similar, both regional and locally, to years past. Benthic and algal communities did show that the areas were impacted or altered. Unlike prior years, physical habitat does not appear to be a principal stressor. This may be complicated by the presence of the New Zealand Mud Snail. None of the results generated from the ten sites monitored exceeded the applicable water quality standards for ammonia, chloride, or nitrate+nitrite.

Much of the sampling was done in Marsh Creek. Temperatures were above the weekly targeting threshold, but there were no official exceedances of the MRP criteria as Marsh Creek is a non-steelhead stream (WARM beneficial use). There were lower levels of dissolved oxygen, but they were never lethally low and there were no fish kills. There were continuous monitoring instruments deployed in Marsh Creek to monitor for fish



CONTRA COSTA CLEAN WATER PROGRAM

kills. They were removed in December and there was no plan to redeploy them. There was some bacteria detected that exceeded the Water Quality criteria, but MRP 3.0 does not require bacteria monitoring.

POC sampling was undertaken in Richmond where higher concentrations of PCBs were known to exist. There was one sample above the threshold which suggested the presence of a source property. There was also a moderately high sample.

The Chair asked if there was only one toxicity sample run or if more were run. Lucile Paquette (Walnut Creek) noted that two were required per year. Lisa Welsh noted that this would be continued in MRP 3.0.

5. Actions:

- a. **APPROVE listing the Contra Costa Clean Water Program as Task Lead for Task 19-3, establishing a pilot alternative compliance program, a subtask of Action 19: Managing Stormwater with LID/GSI, one of the actions included in the draft update of the Estuary Blueprint:** Mitch Avalon gave a brief overview of the email that had been received. It was noted that this was not a regulatory document. The Chair asked if there was a fiscal impact. There was none anticipated.

Lucile Paquette (Walnut Creek) motioned to approve, Stephen Prée (El Cerrito) seconded. The Chair called for a vote. There were no abstentions or objections. The motion passed unanimously and the listing of the Contra Costa Clean Water Program as Task Lead for Task 19-3 was approved.

6. Reports:

- a. **Status of Monsanto Settlement Agreement (M. Avalon):** There was no new information on the Monsanto Settlement Agreement. Amanda Booth (San Pablo) noted that funding for C.12.c could come from the settlement.
- b. **Status of the MRP 3.0 (M. Avalon):** There was no update on the MRP 3.0. The final order was expected March 11.
- c. **CASQA Quarterly meeting on January 20, 2022 (S. Matthews):** This item was continued to March.

7. Updates:

- a. **Personnel Update (K. Graves):** The Watershed Management Planning Specialist (WMPS) advertisement closed on February 16 after being open for 6 weeks. Around 15 qualified



CONTRA COSTA CLEAN WATER PROGRAM

applicants applied. The first step is online interviews that will be rated by a panel which includes Public Works Environmental Permitting staff and a member of the Management Committee. Once rated, the applicants will be invited to participate in Departmental interviews. County staff and a member of the Management Committee will participate on the interview panel. If qualified candidates are identified, the CCCWP hopes to have the new WMPSs start in May or early June.

- b. BAMSC Steering Committee meeting (K. Graves):** Karin Graves noted that the MRP 3.0 update was discussed at the meeting. The Steering Committee had discussed the former BASMAA website management, with focus on the surface cleaning certification. This was anticipated to be less than \$600 for 2 years. The management would rotate between the member agencies. Alameda and Santa Clara Counties had volunteered for the upcoming years.

There are two separate stormwater grant sources that will be requesting applications later this year. The WQIF funds in the Bay Area will provide about \$5M every 2 years. The BIL funds total \$25M over 5 years, with \$5M available annually. A budget from the federal government was anticipated in March. Applications for both BIL and WQIF would then be opened and awards were anticipated in the second half of the year.

- c. Status of RFQ process for new contracts (K. Graves):** The Program has been working on an RFQ for contractors, as several of the contracts were expiring. Karin displayed the list of services areas that would be addressed by the RFQ. Each service area was explained and the contractors were announced.

Service Area 1 (Water Quality Monitoring and Water Quality management Support): Kinnetic (formerly ADH) was selected as primary with EOA and LWA as alternates.

Service Area 2 (Outreach Administration and Campaign Design and Implementation): S. Groner Associates was selected as primary with Propose (Sagent) as alternate.

Service Area 3 (New Development, Green Stormwater Infrastructure and Low Impact Development): Haily & Aldrich was selected as primary with LWA as alternate.

Service Area 4 (Water Quality Pollutant Management Expertise): LWA was selected as primary with Hailey & Aldrich as alternate.

Service Area 5 (Water Quality Modeling and Analysis): LWA was selected as primary with EOA and Wood Rodgers as Alternate.

Most contracts were anticipated to start in June so that they would be ready for the new FY.



CONTRA COSTA
CLEAN WATER
PROGRAM

- d. **Status of AGOL Assessment project (L. Yin/L. Graves):** The AGOL workgroup has met a few times and produced the first survey for the Permittee focus survey. This was distributed through the Program's Groupsites. It was requested that the survey be completed by the end of February so it could be discussed at the March Management Committee meeting.

8. Information:

- a. **AB 1690:** Mitch Avalon noted that he was unsure if the Program had advocated for legislation in the past. The Chair suggested that the Program had. AB 1690 is a legislation on cigarette butts. If there was direction, this item could be brought before the Management Committee for approval of a letter of support. Karin Graves noted that BAMSC was considering a letter of support for AB 1690.
- b. **Notice of Violation:** Mitch Avalon noted that the Regional Board would issue NOVs if Permittees were in not in compliance. Clayton had been sent the NOV for submitting their Annual Report late.
- c. **Source Control load Reduction Report:** The Regional Board had submitted comments that requested changes be made to this report. BAMSC had made the changes and submitted the revised report to the Regional Board.

9. Old/New Business: There was no old or new business.

10. Adjournment: The Chair adjourned the meeting at 3:36 p.m.



ADMINISTRATIVE COMMITTEE SUMMARY

Meeting Minutes

Tuesday, February 1, 2022

10:30 – 12:00

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

Program Staff: Karin Graves, Andrea Bullock, Michael Burger

Consultants: Mitch Avalon

Guests: Amanda Booth (City of San Pablo), Allison Knapp (Contra Costa County)

- 1. Convene meeting and roll call (Chair):** The Chair convened the meeting at 10:30 a.m.
- 2. Announcements or Changes to the Agenda (Committee):** There were no announcements or changes to the agenda.
- 3. Approval of January 4, 2022 Meeting Minutes (Chair):** Frank Kennedy (Pleasant Hill) motioned to approve the minutes as submitted, Jeff Brown (Hercules) seconded. The Chair called for a vote. There were no objections or abstentions. The motioned passed unanimously and the meeting minutes were approved.
- 4. Second Draft Budget for FY 22/23 (M. Avalon/A. Bullock):** Staff had incorporated changes suggested at the last meeting:
 - A column had been added for advance work
 - The cost for setting up the Alternative Compliance Administrator role was estimated at \$55k



- The trash monitoring plan was estimated at \$50k for the plan itself but \$55k mapping work was needed first, for a total of \$105,000.
- The Marsh Creek SSID response was estimated at \$15k (for a total of \$50k when combined with another Marsh Creek line items in the budget) and was moved from C.8 to C.19
- Grouping and ordering was changed in section C.12 to make the different areas of work for the PCBs plan more clear
- The reserve fund in the first draft budget was drawn down by about \$560k, which increased to \$622k with the second draft budget. If the \$175k was added on for advance work then the total cost for MRP 3.0 would be around \$800,000. It was unclear if this rate of draw down would continue past the next FY.

Budget trimming was discussed but not recommended by staff. Staff had prepared a realistic and reasonable budget for the work necessary and believed an artificially lowered budget would undermine future funding efforts.

Mitch Avalon displayed the new budget draft, indicating the column where advance work items would be listed. Each line item was noted in brief, with particular emphasis on the changes from the first draft budget. The new budget was \$4.12M, representing an increased funding gap of \$622k. An additional \$175K for advanced work would give a truer picture of costs for MRP 3.0 that were spread over two fiscal years.

Michele Mancuso (Contra Costa County) asked about the \$500 outreach to Pest Control Professionals and whether that was for a letter or not. Mitch Avalon confirmed this and Karin Graves further explained that this was for training for PAPA, which hadn't been done the last couple years.

Lucile Paquette (Walnut Creek) asked if the PIP Committee budget line items were increased. Karin Graves noted that it was nearly identical to last year's budget with a 3% increase to consultant costs. Lucile Paquette (Walnut Creek) clarified her question and noted that the costs were increased from the previous draft. Karin Graves suggested that this was likely due to not having the 3% increase in all consulting costs.

The Chair indicated that there would likely be significant pushback from the Management Committee based on the increase from the previous budget draft. Mitch Avalon agreed and reiterated that while there may be places to trim the budget, creating an artificially low budget by drastically reducing estimates may hurt future funding increase endeavors. He further suggested that changes to the Tentative Order may reduce the overall budget.

The Chair asked if the advance work column would be carried over into the next fiscal year. The advance work column would not carry over but provided a better idea of the total cost of each item that included advance work budgeted in Fiscal Year 21/22.

Lucile Paquette (Walnut Creek) asked if the budget increases for C.3 were justified, specifically for the Annual C.3 Workshop. Karin Graves noted that, in previous years, budgets for the workshop were covered in other line items, but the \$8,000 on this draft was a combination of technical assistance and incidentals. This item could be reduced and there was always discretion not to use

the total amount. There was a discussion regarding the costs of a two hour zoom training session and if that was reflected in the estimated budget. The Committee discussed the Alternative Compliance Program Implementation pilot projects. The costs for these projects was contingent on Management Committee approval of the Program taking on the administrator role of the Alternate Compliance program.

The Chair asked if there would be a tab in the budget workbook showing the specifics of the reserve account. Mitch Avalon confirmed this. Karin Graves noted that the Development Committee budget did not reflect the newest approved budget. That budget had not been approved before the agenda packet went out. This would increase the C.3 budget by around \$147k. The Committee discussed the potential of moving these increases to a budget adjustment rather than budgeting for them now.

Michele Mancuso (Contra Costa County) indicated that reducing the budget without a clear idea of what was coming with MRP 3.0 was not favorable. Amanda Booth (San Pablo) also suggested that having an overall idea of what the budget could be was good, but asked if notes could be added to the budget on items that could be trimmed in the future. Frank Kennedy (Pleasant Hill) suggested that the Hydrology Model topic should be sent back to the Development Committee for a more accurate budget for the options. It was agreed that staff would identify budget items that would need further approval before funds could be spent on those items.

5. Preparing Testimony for MRP 3.0 Adoption Hearing (M. Avalon): The Regional Board tentatively scheduled testimony for mid-April, which indicated that the Final Order would be released in mid-March. Staff had put together a list of approaches for preparing testimony. Staff was requesting feedback to narrow the options down:

- Identify key topics that the Program believes the Board needs to understand and reiterate the objections previously stated.
- Focus on the top three key topics and expend effort to push back on these only.
- A list of minor changes could also be an approach.
- Suggest that the permit is not ready for adoption and the timeframes should be pushed back.
- Point out the Board's directions received during previous workshops and the permit changes needed to meet those expectations.
- Separate the permit into three categories: unrealistic deadlines/schedules, items that cannot be implemented due to conflicting requirements or unclear guidance, and everything else that is objectionable but clearly understood.
- A combination of approaches.

Mitch Avalon noted that the format of the hearing was unclear at this time.

The Chair asked if the key topics were the same as the key topics from the Administrative Draft/Tentative Order. Mitch Avalon confirmed that this was likely the case. The Chair asked if elected officials could be tapped to present on topics. Mitch Avalon agreed that this would be a good idea, similar to the testimony for the Tentative Order, but the difficulty was not knowing how

much time or on what topics presentations could be made. The Committee discussed referring this to the Select Committee. Frank Kennedy (Pleasant Hill) asked if there was a sense of the direction that other Bay Area programs were going. Mitch Avalon noted that the Program was ahead of the curve on this. BAMSC had decided not to submit written testimony. Mitch Avalon noted that the Board has elected not to accept written testimony.

Michele Mancuso (Contra Costa County) suggested that the additional time option should be ruled out; given the amount of time that has already been spent on the permit, it was unlikely the Board would agree to extend the current permit. The Chair suggested that this should still be considered based on the amount of advance work that could be needed to remain compliant with the permit. Several deadlines have already been extended as well. The likelihood of a combination approach was discussed.

The Committee recommended that the Management Committee refer this item to the Select Committee.

- 6. Draft Protocols for Monitoring Grant Opportunities (M. Avalon):** With the increase in the costs from MRP 2.0 to MRP 3.0, interest has increased for the Program to investigate grant opportunities. A budget line item had been added to create procedures to investigate, apply for, and track grant opportunities. Staff proposed to develop a grant tracking chart to identify the name, funding entity, administrating agency, eligible projects, local cost share requirements, and links to more details. This chart would be uploaded to Groupsite and updated on a regular basis or when new grant opportunities were identified. The Program would also archive grant information. Staff would identify which grant opportunities were compatible with program-level projects. Only State and Federal grants would be monitored. Management Committee could then direct Program staff to determine the feasibility/likelihood-of-success for a particular grant before an application is prepared.

Amanda Booth (San Pablo) noted that the San Pablo/Wildcat Creek Watershed Council already had a tracking sheet that could be used to reduce staff hours on this project. Mitch Avalon displayed an example chart and suggested that staff would review the SP/WCWC chart to see if it had the necessary information and could be used as the Program's tracking tool.

- 7. American Rescue Plan Act Funds (M. Avalon):** Mitch Avalon reminded the Committee that a link had been sent through Groupsite with instruction on ARPA funds. Cities would get two funding allotments and many cities had already received their first allotment. This money was to offset the impacts of COVID-19 on municipal governments. A final ruling had described the ways this funding could be used for stormwater activities, including a list describing what activities were now covered. The link will be resent via Groupsite.
- 8. Approve February 16, 2022 Management Committee Agenda (Committee):** Mitch Avalon displayed the agenda for the Management Committee meeting and noted each presentation, action, and report. Caltrans would be added to the agenda to provide a presentation on the Clean California

partnership. Support to include an action item in the Estuary Blueprint would be added under Actions. An AGOL item would be added to the updates section.

Frank Kennedy (Pleasant Hill) motioned to approve with the additions noted, Michele Mancuso (Contra Costa County) seconded. The Chair called for a vote. There were no objections or abstentions. The motion passed unanimously and the agenda was approved.

9. **Old/New Business:** Karin Graves noted that the advertisement for Watershed Planner only had four qualified applicants after three weeks. The advertisement had been extended with the hopes of receiving additional applications.

10. **Adjournment:** The Chair adjourned the meeting at 12:01 p.m.

**Monitoring Committee
Meeting Minutes
January 10, 2022**

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

- **Introductory Remarks, Announcements, and Changes to the Agenda.** Joe C. opened the meeting with a quorum.

Lucile P. noted that the RWB has updated the 303(d) list. The adoption hearing was on January 19, 2022 and the RWB is planning to submit it to U.S. EPA on April 1. It looks like there are new listings for trash. We will plan to discuss it at the February Monitoring Committee meeting.

Lisa W. went through the schedule, including the review schedule for the 2021 UCMR, due to the RWB on March 31, 2022. Lisa W. will check that the final UCMRs back to 2014 are available on the Program's website and/or GroupSite and update the committee on where to find them.

Lisa W. presented a change to the agenda. An item to discuss the C.12.c. Old Industrial Treatment Plan was added before the discussion of the FY 22/23 budget.

- **December 2021 Meeting Summary.** CCC Flood Control District (B. Baldwin) moved to approve the December meeting summary and the City of Walnut Creek seconded (L. Paquette). P. Hoffmeister, who was not present at the December 2021 meeting, abstained.
- **January 5th BAMSC MPC Meeting Summary.** Lisa W. and Lisa A. reviewed key outcomes from the January 5th MPC meeting. The adoption hearing is tentatively planned for March or April and MRP 3.0 Revised Order will be released at least 30 days before the hearing. At the internal meeting, attendees made the following announcements:
 - Solano is in the process of establishing a formal stormwater program.

- Santa Clara has been conducting COVID19 testing in wastewater and now has capabilities to perform fecal indicator bacteria analyses.
 - The FY22/23 Annual Report requirements are being discussed through the BAMSC Steering Committee.
 - Bonnie de Berry (EOA) is coordinating the SSID project update for the 2021 UCMR.
 - Jon Konan (EOA) was asked by MPC to draft a scope and budget for updates to the PCBs in Building Materials Program for MRP 3.0. A PCBs-sniffing dog program has been successfully used in the Seattle area, resulting in the identification of a number of buildings with elevated levels of PCBs in exterior caulk.
 - Zach R. (RWB) has reached out to Chris Sommers (EOA) for a cost summary for trash monitoring. Chris replied on behalf of the San Mateo and Santa Clara programs. CCCWP will reply if/when Zach reaches out directly.
 - There is interest in applying for a WQIF grant for trash monitoring. The next steps will be discussed at BASMC Steering Committee.
 - Final revisions are being made to the Source Control RAA report for EO approval.
- **External MRP 3 C.8 and C.11/12 Workgroup Meeting Agenda.** Lisa A. led a discussion to prepare for the MRP 3.0 C.8 and C.11/12 external workgroup meeting. The committee discussed the following
 - Trash Outfall Monitoring: The outfall monitoring option would provide better data to answer the MRP 3.0 monitoring questions than streambank monitoring, where it is hard to determine the origin the trash. But outfall monitoring is still very costly and contingent on permitting. The Flood Control District (FCD) will likely have concerns about installing devices. Forming a TAG early would be beneficial for discussing feasibility issues. It would be great to have resource agency (i.e., Fish & Wildlife) staff on the TAG as well as FCD staff.
 - Water Quality Improvement Fund (WQIF) Grant: San Mateo is interested in moving forward with a grant application and, if done regionally, the application leads would be discussed at BAMSC Steering Committee. CCCWP would be interested in applying regionally if there is a better chance to get funded by doing it collaboratively. The estimated cost to do trash monitoring provided in the MRP 3.0 TO comment letter didn't include program staff (i.e., Beth's) time, permittee time was minimal. It is likely that a grant application for LID monitoring would not compete well.
 - Permit Adoption Hearing: We need to start preparing for the testimony now and not wait until the draft permit comes out, which is only 30 days before the hearing and thus insufficient time to prepare. CCCWP staff will be discussing how to move forward to prepare testimony, especially for permit items that are not anticipated to change. It will be important to make a statement on source property referral collaboration and propose concrete actions that we could undertake.

- **RWB Letter on CCCWP Marsh Creek SSID Project:** Lisa W. shared that the RWB sent a letter on Jan 3rd to CCCWP requesting further action on the Marsh Creek SSID project. The letter did not provide a deadline on the requested actions and Staff are reviewing materials before advising on the next steps. The Committee agreed that a separate workgroup should be formed among the East County stakeholders (e.g., Brentwood, CCC FCD) and that Monitoring Committee would be updated as needed.
- **C.12.c Old Industrial Treatment Plan.** Lisa A. summarized the four phases of capital project development: project concept, engineering, construction, and post-construction. The committee agreed that it would also be good to consider non-structural options such as storm drain flushing. It would be a project through Monitoring Committee that is paid for by the Program. The question is whether enhanced O&M, such as storm drain flushing, could be done on hundreds of acres, and, for it to be most effective, the upgradient source properties would have to be identified and eliminated. This could be feasible in the “halo” areas along Chesley or Sutro Ave. Advanced Work to start the Old Industrial Treatment Plan has not yet been approved by Management Committee. Once it has been approved, we can set up a separate Workgroup with the key permittees. Other options for projects could include channel clean-up (ACCWP is pursuing this) or a large regional project (San Mateo is implementing this). This conversation will continue at February Mon Com.
- **FY22/23 Monitoring Committee Revised Draft Budget.** Lisa W. reviewed revisions to the budget since the last meeting. Revisions included adding a cost for the comprehensive Bioassessment Report, updating RMP fees based on the most recent population estimate, adding a placeholder for addressing the RWB comments on the Marsh Creek SSID project, and adding a new line item for the Old Industrial Area treatment project.
- **Next Steps / Action Items**
 - Add revised 303(d) list to February Mon Com agenda (Lisa W.).
 - Include the link with UCMRs from prior years when sending draft 2021 UCMR for review (Lisa W.)
 - Start preparing for MRP 3.0 testimony (Staff with Committee input).
 - Setup workgroup to address RWB comments on Marsh Creek SSID project (Lisa W.).
 - Continue discussion of C.12.c PCBs Implementation Plan at February Monitoring Committee meeting and formally commence working on the plan once the Advanced Work budget is approved (Lisa A./Geosyntec).
- **Adjournment.** The meeting was adjourned at 12:00 pm.

Next Scheduled Monitoring Committee Meeting: Monday, February 14, 2022, 10:00 AM-12:00 noon, Zoom meeting.



**Municipal Operations Committee (MOC)
Meeting Minutes
January 18, 2022**

MUNICIPALITY	ATTENDED [via Web/Phone]
VOTING	
City of Antioch	<i>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, Michele Mancuso</i>
Town of Danville	
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>Karin Graves</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 Pree (El Cerrito) made a motion to approve the November 18, 2021 Meeting Summary. San Pablo seconded the motion. No objections were raised. The Committee voted to approve the November 18, 2021 Meeting Summary
3. **Discuss Draft FY 22/23 MOC Budget and Workplan.** Elizabeth Yin (Program Staff, consultant) and Mitch Avalon (Program Staff) provided an overview of the first draft of the MOC Budget and workplan. Key discussion items include the following:
 - An overview of the budget included formatting changes to the budget presentation, new and/or anticipated Permit provisions, and updates to overall costs due to inflation cost factors. Overall, the budget anticipates and responds to current requirements and milestones described in the MRP 3.0 Tentative Order, and acknowledges that the final approved MRP 3.0 may require updates to the budget.
 - New costs associated with C.9.e.ii for the Our Water Our World pesticide outreach and education program, whose implementation was taken over by CASQA. While certain fees

were updated in FY22/23 for program implementation, additional fees will be applied for CASQA oversight.

- C.10.e. and C.10.d. include new reports and anticipated work within FY22/23, such as the Trash Reduction Impracticability Report, which can be submitted as a program-wide report, and individual Permittee Trash Load Reduction Plans. A discussion between Permittees was held to identify the level of Program support needed to comply with these new Permit requirements. Several Permittees expressed support for the Program to develop a regional sample or template that would support Permittees that would need to update their Trash Load Reduction Plans or submit a Trash Reduction Impracticability Report. The Program could develop guidelines for the Trash Reduction Impracticability Report, or help Permittees collect and summarize information on a region-wide basis. Although exact cost of these actions is unknown, MOC agreed that the proposed cost associated with the new requirements was reasonable.
- Under the MRP 3.0 Tentative Order, a new provision, C.17- Discharges Associated with Unsheltered Homeless Populations, was developed. This new Provision was added to the purview of MOC's budget and workplan. As a result, three new requirements are anticipated for FY 22/23 within C.17. These include mapping, development of a BMP Report, and the development of an Implementation Plan. Permittees discussed what each of these new requirements would entail. Some Permittees expect that that mapping component may not need to be on an ongoing basis, but may need to be developed once, and then updated again at the end of the Permit term. The map may be incorporated into AGOL during the initial development stage. BMP report may be developed at a larger regional level, with individual strategies incorporated for specific Permittees based on interest. Based on these discussions, MOC agreed that the proposed costs associated with the new requirements was reasonable.

4. Program Update:

- Tentative Order
 - i. Elizabeth provided an update that the Tentative Order schedule was pushed back a month, with the Adoption Hearing anticipated in April 2022 instead of March.
- AGOL Training
 - i. Elizabeth led a discussion about the AGOL Trainings provided by Psomas. The goal of the discussion was to identify key topics for the trainings, as well as to identify the schedule for providing trainings. MOC favored holding two training events, with one in February and one in May. The May training could respond to submitted questions. Committee members wanted to identify who attended the trainings last year. Elizabeth agreed to look for past training logs, recordings, and topics.
- SB 1383 Discussion
 - i. Elizabeth led a discussion regarding SB1383. While it is not directly a stormwater related bill, some of the requirements of the bill may overlap with some of the ongoing stormwater commercial/industrial inspections. The discussion was conducted on whether or not Permittees would be interested in modifying the inspections agreement in order to address the new bill. Although some Permittees might need help, others were not interested since there isn't overlap in the implementing mechanisms of the agencies. The Committee determined it would be best to maintain a list of potential modifications to the inspections agreement in order to review necessary updates all at the same time.

- Update on Brochures
 - i. Although some comments were made on the brochures, Elizabeth asked Permittees to review the brochures and revisit this issue. Permittees were directed to review the brochures previously provided, and to identify three key items: what brochures are needed/used the most? What brochures need to be updated? And what languages would be beneficial? Elizabeth would re-send the list of brochures along with criteria so that Permittees could review and discuss at the next MOC meeting.

5. **Trash Roundtable**

- Joe Camaddo (City of Pittsburg) started the discussion with observations from the 2020-21 Annual Reporting. Joe observed that the trash load reporting tool in AGOL showed a jump in trash load reduction. It appears that the average of the assessments was adjusted to a 2-yr average instead of a 5 yr rolling average. There was concern about how to explain the adjustment and document changes to the accounting system that would explain the change in the trash load reduction accounting.
 - i. Permittees were in favor of having a discussion at the next meeting to discuss the changes made to the trash load reduction accounting.
- Permittees discussed how or when to update the underlying baseline trash generation map. Concern about how to assess parks? Concern that since the trash assessments are not being applied to individual parcels, there is difficulty in identifying problematic areas.
- Some Permittees shared that they have started to target medium areas for the installation of trash capture devices. While this may be high cost and not an efficient use of resources, there were difficulties in trying to reach 100% reduction of trash in any other way.
- Contra Costa County shared that they were starting a program to evaluate trash levels on private lands, since it can be very difficult to install devices. San Pablo shared that some FCS are being overwhelmed by flooding while others are breaking down.
- A lot of concern was shared that the representation of greening the bay was not being supported visually. Despite all the efforts for trash reduction and cleaning, that the map continues to not be representative of on-the-ground conditions.

6. **Old/New Business:**

- No additional topics were discussed.

7. **Adjournment:** Chair Joe Camaddo adjourned at 12:00 PM.



Meeting Summary (Approved)

Development Committee

January 26, 2022

1:30 – 3:30

Voting Members:

Municipality

City of Antioch
City of Brentwood
City of Clayton
City of Concord
Contra Costa County
Town of Danville
City of Lafayette
Town of Moraga
City of Pittsburg
City of Pleasant Hill
City of San Ramon
City of Walnut Creek

Attending

Aman Grewal

Mitra Abkenari
John Steere (Vice-Chair)
Bob Russell
Matt Luttrupp
Frank Kennedy

Frank Kennedy
Rod Wui
Joel Camacho

Absent

Phil Hoffmeister

Laura Hoffmeister

Joe Camaddo (Chair)

Program Staff/Consultants

Karin Graves	Acting Program Manager
Mitch Avalon	Consultant
Dan Cloak	Consultant
Alina Constantinescu	Consultant

Guests

Amanda Booth	City of San Pablo
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Introductions, Announcements, and Changes to Agenda

The meeting was held via Zoom. There were no announcements and no changes to the agenda. Committee Chair Joe Camaddo was not able to attend; Vice-Chair John Steere led the meeting in Joe's absence.

Approve Previous Meeting Summaries

On a motion by John Steere (Contra Costa County), seconded by Frank Kennedy (Pleasant Hill), the summary of the December 8, 2021, meeting was accepted. Sole abstention from Lucile Plaquette (Walnut Creek).

Municipal Regional Permit 3.0

Regional Water Board staff has indicated that they are aiming for an Adoption Hearing at the April 13, 2022, Board meeting. This means that the final MRP and the Board's response to comments on T.O. would be released 30 days prior, on or before March 13, 2022.

In related news, the Board's Executive Officer Michael Montgomery has resigned to take a position with the EPA. The Interim EO is Tom Mumley; Lisa McCann, head of the Enforcement Division, is also filling in.

AGOL Workgroup

The Program has initiated an AGOL Workgroup to address updates to the AGOL platform. The agenda packet included a series of draft survey questions for managers and technical users covering AGOL functionality and uses and desired modifications. Feedback on the survey can be sent to Alina and will be passed on to Liz Yin (consultant) who is coordinating the effort. Potential items of interest to the Committee include the AGOL nexus with calculator output, C.3 mapping requirements, asset management, etc. The workgroup is scheduling regular meetings through the end of June and several Development Committee are participating. Updates on the Workgroup's activity will be a recurring item on future Committee agendas.

C.6 Training with ACCWP

A small group with representatives from our Program and from the Alameda County Clean Water Program met on 1/21 to plan a joint C.6 training session for later in the Spring. C.6 training is required this permit year for both programs. The session would be 2-2.5 hours and preliminary topics include a brief regulatory refresher/update followed by shared inspection experiences from both programs.

Committee was supportive of a joint training session and generally approved the preliminary topics. John Steere mentioned that attendees may also be interested in hearing about using mulch/compost rolls instead of straw/fiber rolls as BMPs at construction sites (to support taking organic matter out of landfill and meet SB13 requirements). Other feedback was regarding proposed training dates (3/22, 3/29, 3/30 OK, 3/24 not ideal), and a request for the training to be recorded so it's available as a resource in the future. The planning group is looking for speakers, especially C.6 inspectors who would like to share case studies. Please spread the word to inspection staff and contact Alina for more information. Final dates and agenda to be shared around end of February/ beginning of March.

FY 2022-2023 Budget

This item was an update on the budget discussion from the December meeting. Alina reviewed an updated Committee budget for FY2022-23, previously shared in the agenda packet. The budget was organized per MRP Provision (similarly to other Program Committees) and some changes were made to items that are heavily dependent on the requirements of

MRP 3.0 still to be released. Feedback from attendees was generally positive and no specific changes were requested. The FY22/23 budget is higher than the FY21/22 which may pose funding challenges for the Program. Management Committee will discuss the budget proposal for the Development Committee, along with other Committees, at their upcoming February meeting.

Stormwater C.3 Guidebook, 8th Edition

Dan Cloak began by directing the Committee's attention to the "Request for Input on *Stormwater C.3 Guidebook, 8th Ed.* – 2021-12-08." This document was reviewed and discussed on-screen at the December 8 meeting and attached to the summary of that meeting in the packet for today's meeting. Dan reviewed each of the questions and resulting discussion from December 8.

Next, Dan presented on screen a new request for input dated 2022-01-26 (attached to this summary). The Committee discussed each of the items, with the following outcomes:

1. Construction Plan C.3 Checklist. It was agreed that the checklist is not always used correctly and not always included in the construction plan set. However, it is a useful requirement which can be pointed to if an applicant is having trouble completing and coordinating their submittals.
2. Table 3-1, "Ideas for Runoff Management." Frank said he sometimes points to this table in the process of educating applicants' engineers. It was agreed to keep the table.
3. Technical Guidance on Pervious Pavement. Joel noted that Walnut Creek still requires adherence to Interlocking Concrete Pavement Institute (ICPI) standards when pavers are designed, but no longer requires that installation contractors have ICPI certification. It was agreed that pervious pavement examples would be useful. Amanda noted the guidance might be especially useful to municipal public works departments implementing upcoming Green Infrastructure requirements in MRP 3.0.
4. Bioretention Soil Specifications. Dan displayed a document, "Bioretention Soil Mix—Specification, Inspection, and Verification" (attached to this summary). Amanda, Frank, and others noted that infiltration soil testing is time-consuming. As part of the 8th Edition, Dan will draft, and the Development Committee will review, proposed model procedures for bioretention soil submittal and approval.
5. Maintenance Practices for Bioretention, Appendix B. It was agreed that the information in Appendix B should be moved into the Guidebook chapters, with design information moved to Chapter 4 and maintenance information moved to Chapter 5.

Frequently Asked Questions and Background Information. Dan displayed the draft FAQ (in progress, attached) and asked that Committee members review it for style and level of

detail. Comments on content also welcome.

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

John Steere brought up the idea of compiling a list of suitable plants for non-irrigated green infrastructure facilities. Some facilities are not suitable for plumbing/irrigation but that alone shouldn't be a barrier to LID; hand-watering during plant establishment period would still be needed. Committee was supportive; John will advance a preliminary list to Dan Cloak who will finalize and distribute to the group.

Next Meeting Date

Wednesday, January 22nd , 2022 (1:30p-3:30p)

Action Items

All: Provide feedback on AGOL survey questions to Alina or directly to Liz Yin.

All: Reach out to C.6 inspection staff for interest in presenting at Spring training.

All: Review draft FAQ document for the Guidebook 8th Ed. (in progress, attached) and send feedback to Dan Cloak.

John Steere: Send preliminary list on suitable plants for non-irrigated GIs to Dan Cloak.

Adjournment

The meeting was adjourned at 3:35 PM.

NEXT DEVELOPMENT COMMITTEE MEETING:

Wednesday, February 23rd, 2022

1:30 PM – 3:30 PM

Via videoconference

Attachments to 1/26/2021, Meeting Summary

- Discussion Topics for *Stormwater C.3 Guidebook*, 8th Ed. – 2022-01-26
- Bioretention Soil Mix—Specification, Inspection, and Verification
- Draft Frequently Asked Questions and Background Information



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: March 16, 2022

To: Management Committee

From: Mitch Avalon, Program Consultant

Subject: Final Draft Budget for FY 22/23

Recommendation:

Review, consider, and approve the Final Draft Budget for FY 22/23.

Background:

At the January 19, 2022 Management Committee meeting, staff described the first draft budget; the new and key budget items, format changes to the budget document that improved tracking and alignment with sub-committee work plans, and budget items that still needed to be determined. At the February 16, 2022 Management Committee meeting, staff described the changes between the first draft and second draft budget; including advance work items shown in a separate column, conditional approval items also shown on a separate column, the impact on the reserve fund, and several changes to specific budget items. Attached is the final draft budget, and described below are the changes made to the second draft budget to produce the final proposed budget. Comments from the Administrative Committee are incorporated into the issues below. There are two budgets attached, one with highlights and notations to make the changes from the second draft budget easier to see, and the other is a clean version ready for adoption.

C.12.c Project O & M. At the last Management Committee meeting, there was some discussion about collectively funding the operation and maintenance of C.12.c PCB load reduction projects and programs, as an incentive for a permittee to take on such a project. It was expressed that operations and maintenance of such a facility is a burden and could be viewed as a disincentive to implement a project, unless the operation and maintenance costs are covered. It should be noted that the Program will first develop a C.12.c Control Measure Plan, and from that Plan will come a recommendation for a project, or projects, or program, or programs, or a combination of a project(s) and program(s) (for now we will refer to it as a "project"), to collectively meet the permit requirement. For potential projects we can look at permittee G.I. Plans, the Stormwater Resource Management Plan, and other CIP lists. We also need to consider what type of project would likely attract grant funds.

It's important to note that "operation and maintenance" in this context refers to that needed to operate and maintain a constructed infrastructure facility, like a green infrastructure treatment basin. This is recognition that the burden for communities with old industrial areas is ongoing, not just the one time construction cost of installing a treatment facility. If the chosen control measure is a program, such as cleaning out inlets or street sweeping in old industrial areas, there is an ongoing cost for that as well.

On a parallel track, the Alternative Compliance System is continuing in its development and will answer some, but likely not all, of the implementation questions and how to address them as it proceeds to completion and implementation of pilot projects. These questions may or may not be answered in time to meet the schedule for the C.12.c projects. It will be difficult to anticipate all of the procedural issues that may occur as we implement a C.12.c project (e.g. O & M costs) and address them prior to approving the budget on March 16.

Another thing to consider are other permit requirements complied with collectively through the Program. Should the Program fund O & M costs for other projects that meet a collective requirement? For example, if permittees collectively choose to meet the minimum G.I. requirement (other than the required 0.2 acres per jurisdiction) and say four jurisdictions step up to implement large G.I. projects that satisfy the requirement for all permittees, would the Program budget also set aside funding for O & M? For sure the minimum G.I. requirement has some differences from the C.12.c requirement, but there are some parallel policy issues as well, and some of the G.I. projects will be in communities other than those with old industrial areas.

There are three potential ways to address the O & M issue in the budget:

- **New budget item:** Although there will be no actual operation and maintenance work during FY 22/23, we could include a budget item to develop the process and agreements necessary to ensure that O & M responsibilities and costs are covered.
- **Include in existing budget item:** Expand the existing budget item "Old Industrial Area PCBs Treatment Project" that will be funding project development activities to explicitly include resolving the O & M issue.
- **Do not fund O & M:** Decide to not pay for O & M collectively and exclude it from the budget.

Staff recommend the second option, including in the existing budget item development of this policy issue for consideration by the Management Committee at some future date in FY 22/23.

Trash Monitoring. Staff has heard that the schedule in the Final Order for the Trash Monitoring Plan will be pushed back one year, which would mean no trash monitoring in FY 22/23. There was some discussion about whether to eliminate or reduce the budget item for trash monitoring, and staff was requested to review the estimated planning costs in FY 22/23 for trash monitoring activities beginning in FY 23/24. It turns out the planning costs prior to actual monitoring is significant and staff recommends not reducing the trash monitoring budget. The planning cost estimate for FY 22/23 includes methods development and equipment research (\$37,000), field reconnaissance of potential sites (\$10,000 - not including desk top analysis performed with advance work budget), and database development (\$9,200). It will also be necessary to do CEQA and permitting activities in FY 22/23, which varies substantially depending on the site, with estimated costs up to \$185,000. There will also be a cost for purchasing equipment in addition to the items listed above.

Conditional Approval Items. Staff recommended about a dozen items be conditionally approved, items that would require additional discussion prior to authorizing the work. At the last Management Committee meeting it was decided to expand the list to include four additional budget items. The final budget includes all three C.17 items related to homelessness and the C.2 training item as conditionally approved. The Administrative Committee discussed adding the "Trash Monitoring" budget item to the conditional approval list, but in the end decided against doing so. They reasoned that the work covered by this budget item in FY 22/23 will be thoroughly discussed and worked out at the Monitoring Committee.

Final Order Changes. There has been some discussion about how to address changes to the Tentative Order requirements in the Final Order when the Final Order is released. The final budget is based on Tentative Order requirements and changes to those requirements may change the estimated costs reflected in the budget. On February 22, 2022, staff received an email from the Regional Water Board stating that the Final Order hearing date has been moved to May 11, 2022 and the release of the Final Order to mid-April. With this revelation, staff recommends the Management Committee approve the budget based on Tentative Order requirements and make adjustments, if necessary, after the Final Order is adopted. An adjusted budget in December, for example, would provide permittees six months of experience working with MRP 3.0 and give permittees a better handle on compliance costs.

Fish Risk Reduction. It was pointed out at the Administrative Committee meeting that the fish risk reduction budget items required by C.11.h and C.12.j were not included in the budget. The final budget now includes an item for "Provide Fish Risk Flyers/Signs", "Distribute Fish Risk Flyers", and "Annual Fish Risk Status Report". These are all located in the C.12 portion of the budget.

Fiscal Impact:

The cost for each budget item is reflected in the attached final budget. The total budget cost is about \$4.25 million, which is about \$750,000 over the \$3.5 million threshold. It is expected that any changes in the Final Order, from the Tentative Order, would be less expensive (or cost neutral) than the estimated costs in the current version of the final budget.

Attachments:

Final Draft Budget for FY 22/23, with notations

Final Draft Budget for FY 22/23, clean version for adoption

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Contra Costa Clean Water Program (CCCWP)
FINAL DRAFT Fiscal Year 2022/23 Group Program Budget
(Highlighted)

Budget Row	Description/Expenditure		ADOPTED Adj FY 2021/22 Dec 15, 2021 ¹	FY 21/22 Advance Work ²	Projected FY 22/23	FY 22/23 Conditional Budget Items ³	FY 2022/23 Notes
1	Administrative/Personnel (See Admin Worksheet)				\$1,575,009		
2		Staff Salaries and Benefits + County Overhead			\$1,345,809		3% increase
3		Staff Augmentation (Watershed Resources Consulting for 6 months)			\$109,200	\$109,200	Assumes PM position vacancy
4		On-Call Staff Augmentation (as needed) (LWA, GC, H&A)			\$100,000	\$100,000	
5		Staff Training and Conferences			\$10,000		
6		Non-Program County Staff Labor			\$10,000		
7	General Supplies & Equipment				\$7,788		
8		Misc. Office Equipment/Supplies not covered by County Overhead			\$6,600		
9		Groupsite Annual Fee			\$1,188		
10	Association/Memberships/License Fees				\$33,554		
11		ESRI (AGOL Annual License Fee)			\$10,000		
12		California Stormwater Quality Association (CASQA)			\$23,554		3% annual increase
13	Legal Services				\$95,000		
14		County Counsel and Contract Administration			\$10,000		
15		MRP 3.0 Appeal (Richards, Watson & Gershon)			\$35,000	\$35,000	
16		On-Call Legal Services (Richards, Watson & Gershon)			\$30,000		
17		Alternative Compliance Legal Review (Richards, Watson & Gershon/County Counsel)			\$20,000		
18	Regional Projects/Regional Cooperation				\$230,000		
19		BAMSC			\$30,000		
20		SFEI - RMP			\$180,000		3% increase
21		SFEI - CECs			\$20,000		
22	General Consultant Services/Projects (See Consultant Services/Projects Worksheet)				\$282,000		
23		5-Year MRP 3.0 Budget			\$10,000		
24		Financing Plan Strategy for MRP 4.0			\$20,000		
25		MRP 3.0 Compliance Checklist			\$10,000		
26		Grant Tracking & Application			\$40,000		
27		Alternative Compliance Administrator Set Up			\$55,000	\$55,000	
28		Project Management, Technical Review, Regulatory Compliance, etc. (LWA/Geosyntec)			\$97,000		
29		Project Management, Technical Review, Regulatory Compliance, etc. (Wood)			\$0		will be removed with final budget draft
30		Project Management, Technical Review, Regulatory Compliance, etc. (Dan Cloak)			\$0		(moved to C.3)
31		GIS/AGOL Maintenance, Minor Upgrades (Psomas)			\$50,000	\$50,000	Conditional approval of minor upgrades only
32	Municipal Operations (C.2) - Training/Workshop (See MOC Worksheet)				\$3,100	\$3,100	
33	New Development/Redevelopment (C.3) (See Development Committee Worksheet)				\$436,000		
34		Hydromodification Management Modeling, CCCHM and/or BAHM (TBD)			\$100,000	\$100,000	
35		Hydrograph Management Compliance Options Report			\$10,000		
36		Hydromodification Management Maps (Psomas)			\$15,000		

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37		Hydromodification Management Calculator (TBD)	(High)			\$41,000	\$41,000	
38		Green Infrastructure Design Guidelines (TBD)				\$40,000	\$40,000	
39		Peak Flow Control Calculator				\$52,000	\$52,000	
40		Update Stormwater C.3 Guidebook				\$36,000	\$36,000	
41		BAHM Update				\$25,000		new item
42		Alternative Compliance Program Implementation (2 Pilot Projects)				\$50,000	\$50,000	
43		Frequently Asked Questions				\$5,000		
44		Annual C.3 Training/Workshop				\$12,000	\$12,000	
45		General Technical Services Support (TBD)				\$50,000		3% increase
46	Industrial/Commercial Controls (C.4) - Training/Workshop (See MOC Worksheet)					\$3,100		
47	Illicit Discharge/Detection and Elimination (C.5) (See MOC Worksheet)					\$0		
48	Construction Controls (C.6) (See Development Committee worksheet -LWA)					\$0		
49	Public Information/Participation (C.7) (See PIP Committee Worksheet)					\$159,300		
50		School-Aged Children Outreach				\$9,000		
51		Watershed Stewardship Green Business Program				\$6,000		
52		Public Outreach through Bringing Back the Natives Garden Tour (Kathy Kramer-Sponsor)				\$16,500		
53		Used Oil/Student Outreach /Youth Programs (Matt Bolender)				\$2,000		
54		Outreach Campaign, Public Education, Citizen Involvement (SGA)				\$70,800		
55		Public Outreach through Website Maintenance and Hosting (WebSight Design)				\$15,000		
56		General Youth/Public Outreach; Media Management (SGA)				\$35,000		3% increase
57		Outreach Contingency				\$5,000		
58	Water Quality Monitoring (C.8) (See Monitoring Committee Worksheet)					\$525,000		
59		LID Monitoring Plan				\$60,000		
60		Trash Monitoring Plan			\$75,000	\$30,000		\$55,000 for outfall mapping
61		Trash Monitoring				\$195,000		should this be removed?
62		Pollutants of Concern Monitoring				\$50,000		Does not include source properties
63		Pesticides and Toxicity Monitoring				\$70,000		
64		Marsh Creek SSID Response				\$0		moved to C.19
65		Comprehensive Bio-assessment Final Report WY 2012 – 2021				\$15,000		
66		Urban Creeks Monitoring Report (POC, Pesticides and Toxicity, Trash, LID)				\$95,000		
67		All Monitoring Contingency				\$10,000		Contingency for all monitoring items
68	Pesticide Toxicity Control (C.9) (See MOC Worksheet)					\$81,023		
69		Our Water Our World Local Outreach and Training (Plant Harmony)				\$69,500		
70		Our Water Our World Outreach Materials (Paid to CASQA)				\$5,080		formerly paid through BASMAA
71		Pesticide Regulatory Coordination Program (Paid to CASQA)				\$5,943		formerly paid through BASMAA
72		Outreach to Pest Control Professionals				\$500		
73	Trash Load Reduction (C.10) (See MOC Worksheet)					\$60,000		
74		Trash Load Reduction Plan				\$10,000		
75		Trash Reduction and Impracticability Report				\$50,000		
76	Mercury Controls (C.11) (requirements addressed under C.12)					\$0		

Contra Costa Clean Water Program (CCCWP)
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77	PCBs Controls (C.12) (See Monitoring Committee Worksheet)		(High)			\$430,914		
78		Old Industrial Area PCBs Control Measure Plan			\$30,000	\$10,000		
79		Old Industrial Area PCBs Treatment Project (first project to implement the Plan)				\$200,000		project development includes guidance on funding O & M
80		Annual Progress Report on Controlling PCBs			\$10,000	\$20,000		includes building demo, \$10,000 for new report format
81		Source Property Investigation				\$150,000		
82		PCBs in Electrical Utilities				\$10,000		
83		Guidance for MRP 3.0 Building Demolition Requirements				\$20,000		
84		Provide Fish Risk Flyers/Signs				\$5,305		
85		Distribute Fish Risk Flyers				\$10,609		
86		Annual Fish Risk Status Report				\$5,000		
87	Exempted and Conditionally Exempted Discharges (C.15) (See PIP Committee Worksheet)					\$15,000		
88		Firefighting Discharges				\$15,000		
89	Unsheltered Homeless Discharges (C.17) (See MOC Worksheet)					\$120,000		
90		Homeless Mapping				\$20,000	\$20,000	
91		BMP Report				\$50,000	\$50,000	
92		Implementation Plan				\$50,000	\$50,000	
93	East Contra Costa County Projects (C.19) (See Monitoring Committee Worksheet)					\$70,000		
94		Methylmercury Monitoring for Delta TMDL				\$20,000		
95		Marsh Creek Dissolved Oxygen Monitoring				\$30,000		Includes SSID response to Jan 3, 2022 RB letter
96		Annual Mercury Monitoring Plan			\$15,000	\$10,000		
97		Pyrethroid Control Program Baseline Monitoring Report				\$5,000		
98		East County TMDL Control Measure Plan			\$30,000	\$5,000		
99	Cost Reporting (C.20) (see PIP Committee Worksheet)					\$10,000		
100		Cost Reporting Framework			\$15,000	\$10,000		
101	Asset Management (C.21) (see Development Committee Worksheet)					\$30,000		
102		Asset Management Framework				\$30,000		
103		ADVANCE WORK SUBTOTAL			\$175,000			
104		CONDITIONAL BUDGET ITEMS SUBTOTAL					\$803,300	
105		GROUP PROGRAM BUDGET SUBTOTAL			\$4,137,667		\$4,166,788	
106		2% CONTINGENCY			\$82,753		\$83,336	
107		TOTAL GROUP ACTIVITIES BUDGET			\$4,220,421		\$4,250,124	
108		CONTINGENCY EXPENSE			\$0		\$0	
109		SALARY CREDIT (PM)(12 Months)			(\$107,782)		\$0	
110		SALARY SAVINGS (Other)			\$0		\$0	
111		SALARY SAVINGS (WMPS)(12 months)			(\$406,802)		\$0	
112		SUBTOTAL			(\$514,584)		\$0	
113		NET SUBTOTAL GROUP PROGRAM BUDGET			\$3,705,837		\$4,250,124	
114		SUA FUNDING CAP			\$3,500,000		\$3,500,000	
115		NET TOTAL GROUP PROGRAM BUDGET			\$3,705,837		\$4,250,124	
116		SUA FUNDING GAP			(\$205,837)		(\$750,124)	

Contra Costa Clean Water Program (CCCWP)
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NOTES

- ¹ Budget totals are shown for the Midyear Adjusted Budget for FY 21/22, but line item budget numbers are not shown as there are significant changes and rearrangement of budget line items in the new FY 22/23 budget.
- ² Advance work is the work that must be completed prior to July 1, 2022 to meet the permit schedule in the MRP 3.0 Tentative Order.
- ³ Conditionally approved budget items will require prior discussion to confirm task amount and when to begin work.
- ⁴ Yellow highlighted budget items indicate items that are conditionally approved, the amounts have changed or are new items from the first draft budget. Green highlighted budget item indicates an item that could be removed if the Trash Monitoring Plan schedule is delayed one year.

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104	TOTAL GROUP ACTIVITIES BUDGET		\$4,220,421		\$4,250,124		
105	CONTINGENCY EXPENSE		\$0		\$0		
106	SALARY CREDIT (PM)(12 Months)		(\$107,782)		\$0		
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109		<i>SUBTOTAL</i>	<i>(\$514,584)</i>		<i>\$0</i>		
110		<i>NET SUBTOTAL GROUP PROGRAM BUDGET</i>	<i>\$3,705,837</i>		<i>\$4,250,124</i>		
111		SUA FUNDING CAP	\$3,500,000		\$3,500,000		
112		NET TOTAL GROUP PROGRAM BUDGET	\$3,705,837		\$4,250,124		
113		<i>SUA FUNDING GAP</i>	<i>(\$205,837)</i>		<i>(\$750,124)</i>		

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- ³ Conditionally approved budget items will require prior discussion to confirm task amount and when to begin work.



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: March 16, 2022

To: Management Committee

From: Mitch Avalon, Program Consultant

Subject: Stormwater Legislation

Recommendation:

Review and consider stormwater related legislation, provide any comments and direction to staff, and support AB 1690.

Background:

AB 1690. Assembly Bill 1690 would ban all single-use smoking products such as cigarette filters, e-cigarettes, and plastic holders. This legislation would (hopefully) eliminate these products from becoming litter in California watersheds. Cigarette butts and vaping products have been a common source of litter in the landscape, which this legislation would address. The National Stewardship Action Council is sponsoring this legislation and is requesting the Clean Water Program support the bill, as a broad coalition of support will be needed to get through the legislature. The bill authorizes city attorneys, county counsels, and district attorneys to assess fines of \$500 for each violation. This bill was discussed briefly as an information item at the last Management Committee meeting to give permittees time to discuss their position on this legislation with their legislative staff. Attached is a copy of the proposed legislation.

AB 2106. Assembly Bill 2106 includes three components. The first requires the State Water Board to improve SMARTS; the second requires the State Water Board to develop a statewide commercial, industrial, and institutional NPDES permit after the LA Regional Water Board adopts their proposed permit; and the third requires the State Water Board to prepare a progress report evaluating attainment of beneficial uses and compliance with water quality standards. The second requirement would have a significant impact on local commercial, industrial, and institutional entities. Attached is a copy of the proposed legislation.

In the summer of 2022, the LA Regional Water Board is planning to adopt a new regional permit that will cover certain commercial, industrial, and institutional facilities. Similar to the Industrial General Permit, which has been in place since the 1990s, stormwater discharges from these facilities would be regulated under this new regional permit to meet TMDL water quality standards. In addition to

regulating privately-owned commercial and institutional facilities (such as shopping centers, office complexes, private schools, car dealerships, etc.), the proposed permit would regulate non-industrial parts of industrial facilities (not covered by the industrial general permit), such as employee parking lots and roof runoff. Compliance options under the proposed regional permit would be similar to the industrial general permit. According to the LA Regional Water Board, the permit would benefit municipalities by ensuring that businesses and private property owners control pollutants from being discharged into stormwater.

This proposed regional permit would require many new entities that are not familiar with stormwater regulation to add a new regulatory element to their business operations. They will be required to sample, monitor, report on, and treat stormwater on their property. There will likely be significant pushback from property owners and businesses, which could become a political issue for permittees.

Fiscal Impact:

None.

Attachments:

Assembly Bill 1690

Assembly Bill 2160

ASSEMBLY BILL 1690 (FEBRUARY, 2022)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Article 6 (commencing with Section 104559.6) is added to Chapter 1 of Part 3 of Division 103 of the Health and Safety Code, to read:

Article 6. Prohibition on Cigarettes Utilizing Single-Use Filters and Single-Use Electronic Cigarettes or Vaporizer Devices

104559.6.

(a) A person or entity shall not sell, give, or in any way furnish to another person, of any age, in this state, any of the following:

(1) A cigarette utilizing a single-use filter made of any material, including cellulose acetate, any other fibrous plastic material, or any organic or biodegradable material.

(2) An attachable and single-use plastic device meant to facilitate manual manipulation or filtration of a tobacco product.

(3) A single-use electronic cigarette.

(4) A single-use vaporizer device.

(b) The prohibition under subdivision (a) applies to any direct or indirect transaction, whether made in person in this state or by means of any public or private method of shipment or delivery to an address in this state.

(c) The sale, gift, or other furnishing of one to 20 items specified in paragraphs (1) to (4), inclusive, of subdivision (a) constitutes a single violation of this section.

104559.7.

(a) (1) A city attorney, county counsel, or district attorney may assess a civil fine of five hundred dollars (\$500) for each violation of Section 104559.6. Only a city attorney, county counsel, or district attorney may assess the civil fine against each person determined to be in violation of Section 104559.6.

(2) Proceedings under this section shall be conducted pursuant to the procedures of the enforcing agency that are consistent with Section 131071 and in accordance with Article 6 (commencing with Section 11425.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Fine moneys assessed pursuant to this section shall be deposited in the treasury of the city or county, respectively, of the city attorney, county counsel, or district attorney that assessed the fine.

104559.8.

A city attorney, county counsel, or district attorney acting as an enforcing agency, as defined in subdivision (b) of Section 22950.5 of the Business and Professions Code, is encouraged, but not required, to develop guidelines for its agency to conduct tobacco control investigations of violations of subdivision (a) of Section 104559.6 concurrent with investigations of violations of Section 308 of the Penal Code or Division 8.5 (commencing with Section 22950) of the Business and Professions Code, conducted in accordance with Section 22952 of the Business and Professions Code, or concurrent with investigations of violations of any tobacco control provisions created by local ordinance in its jurisdiction.

Assembly Bill (AB) 1690

Smoking Waste Pollution Prevention Act

Assemblywoman Luz Rivas

SUMMARY

Cigarette and cigar filters (filters), as well as more recent all-in-one disposable vaping devices (vapes), are smoking products that have caused a public and environmental health crisis. All-in-one disposable vapes are devices that use a heating element to create a vapor that has a battery attached to the liquid-containing portion that cannot be separated or refilled. Disposal of vapes after one use is wasteful and places the cost of cleanup onto state and local governments, while still leaving behind microplastics and toxins from their filters, electronics, and batteries.

The Smoking Waste Pollution Prevention Act (AB 1690) will transition the sale of cigarette/cigar filters and all-in-one disposable vapes, which are not rechargeable, to unfiltered cigarettes and reusable and rechargeable smoking products to address the ubiquitous impacts that these single-use products have on our health and environment.

BACKGROUND

Cigarette filters are the most pervasive form of litter worldwide. Of the 6 trillion globally consumed cigarettes, approximately 4.5 trillion cigarette filters are littered into the environment each year. Cigarette filters amount to over a third of the total waste found during coastal cleanup events, with 4.2 million collected in one day during the 2019 International Coastal Cleanup. In 2020, 8.9% Californians smoked yet they contribute to approximately more than 34% of the total litter collected in the state.

In 1964, the Surgeon General declared cigarette filters useless in reducing harm to the average smoker. 98% of cigarette filters are made of non-biodegradable cellulose acetate, which are plastic fibers that can take a decade or more for the sun's ultraviolet rays to break down into microplastics, which can be ingested. Additionally, vapes can contain heavy metals, battery acid, nicotine, and other harmful chemicals. Microplastics and hazardous chemicals accumulate in the food chain and affect whole ecosystems, including the health of soils used to grow our food.

Improperly disposed cigarette filters and all-in-one disposable vapes are known to leach toxic chemicals into the environment, pollute water, and harm wildlife. In 2017, the United Nations World Health Organization issued a report that describes the chemicals in discarded cigarette filters as acutely toxic to aquatic organisms. In one study, the chemicals that seeped from a single cigarette filter, soaked for 24 hours in one liter of water killed 50% of the saltwater and freshwater fish exposed. Ingestion of cigarette filters is not only a serious threat to wildlife; thousands of children and pets also experience nicotine poisoning annually by ingesting a cigarette filter.

PROBLEM

Local and state agencies deal with sizable costs due to discarded cigarette filters and all-in-one disposable vapes, with annual estimates in the tens of millions for large municipalities. In 2009, San Francisco spent nearly \$10 million on cigarette filter cleanup, and public agencies are spending more than \$41 million annually on sanitation services for cigarette filters alone. Stormwater agencies pay for violations and costs to implement effective capture systems and protect water quality. Additionally, schools must collect discarded vapes as hazardous waste, which is a costly burden to under-resourced schools.

As of January 2021, the cities of Beverly Hills and Manhattan Beach banned the sale of tobacco products. In December 2021, the State Recycling Commission adopted policy recommendations that single-use products containing lithium-ion batteries, such as vaping products, should be banned. The Ocean Protection Council just released the draft Statewide Microplastics Strategy, which included the recommendation to prohibit the sale of single-use tobacco products, that demonstrably contribute to tobacco product plastic pollution, including but not limited to cigarette filters, electronic cigarettes plastic cigar tips, and unrecyclable tobacco product packaging. Additionally, there is a similar bill to end single-use smoking litter, moving through the New York State Legislature.

SOLUTION

Reusable vapes are already widely available on the market and are a less wasteful alternative to disposable products. By moving away from all-in-one disposable vapes and single-use filters on cigarettes/cigars, the smoking industry will be driven to transition their products to be more environmentally sustainable, while also ending the myth that filters are health-protective.

AB 1690 will transition the sale of single-use cigarette and cigar, and all-in-one disposable vapes to rechargeable and reusable smoking products. These products harm public health and produce litter that has lingering adverse effects on our ecosystems. Cigarette and vape litter also pass unnecessary cleanup costs onto our state and local governments. Under the provisions of the bill, violations of the sales ban can result in civil penalties of \$500 per violation and are only enforced by local prosecutorial authorities.

CONTACT

Judy Yee | Legislative Director
Judy.Yee@asm.ca.gov | 916-319-2039

SUPPORT

National Stewardship Action Council (Sponsor)
Action on Smoking and Health (ASH)
African American Tobacco Control Leadership Council
Association of California Healthcare Districts
Breathe California of the Bay Area, Golden Gate,
and Central Coast
Breathe Southern California
Californians Against Waste
California Commission on Recycling Markets and
Curbside Recycling
California Product Stewardship Council
California Resource Recovery Association
Cigarette Butt Pollution Project
Clean Water Action
Corporate Accountability
Families Advocating for Chemical and Toxics
Safety (FACTS)
Friends Committee on Legislation of California
GAIACA
Heal the Bay
Merced County Regional Waste Management Authority
Northern California Recycling Association
Oceana
Ocean Conservancy
Pacific Beach Coalition
Plastic Oceans International
Plastic Pollution Coalition
Recology
Republic Services
RethinkWaste
Russian River Watershed Association
Save the Albatross Coalition
Save Our Shores
Sea Hugger
Seventh Generation Advisors
Surfrider Foundation
The 5 Gyres Institute
The Center for Oceanic Awareness, Research,
and Education (COARE)
Upstream
Waste Management
Wishtoyo Chumash Foundation
Woodland Coalition for Green Schools
Zero Waste Sonoma
Zero Waste USA



ASSEMBLY BILL

No. 2106

**Introduced by Assembly Members Robert Rivas and
Cristina Garcia
(Coauthor: Assembly Member Eduardo Garcia)**

February 14, 2022

An act to add Sections 13196.1, 13383.1, and 13383.11 to the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2106, as introduced, Robert Rivas. Water quality: permits.

Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. Existing law requires each regional board to formulate and adopt water quality control plans for all areas within the region, as provided.

Existing law authorizes the state board to require a person submitting a report to the state board, a regional board, or a local agency to submit the report in electronic format.

This bill would require, on or before December 31, 2024, the state board to modernize its Stormwater Multiple Application and Report Tracking System (SMARTS) database through specified actions.

The bill would require the state board to establish a statewide commercial, industrial, and institutional NPDES order and to publish a draft order of the statewide order for public comment no later than

12 months after the Los Angeles Regional Water Quality Control Board adopts its commercial, industrial, and institutional NPDES permit.

Existing law required the state board, no later than July 1, 2009, to develop a comprehensive guidance document for evaluating and measuring the effectiveness of municipal stormwater management programs and permits, as prescribed. Existing law requires the state board and regional boards to refer to the guidance document when establishing requirements in municipal stormwater programs and permits.

This bill would require, on or before January 31, 2023, the state board to initiate a series of hearings to evaluate the California stormwater program and the state's progress towards attainment of beneficial uses and compliance with water quality standards as they pertain to permits issued pursuant to the federal Clean Water Act. The bill would require, on or before December 31, 2024, and after holding public workshops and soliciting public comments, the state board to develop and submit to the Legislature a report, as prescribed, evaluating the state's progress toward attainment of beneficial uses and compliance with water quality standards as they pertain to permits issued pursuant to the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. The bill would require the report to include recommendations for the state board, regional boards, other relevant state agencies, and the Legislature to act upon to ensure permitting of stormwater discharges protects and supports attainment of beneficial uses and results in compliance with water quality objectives.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Water is a necessity of human life, and every Californian
- 4 deserves access to clean and safe water. Every Californian has a
- 5 right to clean and safe water for swimming, fishing, and drinking
- 6 and is encouraged to use and enjoy California's waterways.
- 7 (b) Five decades ago, pollution and destruction of our nation's
- 8 waters had reached crisis levels. Major lakes, such as Lake Erie,
- 9 were choked with pollution, killing off fish and aquatic vegetation.
- 10 Rivers and streams across the country were little more than open

1 sewers. The Cuyahoga River had caught fire. Wetlands were being
2 destroyed at an increasing rate, depriving coastal areas and river
3 valleys of critically important flood control protection and
4 ecological benefits.

5 (c) To address the water quality crisis, the California State
6 Legislature passed the Porter-Cologne Water Quality Control Act
7 (Division 7 (commencing with Section 13000) of the Water Code)
8 in 1969 to entrust the State Water Resources Control Board (state
9 board) and nine California regional water quality control boards
10 (regional boards) with broad duties and powers to preserve and
11 enhance all beneficial uses of waters of the state.

12 (d) Additionally, Congress passed the Federal Water Pollution
13 Control Act Amendments of 1972 (Public Law 92-500), commonly
14 known as the federal Clean Water Act (33 U.S.C. Sec. 1251 et
15 seq.), with the objective to restore and maintain the biological,
16 chemical, and physical integrity of the nation's waters.

17 (e) The shared mission of the state board and regional boards
18 is to preserve, enhance, and restore the quality of California's water
19 resources and drinking water for the protection of the environment,
20 public health, and all beneficial uses, and to ensure proper water
21 resource allocation and efficient use for the benefit of present and
22 future generations.

23 (f) Federal and state clean water laws have facilitated dramatic
24 improvements in controlling pollution from industrial and
25 municipal treatment work pipes, but continued efforts are needed
26 to address polluted stormwater runoff, agricultural pollution, and
27 other threats to the health of waters of the state.

28 (g) Under Section 303(d) of the federal Clean Water Act (33
29 U.S.C. Sec. 1313(d)), California is required to review, make
30 changes as necessary, and submit to the United States
31 Environmental Protection Agency a list identifying water bodies
32 not meeting water quality standards (303(d) list).

33 (h) As of the most recent 2018 303(d) list, nearly 95 percent of
34 all fresh waters assessed in California, and over 1,400 water bodies,
35 are listed as impaired, with only 114 total maximum daily loads
36 having been approved since 2009 in California. Of 164,741
37 assessed miles of rivers and streams, 82 percent were impaired.
38 Of 929,318 assessed acres of lakes, reservoirs, and ponds, 93
39 percent were impaired. Of 575,000 assessed acres of bays, harbors,
40 and estuaries, 99 percent were impaired. Of 2,180 assessed miles

1 of coastal shoreline, 93 percent were impaired. Of 130,084 assessed
2 acres of wetlands, 99 percent were impaired.

3 (i) According to the state's 2018 303(d) list, the state has failed
4 to adequately attain the beneficial uses of the state's waters,
5 particularly those beneficial uses impacted by stormwater runoff.

6 (j) As California celebrates the 50th anniversary of the federal
7 Clean Water Act (33 U.S.C. Sec. 1251 et seq.), the state board and
8 regional boards need to reevaluate the state's stormwater program
9 and reform stormwater permits to focus on the most effective
10 practices to attain beneficial uses and meet water quality standards.

11 SEC. 2. Section 13196.1 is added to the Water Code, to read:

12 13196.1. On or before December 31, 2024, the state board shall
13 modernize its Stormwater Multiple Application and Report
14 Tracking System (SMARTS) database through all of the following:

15 (a) Reducing the costs associated with permittee data upload
16 and reporting requirements.

17 (b) Improving efficient state board enforcement.

18 (c) Including best management practice performance data.

19 SEC. 3. Section 13383.1 is added to the Water Code, to read:

20 13383.1. The state board shall establish a statewide commercial,
21 industrial, and institutional national pollutant discharge elimination
22 system (NPDES) order pursuant to Section 402(p) of the federal
23 Clean Water Act (33 U.S.C. Sec. 1342(p)) and Sections
24 122.26(a)(9)(i)(C) and 122.26(a)(9)(i)(D) of Title 40 of the Code
25 of Federal Regulations. The state board shall publish a draft order
26 of the statewide order for public comment no later than 12 months
27 after the Los Angeles Regional Water Quality Control Board adopts
28 its commercial, industrial, and institutional NPDES permit.

29 SEC. 4. Section 13383.11 is added to the Water Code, to read:

30 13383.11. (a) (1) On or before January 31, 2023, the State
31 Water Board shall initiate a series of hearings to evaluate the
32 California stormwater program and the state's progress towards
33 attainment of beneficial uses and compliance with water quality
34 standards as they pertain to permits issued pursuant to Section
35 402(p) of the federal Clean Water Act (33 U.S.C. Sec. 1342(p)).
36 On or before December 31, 2024, and after holding public
37 workshops and soliciting public comments, the state board shall
38 develop and submit to the Legislature in compliance with Section
39 9795 of the Government Code a report evaluating the state's
40 progress toward attainment of beneficial uses and compliance with

1 water quality standards as they pertain to permits issued pursuant
2 to Section 402(p) of the federal Clean Water Act and this division.
3 The report shall include recommendations for the state board,
4 regional boards, other relevant state agencies, and the Legislature
5 to act upon to ensure permitting of stormwater discharges protects
6 and supports attainment of beneficial uses and results in compliance
7 with water quality objectives.

8 (2) The requirement for submitting a report imposed under
9 paragraph (1) is inoperative on December 31, 2028, pursuant to
10 Section 10231.5 of the Government Code.

11 (b) For the purpose of implementing subdivision (a), the state
12 board shall use the state's best available data to evaluate the
13 impacts of stormwater discharges regulated by Section 402(p) of
14 the federal Clean Water Act (33 U.S.C. Sec. 1342(p)) and the
15 effectiveness of permits and stormwater management programs
16 on attainment of beneficial uses and compliance with water quality
17 objectives.

18 (c) For the purpose of developing recommendations pursuant
19 to subdivision (a), the state board's evaluation shall be limited to
20 all of the following:

21 (1) Simplifying stormwater permits to focus on effective water
22 quality controls and permittee compliance.

23 (2) Mechanisms to better address environmental justice and
24 racial inequities within the state's water quality policies and permits
25 to ensure environmental justice communities are not
26 disproportionately impacted by polluted waters.

27 (3) Potential source control measures the state could take,
28 including development of a polluters pay program to identify
29 opportunities to reduce sources of stormwater pollution and to
30 hold manufacturers financially responsible for their contribution
31 of stormwater pollutants.

32 (4) Reducing the compliance costs created by unnecessary
33 permit requirements that do not result in improved water quality
34 or are not necessary to determine permit compliance.

35 (5) Mechanisms to regulate or incentivize the one-water concept
36 to better address multisector water quality problems.

37 (6) A dedicated source of stormwater funding and increasing
38 supplemental funding opportunities for local stormwater programs.

O



CONTRA COSTA
CLEAN WATER
PROGRAM

Date: March 16, 2022

To: Management Committee

From: Lisa Welsh (Geosyntec), Augmented Staff for Monitoring Committee

Subject: APPROVE the Urban Creeks Monitoring Report: Water Years 2020 – 2021 (October 1, 2020 – September 30, 2021) and associated Submittal Letter, and letter documenting electronic data submission and AUTHORIZE the Acting Program Manager to sign and certify the submittals on behalf of each permittee's duly authorized representative and submit them to the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) and to the Central Valley Regional Water Quality Control Board (CVRWQCB).

Recommendations:

The Monitoring Committee recommends each Permittee's duly authorized representative approve the following report and authorize the Acting Program Manager to sign and certify the associated transmittal letters on their behalf:

- Urban Creeks Monitoring Report (UCMR): Water Year 2020 – 2021 (UCMR)
- Urban Creeks Monitoring Report submittal letter
- Transmittal letter documenting electronic submittal of creek status monitoring data to the California Environmental Data Exchange Network (CEDEN) by March 31, 2022.

The Monitoring Committee further recommends that the Management Committee direct the Acting Program Manager to submit the UCMR, submittal letter, and electronic data transmittal letter to the SFRWQCB and the CVRWQCB.

Background:

The Contra Costa Clean Water Program (CCCWP) gathers and reports monitoring data to help Permittees comply with the Municipal Regional Stormwater NPDES Permit (MRP). The data provides valuable information that can help make water quality management and prioritization decisions. MRP Provision C.8.h requires reporting of monitoring data collected each Water Year (WY, the period October 1 - September 30), including the following elements:

- C.8.g.ii – Electronic reporting
- C.8.g.iii – Urban Creeks Monitoring Report

Approving the UCMR, UCMR submittal letter, and electronic data submittal letter and directing the Acting Program Manager to direct contractors to electronically transmit monitoring data for upload to the California Environmental Data Exchange Network will comply with the above reporting requirements.

Summary of UCMR Findings:

The summary of the UCMR key findings was presented at the Management Committee meeting on February 16, 2022. The staff report from that meeting is attached for easy reference.

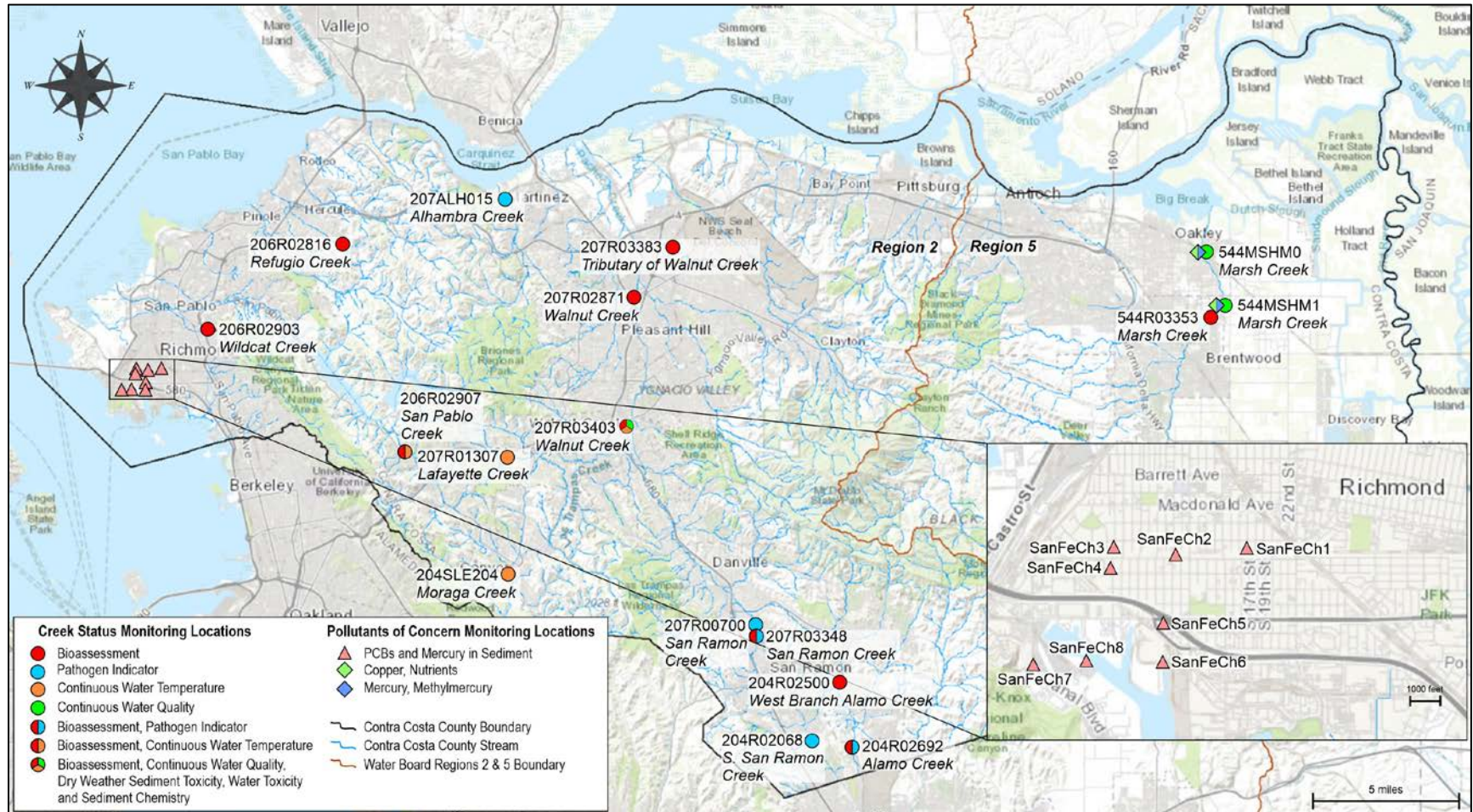
Fiscal Impact:

None.

Attachments:

1. Final Draft WY 2020 – 2021 Urban Creeks Monitoring Report
 - a. Agenda Packet: Umbrella Report Only
 - b. Entire Final Report with Appendices available on Groupsites at:
<https://ccc Cleanwater.groupsites.com/folders/289345>
2. WY 2020 - 2021 Urban Creeks Monitoring Report Submittal Letter
3. WY 2020 – 2021 Electronic Data Submittal Letter
4. February 16, 2022 staff report on the UCMR
5. Map of monitoring stations (Figure 1)

Figure 1: Creek Status, Pollutants of Concern, Pesticides and Toxicity, and Stressor/Source Identification Monitoring Stations – WY 2020-2021





March 31, 2022

Thomas Mumley, Interim Executive Officer
California Regional Water Quality Control Board, San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Patrick Pulupa, Esq., Executive Officer
California Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

SUBJECT: Submittal of the WY2021 Urban Creeks Monitoring Report in Accordance with MRP 2.0 Provisions C.8.h.iii and C.16.5.g.iii

Dear Mr. Mumley and Mr. Pulupa,

Attached please find the Water Year 2020 - 2021 Urban Creeks Monitoring Report (UCMR) submitted on behalf of all Contra Costa Permittees per the Municipal Regional Permit (MRP) for urban stormwater issued by the San Francisco Bay Regional Water Quality Control Board (Order No. R2-2015-049, as amended by Order No. R2-2019-004). We are submitting this report concurrently to the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) and the Central Valley Regional Water Quality Control Board (CVRWQCB) because Permittees located within the CVRWQCB jurisdiction have voluntarily enrolled in the MRP administered by the SFRWQCB, with the concurrence of the CVRWQCB. Contra Costa Clean Water Program (CCCWP) copies the CVRWQCB on monitoring reports as stipulated in MRP Provision C.16.5.g.iii.

With approval and direction from duly authorized representatives of each Permittee, I am authorized to submit and certify under penalty of law that this document and all attachments were prepared under my direction of supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Regards,

Karin Graves
Acting Program Manager
Contra Costa Clean Water Program

cc: Zach Rokeach, SFRWQCB
Elizabeth Lee, CVRWQCB
Contra Costa County Permittees

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2 and 5.docx



March 31, 2022

Thomas Mumley, Interim Executive Officer
California Regional Water Quality Control Board, San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Patrick Pulupa, Esq., Executive Officer
California Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

**SUBJECT: Submittal of Electronic Status Monitoring Data Report in Accordance with MRP
2.0 Permit Provision C.8.h.ii and C.8.g.ii**

Dear Mr. Mumley and Mr. Pulupa:

Provision C.8.h.ii of the Municipal Regional Permit (MRP) for urban stormwater issued by the San Francisco Bay Regional Water Quality Control Board (Order No. R2-2015-049, as amended by Order No. R2-2019-004) requires submittal of an "Electronic Status Monitoring Data Report" (Data Report) providing all monitoring data collected during the forgoing October 1 – September 30 period (Water Year 2021). Enclosed please find documentation that all monitoring data were uploaded to California Environmental Data Exchange Network (CEDEN) in a Surface Water Ambient Monitoring Program compatible format on behalf of all Contra Costa County Permittees.

Per historic practice, the Contra Costa Clean Water Program has also transmitted electronic monitoring data to CVRWQCB staff (Elizabeth Lee) and Mr. Zach Rokeach (SFRWQCB) electronically by email, share site or other agreed upon protocol.

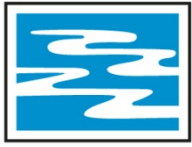
With the approval and direction from each duly authorized representative of each Permittee, I have been authorized to submit and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibly of fine and imprisonment for knowing violations.

Regards,

Karin Graves
Acting Program Manager
Contra Costa Clean Water Program

Cc: Zach Rokeach, SFRWQCB
Elizabeth Lee, CVRWQCB

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Date: February 16, 2022

To: Management Committee

From: Lisa Welsh (Geosyntec), Augmented Staff for Monitoring Committee

Subject: Overview of key findings of the Urban Creeks Monitoring Report: Water Year 2020 – 2021 (October 1, 2020 – September 30, 2021).

Recommendation:

Accept overview of key findings from the draft Urban Creeks Monitoring Report (UMCR) and provide staff with any comments.

Background:

The Contra Costa Clean Water Program (CCCWP) gathers and reports monitoring data to help Permittees comply with the Municipal Regional Stormwater NPDES Permit (MRP). The data provides valuable information that can help make water quality management and prioritization decisions. MRP Provision C.8.h requires reporting of monitoring data collected each Water Year (WY, the period October 1 - September 30), including the following elements:

- C.8.g.ii – Electronic reporting
- C.8.g.iii – Urban Creeks Monitoring Report

Schedule:

The UCMR must be submitted to the Regional Water Board (RWB) by March 31, 2022. The Management Committee can provide comments on the UCMR (umbrella report and attachments) until Wednesday, February 23, 2022. The final UCMR will be presented for approval to the Management Committee on March 16, 2022.

Summary of UCMR Findings:

The locations of samples collected in WY 2020-21 for the regional and local/targeted UCMR reports, as well as pollutant of concern samples, are shown in Figure 1 below.

Regional/Probabilistic Creek Status Monitoring Findings

- Based on benthic and algal community indices, all or nearly all of the 10 sites monitored were characterized as impacted/altered. This is largely similar to prior years.
- Unlike prior years, physical habitat does not appear to be a principal stressor, with only two sites categorized as Likely Altered habitat.
- The influence of physical habitat as a potential stressor on biological community health may be complicated by the widespread occurrence of the New Zealand mudsnail. The presence of this invasive species correlated well with the physical habitat indicator scores in the CCCWP WY 2021 data.
- None of the results generated from the 10 sites monitored during WY 2021 exceeded the applicable water quality standards for ammonia, chloride, and nitrate+nitrite (for sites with MUN beneficial use only).
- The water samples collected from Walnut Creek (site 207R03403) on June 23, 2021, were determined to be toxic to *Ceriodaphnia dubia* (chronic/reproduction test) and *Hyalella azteca* (acute/survival test), according to the TST test protocol required by the MRP. Sediment samples collected at the same location and date were determined not to be toxic to either of the test species.
- Several of the common urban pyrethroid pesticides were detected at the WY 2021 sediment monitoring site (Walnut Creek, site 207R03403). As is typical of urban streams, bifenthrin was detected at the highest concentration.

Other Findings

- In recent years, there have been occasional observed un-ionized ammonia threshold exceedances and analytical anomalies involving ammonia and TKN. CCCWP analyzed the WY2021 ammonia samples using both the previously standard distillation method and the newer low-level method. Some laboratory testing of bioassessment water quality samples using the low-level method had resulted in ammonia concentrations greater than corresponding Total Kjeldahl Nitrogen (TKN) concentrations, which is technically impossible, as TKN is defined analytically as the sum of ammonia and organic nitrogen.

With one minor exception, the low-level method results are in fact lower than the results produced by the older method for the WY 2021 samples. Furthermore, when the low-level method results were compared with their corresponding TKN concentrations, two samples produced ammonia results just slightly higher than their TKN results. For the results obtained using the older method, four samples

exhibited ammonia concentrations that were substantially higher than the corresponding TKN results. For these reasons, the low-level method results (converted to un-ionized ammonia) were reported. CCCWP is working with the Water Board and other Bay Area Phase 1 programs to recommend the appropriate ammonia analytical method.

Local/Targeted Creek Status Monitoring Findings

- In WY 2021, four of the county's watersheds were the focus of targeted general water quality or water temperature monitoring, and five locations were selected for pathogen indicator sampling.
- Exceedances of the 17° C weekly average temperature (WAT) threshold occurred for eight out of eight index periods in WY 2021. No WY 2021 temperature monitoring location within steelhead streams (COLD beneficial use) recorded more than 20% instantaneous results above 24° C; therefore, there were no exceedances of this criterion. In Marsh Creek, which maintains a WARM beneficial use, the 24° C water temperature criterion was exceeded during both the June and September deployment periods at each monitoring location. As Marsh Creek is a non-steelhead stream, this does not constitute an exceedance under MRP criterion.
- Continuous water quality monitoring in Marsh Creek showed occasionally low dissolved oxygen (DO), but never reaching lethally low levels that would cause a fish kill. No fish kills were observed or reported in Marsh Creek during WY 2021. During the June monitoring period, the 20% threshold for non-steelhead streams was not exceeded for dissolved oxygen measurements in Marsh Creek at either monitoring station. During the September deployment at Marsh Creek, dissolved oxygen measurements were not recorded below the MRP trigger threshold at the upstream monitoring station (544MSHM1), while 38% of instantaneous dissolved oxygen results were recorded below 5.0 mg/L at the downstream monitoring station (544MSHM0), exceeding MRP criterion at this station.
- The continuous monitoring is funded by the Contra Costa Flood Control and Water Conservation District (Flood Control District) to monitor the benefits of voluntary flow augmentation to Marsh Creek provided by the City of Brentwood Wastewater Treatment Plant. This is the third of three years for this combined action of flow augmentation and monitoring led by Permittees voluntarily in response to the findings of CCCWP's Marsh Creek Stressor Source Identification Study conducted during MRP 2.0.
- During the June monitoring period at Marsh Creek station 544MSHM0, 25% of results failed to meet pH criterion, exceeding the MRP threshold of 20% of

instantaneous results. During both the June and September monitoring periods, specific conductance measurements at Marsh Creek stations 544MSHM1 and 544MSHM0 did not exceed the 20% threshold for specific conductance results above 2,000 µS/cm and no spikes in the data were observed.

- Pathogen indicators (*E. coli* and *Enterococcus* bacteria) exceeded water quality objectives for water contact recreation. MRP 3.0 does not require pathogen indicator monitoring.

Pollutant of Concern Findings

- CCCWP continued searching watersheds for potential PCBs source properties, and 2021 investigations focused on old industrial areas in the Santa Fe Channel Watershed in Richmond. Eight composite samples of street dirt and/or storm drain inlet sediment in the public right of way were collected in September 2021.
- The concentration of PCBs was elevated above the 1 mg/kg threshold for potential source property identification in one sample, collected from curb and gutter sediment along a fence line on Ohio Ave near 8th Street. CCCWP will conduct additional investigations at this location in WY 2022.
- The concentration of PCBs was moderate (between 0.2 to 1.0 mg/kg) for one location, collected from gutter sediment on S. 7th Street, near Hoffman Blvd and across from Sims Metals. CCCWP will also consider further investigations at this location in WY 2022.

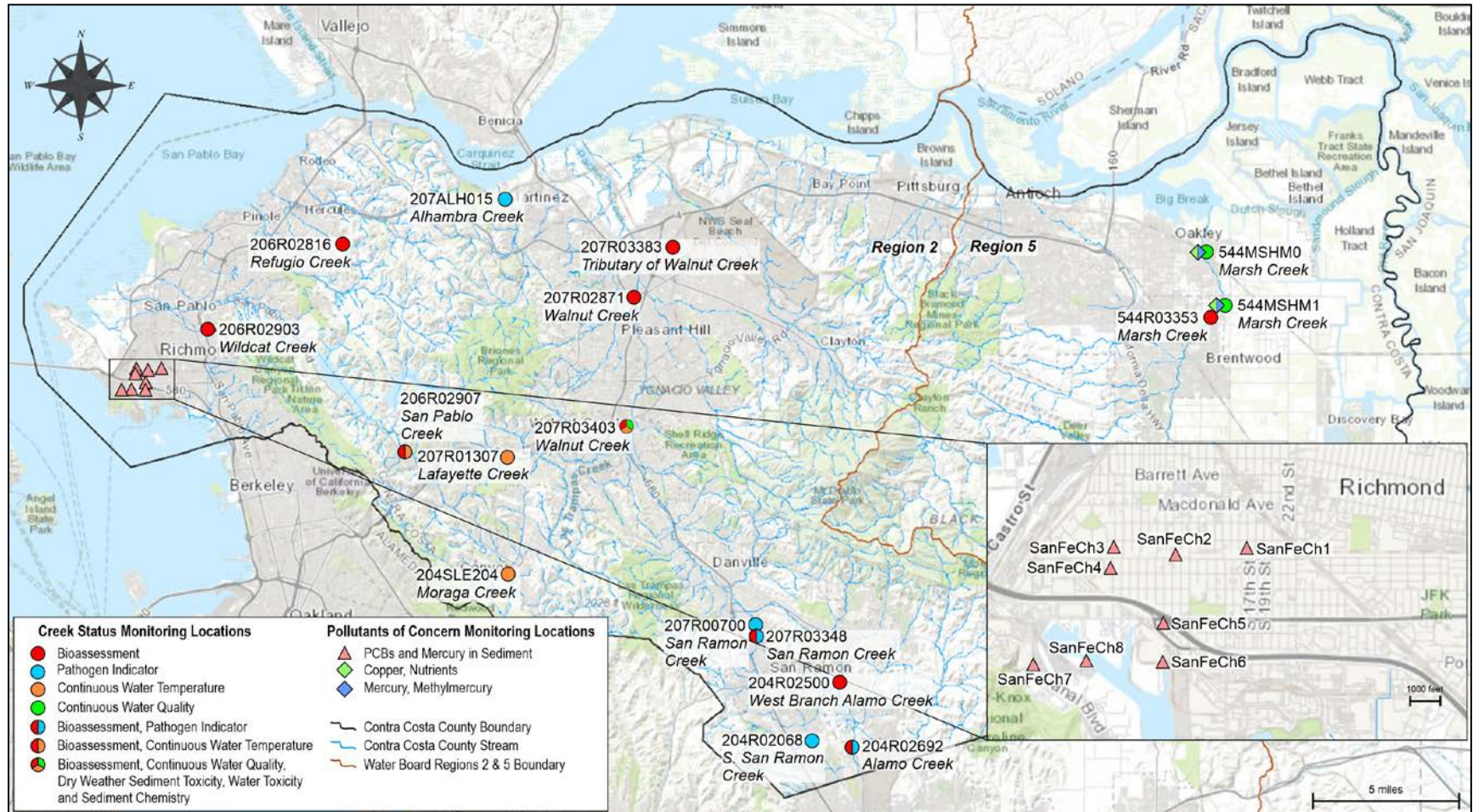
Fiscal Impact:

None.

Attachments:

1. Draft WY 2020 – 2021 Urban Creeks Monitoring Report
 - a. Agenda Packet: Umbrella Report Only
 - b. GroupSite (optional): Entire Final Report with Appendices, available at: <https://cccleanwater.groupsite.com/folders/289074>

Figure 1: Creek Status, Pollutants of Concern, Pesticides and Toxicity, and Stressor/Source Identification Monitoring Stations – WY 2020-2021





Date: March 16, 2022

To: Management Committee

From: Mitch Avalon, Program Consultant

Subject: Responding to Changes in the Final Order

Recommendation:

Consider the process to review the Final Order and prepare testimony and provide any comments and direction to staff.

Background:

The intent of this item is to provide the Committee with a process to review the Final Order and ultimately develop testimony for the adoption hearing. Staff received an email from the Regional Water Board on February 22, 2022 pushing back the schedule for the adoption hearing from April 13 to May 11 and moving back the release of the MRP 3.0 Final Order from March 11 to mid-April. This new schedule gives permittees more time to think about testimony before the Board, but staff thought it would still be useful to layout the following process:

- Review Final Order by provision, each provision reviewed by the consultant overseeing that provision.
- Review the Final Order, compare it to the Tentative Order, and identify changes.
- Group changes into three categories; "favorable change", "neutral change", and "unfavorable change".
- Identify remaining issues from the Tentative Order that weren't changed.
- Bundle up "unfavorable changes" and remaining Tentative Order issues and work with the Select Committee to develop a strategy for preparing testimony for the hearing.
- Coordinate testimony with BAMSC and inform the City-County Engineers and the PMA Subcommittee.
- Develop background information on unfavorable changes and the remaining Tentative Order issues and distribute to the Management Committee, City-County Engineers, and the PMA.
- Work with the Management Committee, City-County Engineers, and PMA to identify speakers.

- Using the background information, staff from the speaker's jurisdiction prepares talking points for the speaker, incorporating jurisdiction specific examples.

Fiscal Impact:

None.

Attachments:

None

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CONTRA COSTA
CLEAN WATER
PROGRAM

Date: March 16, 2022

To: Management Committee

From: Hilary Pierce, Consultant

Subject: Caltrans Creative Partnership for FY 22/23

Recommendation:

Staff and the PIP Committee recommend partnering with Caltrans on their outreach campaign.

Background:

Caltrans has launched a creative campaign with the slogan, "Let's Change This to That," which targets litter across the state of California. The campaign objective is to empower Californians to reduce pollution and littering by using before and after photos in first-person perspective. In addition to the statewide campaign which features regional images, Caltrans is also providing an opportunity for agencies to partner with them and develop more localized content. Partner agencies will be able to use Caltrans' created media, as well as develop customized content based on images and pollutants of concern in their local area.

The Caltrans campaign is divided into several "flights" of content, which will be released during FY 21/22 and FY 22/23. The first flight, which has already been launched statewide, focuses on litter with regional images. In FY 22/23, another flight will be launched that will focus more on behavioral messaging and images will shift to include pollutants of concern beyond litter.

The images used for the campaign can be customized to local areas for agencies that partner with Caltrans. Local agencies can let Caltrans know what assets they want produced, or Caltrans can provide raw files and the agency can do its own design work, providing Caltrans approves the final draft. If an agency has specific images they would like to use, Caltrans will review the images and approve those that are suitable for the campaign. Caltrans will provide templates/guidelines for localized creative content to partner agencies in March or April 2022.

Representatives from Caltrans indicated that they are able help produce localized out-of-home, printed files (e.g., posters or flyers), digital ads, and social media

images. Although, the Caltrans campaign will not include transit or television ads, partner agencies are allowed to do these types of ads on their own, as long as Caltrans approves the imagery. The campaign also includes video and radio components, which cannot be customized beyond adding a local agency tag at the end. All materials are required to include the "Let's Change This to That" slogan and Caltrans logo. More information can be found at <https://cleancalifornia.dot.ca.gov/water>.

Caltrans noted that a memorandum of understanding (MOU) is not required for partnership on this creative campaign. If the Contra Costa County Clean Water Program (CCCWP) would like to create an MOU for the partnership, Caltrans proposes that CCCWP drafts the MOU which Caltrans can then review for approval.

This partnership provides an opportunity for CCCWP to be involved in a highly visible creative campaign. The CCCWP logo and URL would be added to the Caltrans' "Let's Change This to That" imagery and there would be an opportunity for the program to develop localized digital media images that will resonate with residents. The campaign could also be adapted to focus on pollutants of concern specific to CCCWP agencies, which are litter and illegal dumping, pet waste, yard chemicals/pesticides, and mercury/PCBs.

In FY 19/20, CCCWP partnered with Caltrans and CA Water Boards on the "Protect Every Drop" campaign. The campaign included radio, outdoor, digital, and paid social media messaging. This was an effective campaign, garnering nearly a 250% return in value when compared to the cost of the campaign. The results of the FY 19/20 "Protect Every Drop" campaign are summarized below (see also Attachment "CCCWP Presentation – Caltrans Creative 1.4.22.pptx").

Table 1. "Protect Every Drop" Campaign Results

Medium	Planned Impressions	Delivered Impressions	Cost	Value
Radio	3,066,800	4,989,218	\$8,100	\$14,970
Outdoor	4,080,972	2,234,666	\$19,849	\$80,690
Digital	2,401,380	2,591,354	\$22,632	\$31,312
Paid Social	NA	27,617	\$1,900	\$1,900
Total	9,549,152	9,842,855	\$52,481	\$128,872

Caltrans representatives attended the February Management Committee Meeting to present details on the creative campaign partnership and answer the Committee's questions about this opportunity (see Attachment "Caltrans Presentation to MC – 2.16.22.pptx").

Fiscal Impact:

None at this time. This partnership would address the FY 22/23 creative campaign requirement in the permit, which is included as a line item in the FY 22/23 draft budget. It is likely that there will be cost savings on outreach (or at least partnering on this campaign would be cost neutral with the outreach budget) since the content and messaging for the campaign has already been produced.

There are no additional costs associated with the Caltrans partnership. The only costs to CCCWP would be Sagent's labor hours to project manage the partnership and creative labor hours in the event CCCWP decides to obtain raw files and update the creative itself. Sagent is developing a cost estimate for project management but anticipate that the budgeted amount will cover the labor hours without additional funding needed.

Attachments:

CCCWP Presentation – Caltrans Creative 1.4.22.pptx
Caltrans Presentation to MC – 2.16.22.pptx

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CONTRA COSTA CLEAN WATER PROGRAM

Program Overview and Campaign Goals

January 2022

What is CCCWP?

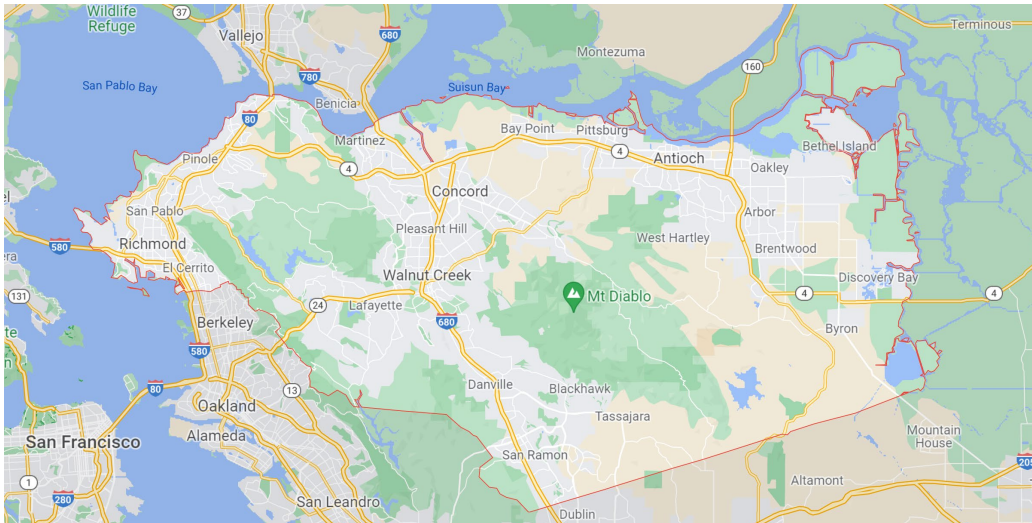
- ▶ CCCWP strives to protect the creeks and rivers of Contra Costa County watersheds, and Bay and Delta waters by promoting public awareness of stormwater pollution prevention and supporting innovative approaches to meet State and Federal stormwater regulations.
- ▶ The CCCWP assists its member agencies to implement stormwater quality activities in compliance with state and Federal mandates.

CCCWP Cities/PIP Committee Members

- ▶ Contra Costa County
- ▶ CCC Flood Control and Water Conservation District

▶ Cities of:

- ▶ Antioch
- ▶ Brentwood
- ▶ Danville
- ▶ Orinda
- ▶ Hercules
- ▶ Oakley
- ▶ Pleasant Hill
- ▶ San Ramon
- ▶ Clayton
- ▶ Concord
- ▶ El Cerrito
- ▶ Lafayette
- ▶ Martinez
- ▶ Moraga
- ▶ Pinole
- ▶ Pittsburg
- ▶ Richmond
- ▶ San Pablo
- ▶ Walnut Creek



Primary Pollutants of Concern



Litter and Illegal Dumping



Pet Waste



Yard Chemicals/Pesticides

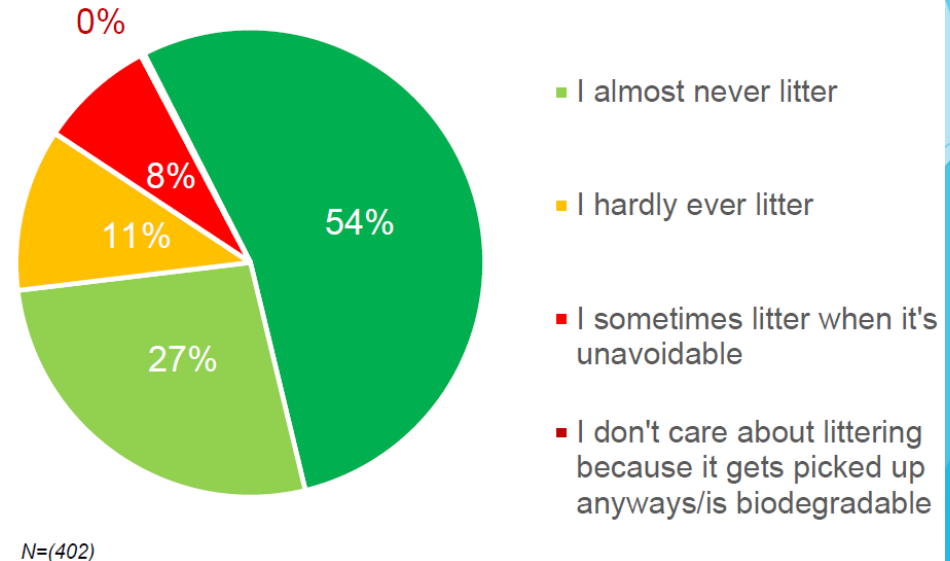


Mercury/PCBs

Effectiveness Evaluation Survey

- ▶ Just over half of residents (54%) say they never, ever litter.
- ▶ Nearly two-thirds (62%) say they have not littered in the past 90 days.
- ▶ Litter is considered a major problem by nearly half of Contra Costans (44%).
- ▶ Only 8% consider it “not really much of a problem”.

SELF-REPORTED BEHAVIOR




Outreach and Education Programs

- ▶ Outreach Activities:
 - ▶ Media Campaign (2019-2020)
 - ▶ Trash Program
 - ▶ Youth Outreach Bingo Game

Youth Trash Program





- ▶ To reduce trash on high school campuses in Contra Costa County, Sagent and CCCWP established a pilot program and trash study.
- ▶ Research was conducted to establish opportunities for litter reduction; trash bins were added to key locations on campus.
- ▶ When combined with Stormwater messaging, litter was reduced.

I Pledge for a Clean Campus



**You have the power
to reduce littering on
campus by properly
disposing of trash.**

Trash that is left on the ground can
end up in our storm drains which flow
to our local creeks creating pollution.
Take action now to help keep
stormwater clean.





Protect our creeks. Trash your trash.

Trash that is left on the ground can
end up in our storm drains which flow
to our local creeks creating pollution.
Properly dispose of your trash.



Youth Outreach: “Watershed Walk” Bingo Competition

- ▶ To encourage youth education about common watershed pollutants and correct behaviors
- ▶ Elementary and high school aged youth could download the Bingo Cards online, conduct a walk through their local watershed and complete tasks on the card.
- ▶ Student submitted images of their completed tasks for a chance to win a \$50 gift card.



**Watershed Walk
BINGO**

Find an Earth Worm	Scout Out Storm Drain Inlets	Touch a Tree	Collect Litter
Discover Animal Tracks	Wildflower	Explore Dirt or Gravel Path	Discover Animal Tracks
Search for Storm Drain Markings	Find a Duck or Bird	Pet Waste Station	Find Flowing Water
Trash Can	Make Friends with a Frog	Report Illegal Dumping	Weeds

Pet Waste Station	Discover Animal Tracks	Find Earth Worm	Touch a Tree
Find Flowing Water	Wildflower	Find Bugs	Report Illegal Dumping
Scout Out Storm Drain Inlets	Trash Can	Look for Leaves	Explore Dirt or Gravel Path
Collect Litter	Make Friends with a Frog	Weeds	Find a Duck or Bird



How to play: Play for your chance to win a \$50 Visa Gift Card! With a parent or teacher, pick a bingo card and find the items on the card during a walk or hike! Once you've found four items, take photos of them and share with us on Facebook @ccleanwaterprogram by May 21, 2021. Two (2) winners* with the best photos will be selected.

Protect Every Drop Campaign/ Previous Caltrans Partnership

- ▶ In 2019-20 FY, CCCWP partnered with Caltrans and CA Water Boards on the “Protect Every Drop” campaign:
 - ▶ Radio, Outdoor, Digital and Paid Social



Protect Every Drop
Clean Creeks Start With Clean Streets.



Protect Every Drop
Clean Creeks Start With Clean Streets.



Protect Every Drop Campaign Results

Medium	Planned Impressions	Delivered Impressions	Cost	Value
Radio	3,066,800	4,989,218	\$8,100	\$14,970
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Paid Social	NA	27,617	\$1,900	\$1,900
Total	9,549,152	9,842,855	\$52,481	\$128,872

Thank You!

- ▶ Karin Graves
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- ▶ Facebook:
<https://www.facebook.com/cccleanwaterprogram>



CONTRA COSTA
CLEAN WATER
PROGRAM



Caltrans Stormwater Program Public Education Campaign



Campaign Goals & Objectives

- Educate Californians about the sources and pathways of stormwater pollution, with a focus on trash/litter.
- Change general behaviors and habits of the traveling public to reduce litter, trash, and other stormwater pollutants in and around the State Highway System (SHS).
- Deploy messages that will engage Californians in reducing pollution by empowering their ability to have a positive impact.
- Be motivational and relevant to diverse communities across California, and not single-out specific groups as the source of pollution.
- Partner with the Clean California Initiative to align messaging and goals, while maintaining program recognition and permit credit for Stormwater efforts.



Research

Stormwater Campaign Research Studies

Sagent is conducting a variety of research over the three-year campaign.

- Qualitative studies to help in the planning of the campaign's creative strategy
 - General market focus groups
 - Multicultural focus groups
- A quantitative tracking study to assess and evaluate the public's awareness, perceptions, understanding, and behaviors to protect the state's water quality over time
- A bi-annual "day after" litter recall tracking survey to monitor the degree that Californians engage in litter, trash, illegal dumping, and other activities over time.



Research Findings

- Exploratory Focus Groups

- Create shared responsibility for common spaces and “pay it forward” mentality.
- Build on understanding of litter’s journey to waterways.
- Systemic inequities exist in some neighborhoods that receive less services, trash removal, and access to disposal options.

- Creative Concept Testing

- Feature reality over pristine images
- First person perspectives are the most empowering
- Before and after transformations get attention
- Local relevance is critical for ownership

- Day After Litter Recall Study

- Conducted in November 2021
- Of 500 respondents, 18% reported littering in the last 24 hours

13.2% accidental

5% both

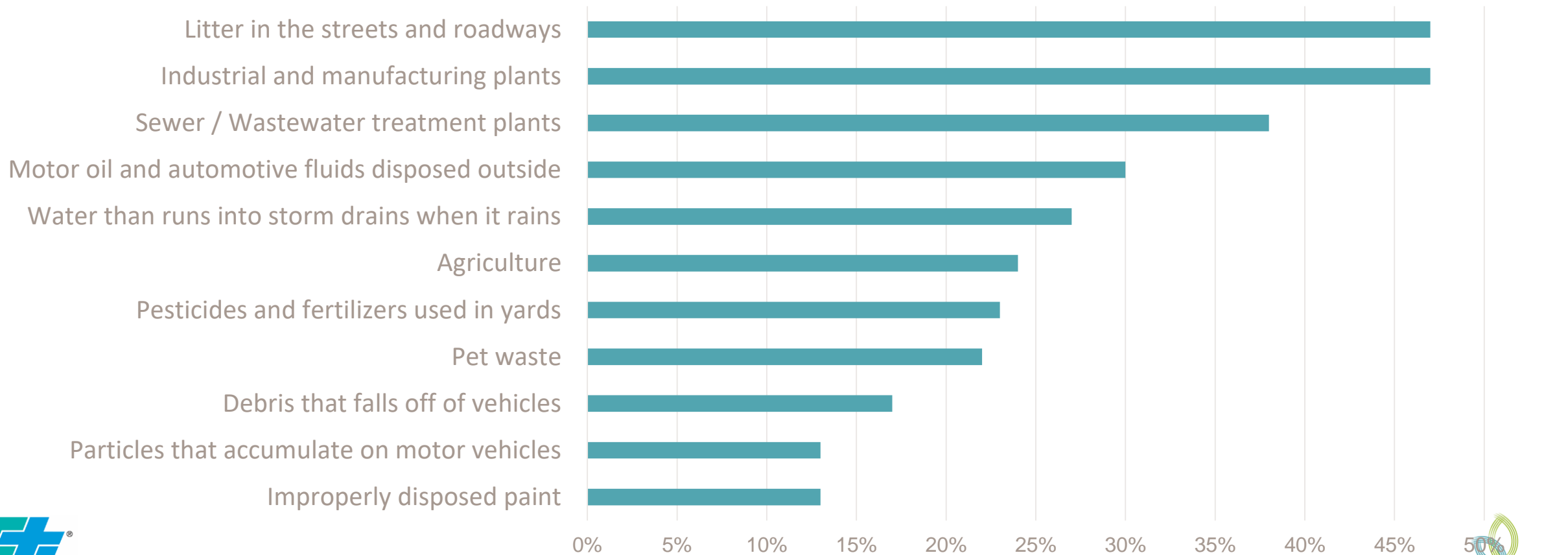
10.6% intentional

- Three Phase Tracking Study

- Awareness, Attitudes & Behaviors
- First wave conducted in September 2021
- 300 Respondents, results on next page

Awareness, Attitudes & Behaviors Study

Perceived Sources of Water Pollution





Insights & Recommendations

Behavior Messaging

- Behavior Messaging
 - Calls to action
 - Dispose of trash and recycling properly
 - Use a litter bag in your vehicle instead of disposing out the window
 - Don't allow loose litter or debris to accumulate inside your vehicle or truck bed
 - Secure all items properly when hauling and tarp your load
 - Report illegal dumping
 - Regularly inspect and replace your tires
 - Keep vehicles clean and well maintained
 - Clean up pet waste
 - Skip pesticides and fertilizers, or use organic options



Art Direction

- Campaign Photography
 - Striking visual comparisons of dirty and pristine roadsides and landscapes
 - Accessible, realistic first-person perspective
 - Easily recognized as identical environment and point of view
 - Localized to key markets
 - Urban environments
 - Highways and roadways
 - Water – rivers, lakes, harbors, creeks, streams, ponds
 - Storm drains
 - Images to avoid
 - Clothing, tents, sleeping bags, or other materials that may be associated with encampments
 - Identifiable logos, signage, license plates
 - People and pets (FY21-22 only)

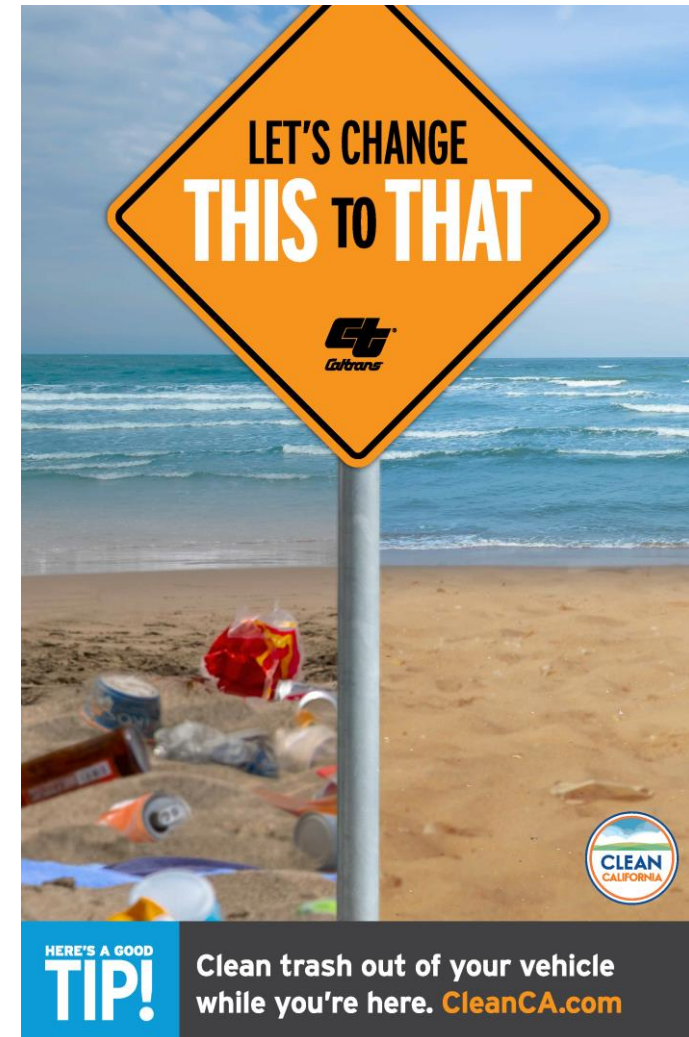


Fall 2021 Campaign Creative

Digital and Static Billboards



Pump Toppers and Store Posters



Website



[About](#)

Learn what stormwater is and how it impacts you and your community.



[Pollutants](#)

Discover common pollutants found in stormwater and how you can help prevent them.



[Resources](#)

Download our toolkits, find resources and share messages on stormwater pollution prevention.



[Get Involved](#)

Discover ways to maintain the health of your community's waterways.



[Our Partners](#)

Check out all of our partners who are working with us to help prevent stormwater pollution.

[CleanCA.com](https://www.cleanca.com) launched October 4th



Digital & Social



Video :30



Paid Social Media



Facebook Ad

Headline (25 characters max):

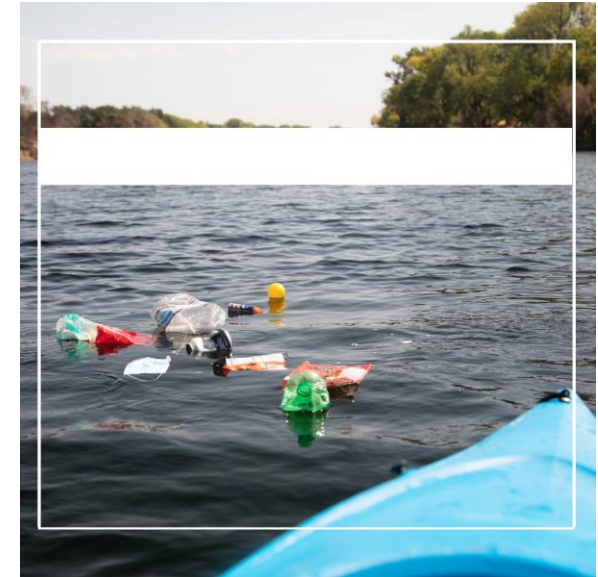
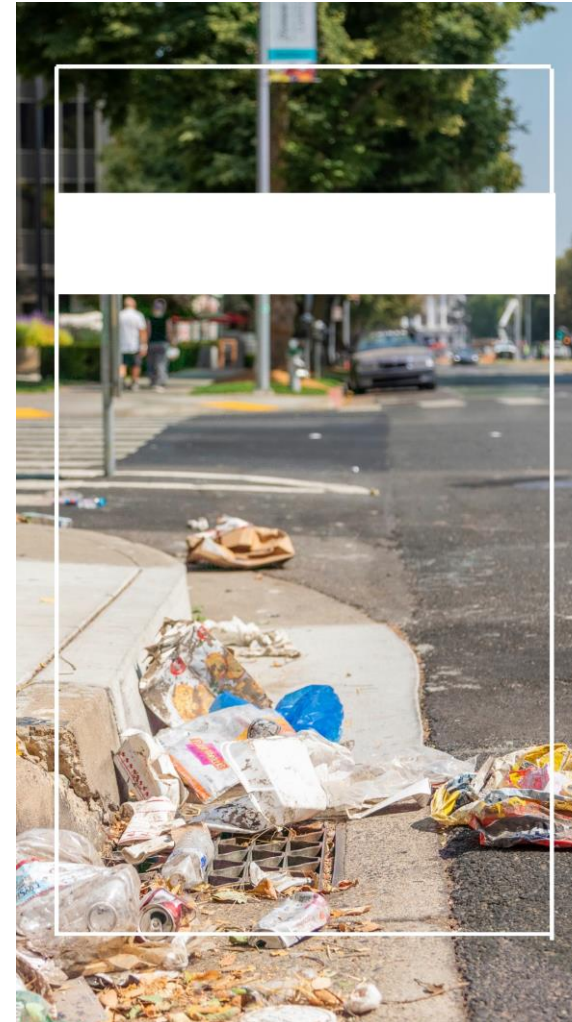
Let's Change This to That

Text (120 character preferred):

Learn how you can help change THIS to THAT with simple actions – like not littering!

Call To Action Button: Learn More

Button Link: CleanCA.com



Twitter Ad

Tweet Copy (280 Characters max): Don't add to pollution! Instead, be a part of the solution. Learn how you can help change THIS to THAT at CleanCA.com.

URL Address: CleanCA.com



Localized Creative – In Development





Paid Media Plan

Spring 2022 Paid Media Campaign

Target Audiences

- Adults (35+)
 - English and Spanish language
- Motorists (18-49)
 - Passenger cars
 - Truck drivers
- Young Adults (age 18-34)
- Geotargeting
 - Statewide
 - Focus on San Francisco, Los Angeles, San Diego and Sacramento

Media Tactics

- Outdoor, Radio, Digital, Events
- Social
 - Paid and organic
 - Influencer campaign

Timeline

- February 14 – April 11, 2022
 - Creative development and asset production
- May 2 – June 26, 2022
 - Campaign Launch - Spring Flight

Projected Results

- 302,280,258 Impressions, FY 21-22