

**CII Subcommittee Agenda  
 October 9, 2008  
 - 1:00 to 2:30 p.m.  
 Millbrae Community Center Conference Room  
 477 Lincoln Circle - Millbrae**

- |     |  |   |
|-----|--|---|
| 1.  | <b>Introductions, Announcements, Changes to Agenda, Approve August Meeting Summary - 5 min.</b>  | <i>Ward Donnelly</i>  |
| 2.  | <b>Update on Any Matters That Affect CII Not Covered Elsewhere - 5 min.</b><br><i>OUTCOME: Obtain information.</i>   | <i>Matt Fabry</i>   |
| 3.  | <b>Update on Pollution Prevention Group's Activities – 10 min.</b><br><i>OUTCOME: Obtain update.</i>   | <i>Whomever</i>   |
| 4.  | <b>Discuss Inspection Reporting for BASMAA Discussions Regarding the Municipal Regional Stormwater Permit – 10 min.</b><br><i>OUTCOME: Obtain information and provide input, as needed</i>                                       | <i>Fred Jarvis/<br/>Everyone</i>  |
| 5.  | <b>CASQA Conference Presentation on Performing Business Inspections – 5 min.</b><br><i>OUTCOME: Obtain information from presentation describing southern California experience.</i>  | <i>Fred</i>   |
| 6.  | <b>Discuss Possible Training Work Group Projects – 15 min.</b><br><b>A. Business Inspector Training</b><br><b>B. Model Program or Policy to Achieve Compliance</b><br><i>OUTCOME: Discuss ideas and agree on how to proceed.</i> | <i>Fred/<br/>Dermot Casey/<br/>Work Group<br/>Members/<br/>Everyone</i> |
| 7.  | <b>Regional Water Board's Recent Enforcement Efforts – 5 min.</b><br><i>OUTCOME: Obtain information.</i>   | <i>Fred/<br/>Everyone</i>   |
| 8.  | <b>Areas for Improvement Based on Annual Report – 5 min.</b><br><i>OUTCOME: Obtain information.</i>  | <i>Fred/<br/>Everyone</i>   |
| 9.  | <b>Share Information on Illicit Discharge and Industrial/Commercial Inspection Problems – 25 min.</b><br><i>OUTCOME: Identify common problems and gain information on successful ways to resolve them.</i>                       | <i>everyone</i>   |
| 10. | <b>Agree on Next Meeting Date of December 11 and Topics – 5 min.</b>   | <i>everyone</i>   |

## DRAFT CII Subcommittee Report

**Meeting Date:** August 21, 2008

**Subcommittee Action:** Agreed to the following priorities for the Training Work Group:

1. Develop a model policy or program on how to use fees, ordinances, and/or other tools as part of an Enforcement Response Plan to achieve compliance.
2. Develop a model, one-page Enforcement Response Plan.
3. Train municipal staff about the MRP once it is adopted, rather than do orientation training this year.
4. Develop a fact sheet for businesses about prohibited washwater discharges and alternative disposal options. (People do not understand what is meant by “no dumping.”)
5. Review and comment on work by others, such as, the Bay Area Pollution Prevention Group’s adaptation of a roof runoff brochure focused on copper and developed by San Jose.

**Requested Technical Advisory Committee Action or Feedback/Guidance (if any):** None.

### Other Information/Announcements:

- **TAC.** There has not been a lot of progress on the MRP since the last meeting. Progress appears to have been made based on verbal discussions, but nothing has been confirmed in written permit language. The revised draft MRP will not be distributed for public comment until Tom Mumley reviews and approves the draft. Habte Kifle estimated that the revised permit will not be available for review until late October or November. The draft Sustainable Green Streets and Parking Lot Design Guidebook will be available for review soon. The TAC discussed making BASMAA a non-profit organization.
- **Bay Area Pollution Prevention Group (BAPPG).** A Pollution Prevention (P2) Week poster will be distributed on September 10. BAPPG is supporting publicity for regional thermometer exchange events during P2 week. In September there will be a meeting to prioritize pollutants to work on. The group is planning a copper roof workshop. There is also interest in supporting a statewide No Drugs Down the Drain Campaign.
- **Regional Water Board’s Recent Enforcement Efforts.** Cecil Felix provided the following. The Regional Water Board staff will be creating a new enforcement team. The Regional Water Board is serious about compliance with the industrial and construction general permits. Last month it issued proposed fines of \$3,000 to 10,000 for not submitting annual reports on time or for other permit violations. One of the agencies fined was a school district’s bus maintenance yard. The Regional Water Board staff is preparing a letter to the City of Pacifica about the problems that occurred at the Millwood Ranch horse boarding facility. There was a lack of communication between the city’s development and environmental departments that contributed to problems at the ranch. The discharger will receive an Administrative Civil Liability (ACL). The Regional Water Board staff also would like to do more enforcement for problems found at automotive dismantling facilities, which are uncommon in San Mateo County. There have also been problems from a temporary boat cleaning business that discharged washwater while cleaning boats on land back into a local lagoon. SMCWPPP should also do outreach about proper boat cleaning and prepare guidance for boatyards. Biocides are used in boat paint.

**Subcommittee Work That Affects Other Subcommittees:** Any work that affects the development of an Enforcement Response Plan should be of interest to the New Development Subcommittee and construction inspectors.

**Next Steps:** Training Work Group initiate work on its list of items.

**Next Meeting Date:** Subcommittee will meet on October 9, 2008 at 1:00 pm.

**CII Subcommittee Attendance – 2008/09**

Name	Agency	PHONE	FAX No.	E-Mail	Aug.	Oct.	Dec	Feb	April	June
	City of Atherton									
Bozhena Palatnik Gilbert Yau	City of Belmont	659 593-7463		Bpalatnik@Belmont.gov	√					
Matt Fabry	City of Brisbane	415 508-2134	415 467-5547	mfabry@ci.brisbane.ca.						
Eva Justimbaste	City of Burlingame	342-3727	342-3712	eva.justimbaste@veoliawaterna.com	√					
Muneer Ahmed	City of Colma	757-8888	757-8890	Muneer.ahmed@colma.ca.us						
Ward Donnelly	City of Daly City	991-8208	991-8220	wdonnelly@dalcycity.org	√					
Cynthia Royer	City of Daly City	991-8203	991-8220	Croyer@dalcycity.org						
John Latu	City of East Palo	853-3165		jlatu@cityofepa.org						
Norm Dorais	City of Foster City	286-3279	349-7204	ndorais@fostercity.org						
Gary Whelen/ Tom Jahns	City of Half Moon	726-88260								
Jen Chen	Town of Hillsborough									
John Simonetti	City of Menlo Park	321-0384	321-4265							
Virginia Parks/ Jennifer Ng	City of Menlo Park	330-6752 330-6743		vkfparks@menlopark.org	√					
Catherine Allin	City of Millbrae	259-2470	259-2398	callin@ci.millbrae.ca.us	√					
David Ocampo	City of Millbrae	259-2392	259-2398	<a href="mailto:docampo@ci.millbrae.ca.us">docampo@ci.millbrae.ca.us</a>						
Raymund Donguines	City of Pacifica	738-3767	738-3003	donguinesr@ci.pacifica.ca.us	√					
	Town of Portola Valley									
Gary Lepori	City of Redwood	780-7472		glepori@redwoodcity.org						
Ray Bartolo	City of Redwood			rbartolo@redwoodcity.org						
Gino Quinn	City of San Bruno									
	City of San Carlos									
Vern Bessey	City of San Mateo	522-7342	522-7341	<a href="mailto:vbessey@cityofsanmateo.org">vbessey@cityofsanmateo.org</a>						
Alan Atwater	City of San Mateo	522-7343	522-7341	AAtwater@cityofsanmateo.org						
Rob Lecel	City of San Mateo	522-7344	522-7341	RLecel@cityofsanmateo.org						
	City of So. San									
Cassie Prudhel	City of So. San Fran	829-3840	829-3855	Cassie.prudhel@ssf.net						
	Town of Woodside									
Dermot Casey	County of San Mateo	363-4957	363-7337	<a href="mailto:djcasey@co.sanmateo.ca.us">djcasey@co.sanmateo.ca.us</a>	√					
Matt Fabry	SMCWPPP Coordinator	415 508-2134	415 467-5547	mfabry@ci.brisbane.ca.	√					
Michael Li	SBSA	594-8411 Ext. 139	591-7122	mli@sbsa.org	√					
Norm Domingo	SBSA	650 594-8411		ndomingo@sbsa.com						
Habte Kifle	Water Board	510 622-2371		hk@waterboards.ca.gov						
Cecil Felix	Water Board	510 622-2343		CFelix@waterboards.ca.gov	√					
Fred Jarvis	EOA, Inc.	510 832-2852	510 832-2856	Fejarvis@eoainc.com	√					
No. Attending					11					

### **Municipal Regional Stormwater Permit (MRP) Update (Dale Bowyer)**

Board staff are preparing a revised MRP tentative order, after extensive review of all comments received during the initial public comment period and at the March 2008 testimony hearing, and after further discussions with key stakeholder groups, including the Bay Area Stormwater Management Agencies Association, the National Resources Defense Council, Save the Bay, San Francisco BayKeeper, and the Home Builders Association of Northern California. Our goal is to produce a MRP that increases implementation flexibility while maintaining compliance accountability, reduces requirement detail and prescriptiveness, streamlines reporting, and places more emphasis on "bottom line" or "on the ground" actions. Staff have worked hard to address the components in the tentative order released in late 2007 that raised the greatest concern among permittees, while maintaining key action elements requested by environmental stakeholders.

We anticipate releasing the revised tentative order for another public comment period in November. It will be accompanied by a summary of responses to major comments received to date. A complete response to all of the hundreds of comments received will be available before the MRP adoption hearing in early 2009. We will also hold workshops with stakeholders around the time of release of the revised tentative order to describe the revisions.

### **Delta Strategy Workplan (Wil Bruhns)**

This is a follow up on the Delta Strategy Workplan, last reported on to the Board in the July EO Report. In January 2008, the Board adopted a resolution "Specifying Actions the Water Boards Will Take to Protect Beneficial Uses of the San Francisco Bay/Sacramento San Joaquin Delta Estuary." The State Board and the Central Valley Water Board adopted similar resolutions. Our staff collaborated on the development of the Workplan that was adopted by the State Board on July 16. The major addition made by State Board members during their hearing was a provision calling for evidentiary hearings on factual issues about the Delta. The Workplan is available at [http://www.waterrights.ca.gov/baydelta/strategic\\_workplan.htm](http://www.waterrights.ca.gov/baydelta/strategic_workplan.htm).

The main elements of the Workplan are:

- 1) Water Quality and Contaminant Control
- 2) A Comprehensive Delta Monitoring Program
- 3) Southern Delta Salinity and San Joaquin River Flow Objectives
- 4) Suisun Marsh Objectives
- 5) Comprehensive Review of the Bay-Delta Plan, Water Rights, and Other Requirements
- 6) Activities to Ensure that the State Water Project's (SWP) and Central Valley Project's (CVP) Methods of Diversion in the Delta are Reasonable, Beneficial, and Protect the Public Trust
- 7) Water Right Compliance, Enforcement, and Other Activities to Ensure

**DRAFT**  
**Enforcement Program**

**Potential Methods of Encouraging Businesses to Comply  
With Stormwater Requirements**

<b>Implement Incentives for Compliance</b>	
<i>Activities</i>	<i>Implementation Method</i>
Encourage businesses to become Green Businesses and to work with other Green Businesses.	Business inspectors be familiar with Green Business Program and distribute information about program to businesses.
Increase businesses understanding that correcting problem by working with local municipality will usually be preferable to being referred for enforcement to Water Board's new enforcement section or U.S. EPA.	<ol style="list-style-type: none"> <li>1. Obtain a description from the Water Board staff of its new enforcement section for inclusion as information on the business page of the SMCWPPP website.</li> <li>2. Train inspectors about how to encourage cooperation at local level.</li> </ol>
Decrease fees for businesses that have a track record of consistent compliance with stormwater requirements.	Evaluate with municipalities the feasibility of this option, and decide whether it is worth pursuing.

<b>Implement Disincentives for Non-Compliance</b>	
<i>Activities</i>	<i>Implementation Method</i>
List on SMCWPPP's website businesses that have had a stormwater violation.	<ol style="list-style-type: none"> <li>1. Agree on procedures for listing quarterly on SMCWPPP's website businesses that have had a violation during the preceding quarter or a continuing violation from a prior quarter.</li> <li>2. Inform businesses violating stormwater requirements that they will be listed on website.</li> <li>3. Implement listings.</li> </ol>
Identify other agencies and regulatory issues that should be involved in joint inspections and possible enforcement.	<ol style="list-style-type: none"> <li>1. Inspectors should be familiar with sanitary sewer, hazmat, food facility, fire department, code enforcement, and other regulatory agencies that have an interest in the way businesses operate.</li> <li>2. Municipal staff contacts other agencies for joint inspections when appropriate.</li> </ol>
Develop guidance about when cases of non-compliance should be referred to the Water Board and/or U.S. EPA.	<ol style="list-style-type: none"> <li>1. Obtain information from the Water Board and U.S. EPA staff about when cases of non-compliance should be referred to these agencies.</li> <li>2. Train municipal staff on referral procedures.</li> </ol>
Develop methods for municipalities to recover costs for doing follow up	<ol style="list-style-type: none"> <li>1. Municipalities identify their current cost recovery procedures and areas, if any, that</li> </ol>

<b>Implement Disincentives for Non-Compliance</b>	
<i>Activities</i>	<i>Implementation Method</i>
inspections and any other additional work needed to enforce stormwater requirements.	<p>need improvement.</p> <ol style="list-style-type: none"> <li>2. Identify any ordinance and/or policy language that could be used as a model.</li> <li>3. Explore with C/CAG's legal counsel the possibility of conducting outreach to municipal attorneys to improve cost recovery methods, where needed.</li> <li>4. Train inspectors on procedures.</li> <li>5. Implement procedures.</li> </ol>
Require businesses to immediately cease and desist discharge and clean up discharged pollutants that warrant clean up (sewage, hazardous wastes, pollutants that are toxic to fish, etc.)	<ol style="list-style-type: none"> <li>1. Municipalities identify their current procedures for issuing cease and desist orders and requiring and achieving clean up as allowed by most stormwater ordinances.</li> <li>2. Identify any deficiencies in these procedures.</li> <li>3. Identify any ordinance or policy additions or improvements that should be made to assure this authority.</li> <li>4. Implement any needed improvements.</li> <li>5. Train inspectors on procedures.</li> </ol>
Pursue administrative enforcement remedies.	<ol style="list-style-type: none"> <li>1. Develop a model stormwater enforcement response policy or plan that describes use of administrative enforcement remedies.</li> <li>2. Implement the enforcement response policy or plan.</li> </ol>
As part of administrative enforcement, evaluate the feasibility of developing procedures that allow revocation of any conditional use permit that chronic violators have.	<ol style="list-style-type: none"> <li>1. Identify what fraction of businesses operates under conditional use permits.</li> <li>2. Identify legal requirements and procedures necessary to revoke conditional use permits.</li> <li>3. If feasible, develop guidance that municipalities may use to follow this option.</li> <li>4. Municipalities may choose to implement procedures.</li> </ol>
Pursue civil and/or criminal penalties.	<ol style="list-style-type: none"> <li>1. Develop a model stormwater enforcement response policy or plan for escalating enforcement to civil and/or criminal remedies.</li> <li>2. Implement the enforcement response policy or plan.</li> </ol>