

NOTICE OF MEETING

NPDES TECHNICAL ADVISORY COMMITTEE

November 9, 2009

TUESDAY, NOVEMBER 17, 2009 - 10:00 A.M. TO NOON
CITY OF REDWOOD CITY – MUNICIPAL SERVICE CENTER
1400 Broadway, Redwood City – Conference Room
(See location map on back)

Web Site: www.flowstobay.org

AGENDA

1. INTRODUCTIONS, ANNOUNCEMENTS, MINUTES APPROVAL, AGENDA REVISIONS – MATT FABRY
2. PRESENTATIONS
 - A. DISCUSSION OF OPPORTUNITY TO WORK WITH SAN FRANCISCO ESTUARY PARTNERSHIP TO INSTALL TRASH CONTROL DEVICES USING FEDERAL STIMULUS GRANT FUNDS – JANET COX, SAN FRANCISCO ESTUARY PARTNERSHIP/EVERYONE
 - B. REVIEW OF DELIVERABLE REPORTING FORMS FOR JULY THROUGH NOVEMBER 2009 – FRED JARVIS/EVERYONE
 - C. UPDATE ON THE STATUS OF BASMAA’S TRASH AND PCBS/MERCURY GRANT PROPOSALS FOR USEPA’S 2009 SAN FRANCISCO BAY WATER QUALITY IMPROVEMENT FUNDS – MATT/EVERYONE
 - D. FOLLOW UP ON ADOPTION OF THE MUNICIPAL REGIONAL STORMWATER PERMIT AND PLANNING FOR IMPLEMENTATION – MATT/FRED/EVERYONE
 - E. STATE WATER BOARD WORKSHOP ON URBAN RUNOFF REUSE PER CLIMATE CHANGE SCOPING PLAN – FRED/EVERYONE
3. SUBCOMMITTEE REPORTS/
 - A. PUBLIC INFORMATION/PARTICIPATION – JAMES SHANNON
 - B. COMMERCIAL/INDUSTRIAL AND ILLICIT DISCHARGE – WARD DONNELLY
 - C. NEW DEVELOPMENT – MATT FABRY
 - D. MUNICIPAL GOVERNMENT MAINTENANCE ACTIVITIES – MICHAEL PETERSON
 - E. PARKS MAINTENANCE AND INTEGRATED PEST MANAGEMENT WORK GROUP – VERN BESSEY
 - F. WATERSHED ASSESSMENT AND MONITORING – DERMOT CASEY
4. PUBLIC COMMENTS
5. ANNOUNCEMENTS
6. NEXT MEETING – Consider canceling December 15 TAC meeting and holding next TAC meeting on January 19.

FUTURE MEETINGS:

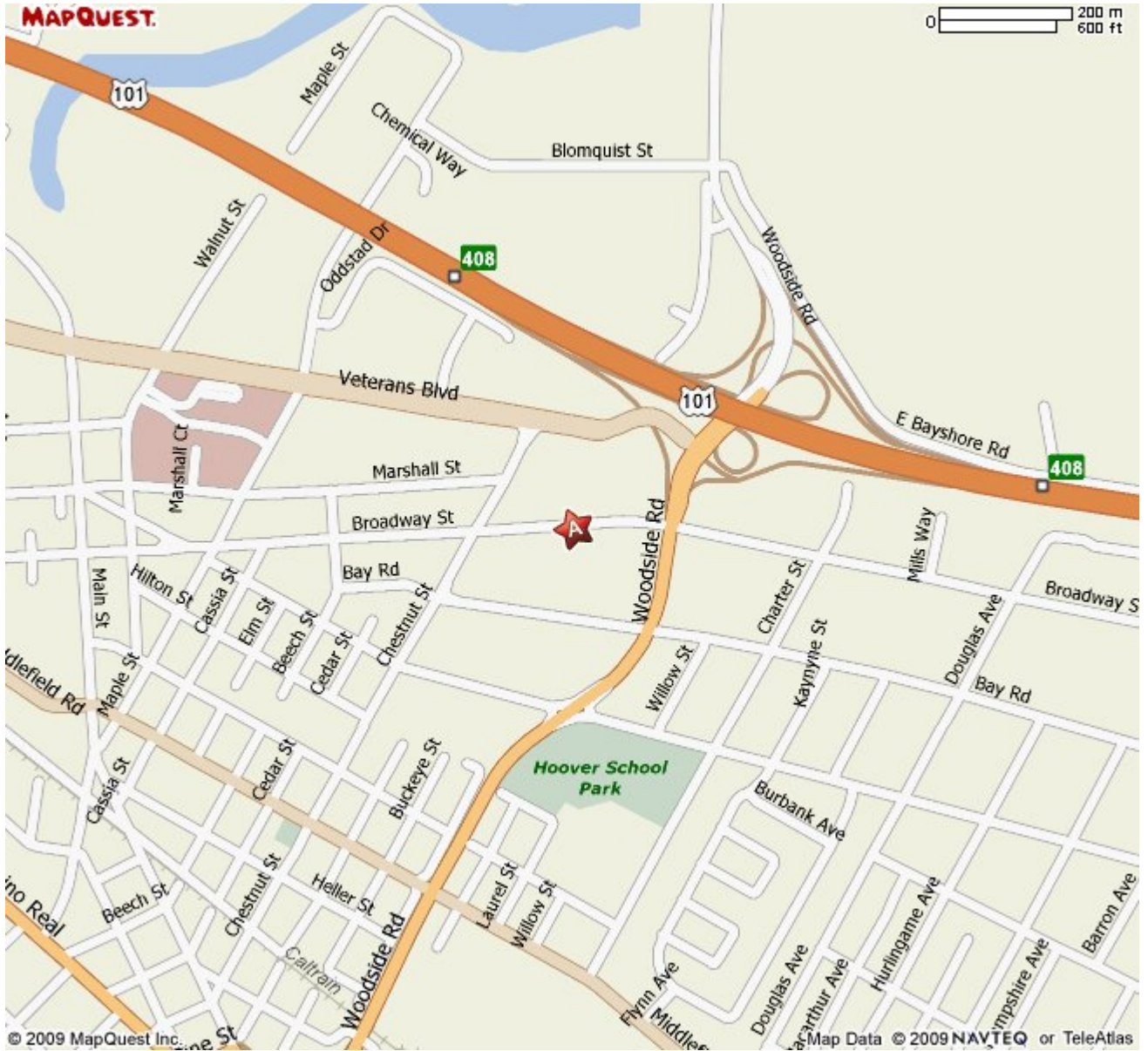
DEC 15 @ _____
JAN 19 @ _____
FEB 16 @ _____

Post by 5:00 P.M., Wednesday, November 10, 2009

NOTE: Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Matthew Fabry at (415) 508-2134, five working days prior to the meeting date.

Public records that relate to any item on the agenda for a regular NPDES Technical Advisory Committee (TAC) meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the TAC. The TAC has designated Brisbane’s City Hall, located at 50 Park Place, Brisbane, for purpose of making those public records available for inspection. The documents are also available on the C/CAG Internet Web site, at the link for agendas for upcoming meetings. The website is located at: <http://www.ccag.ca.gov>.

Redwood City
Municipal Service Center - Conference Room
1400 Broadway, Redwood City



NPDES TAC and Subcommittee Meeting Locations:

- New Development – 1:30 to 3:30 pm, first Tuesday of every other month: next meeting will be **December 1** @ South San Francisco Water Quality Control Plant
- Public Information/Participation – 10:00 am – noon, second Tuesday of every other month: next meeting will be **January 12** @ San Mateo County Environmental Health, 2000 Alameda de las Pulgas, San Mateo, Atrium Room.
- Technical Advisory Committee – 10:00 am to noon, third Tuesday of each month, location varies.
- Municipal Maintenance – Noon to 1:00 pm (\$10:00 lunch), fourth Wednesday quarterly: next meeting will be on **January 27 @ the Belmont Sports Complex, 550 Island Parkway, Belmont. This is a new location.**
- Parks Maintenance and Integrated Pest Management Work Group – 1:30 to 3:00 pm, fourth Tuesday approximately quarterly at San Mateo City Hall, 330 West 20th Avenue. Next meeting will be the annual training workshop on a date TBD.
- Commercial/Industrial/Illicit Discharge Control – 1:00 to 2:30 pm, usually third Thursday of every other month: next meeting will be on **second Thursday, December 10** @ Millbrae Community Center Conference Room, 477 Lincoln Circle.
- Watershed and Monitoring – 10:00 am to noon, second Thursday of month, approximately every quarter: next meeting still TBD.

Yellow highlight denotes recent change.

**NPDES Stormwater
Technical Advisory Committee (TAC)**

DRAFT REPORT OF MEETING

**TUESDAY, SEPTEMBER 15, 2009
10:00 A. M.
CITY OF EAST PALO ALTO**

1. INTRODUCTION, ANNOUNCEMENTS, ADOPTION OF MINUTES, AND REVISION TO AGENDA
Self-introductions were made and the July meeting minutes were adopted as written. Copies of the FY 2008/09 Annual Report summary volume were distributed. This volume will be added to the Countywide Program's website.
2. PRESENTATIONS
 - a. Discussion of Green Business Program and Its Interest in Obtaining Funding from the Countywide Program
– Kim Springer and Danielle Lee from Recycle Works provided the following background information as part of their request for \$20,000 in funding from the Countywide Program's Stormwater Pollution Prevention Fund. San Mateo County joined the Bay Area Green Business Program (GBP) two years ago as a pilot with the participation of six San Mateo cities. The GBP expanded to ten cities during its second year. The goal now is to expand the GBP to be countywide. To be eligible for certification as a green business, businesses must go beyond environmental compliance and show that they are environmental stewards and leaders by implementing additional environmental initiatives for pollution prevention, energy conservation, water conservation, and recycling. About one hundred businesses in San Mateo County have so far been certified as green. The County of San Mateo is requesting additional funding for the GBP from C/CAG, the South Bayside Waste Management Authority, PG&E, the Bay Area Water Supply and Conservation Agency, and San Francisco International Airport.

There was a lot of interest and suggestions expressed for the GBP. One suggestion was to have different levels of green, such as bronze, silver, and gold to reflect how green a business is. The GBP is useful for recognizing businesses doing a good job. Some of the pollution prevention checklists need to be updated. The certified green businesses should be listed on RecycleWorks website. There should be a year-end summary about what was accomplished for use in the Countywide Program's annual report.

One city decided previously that it could not participate in the GBP because of a lack of staff time to do audits. The current proposal would allow county staff to take on the role of city staff except for compliance audits.

Because there are no funds in this year's budget to pay for the GBP, the funding would have to come from one-time reserve funds. There needs to be a permanent, long-term GBP funding source that involves funding from the cities. The concept was discussed that if the Countywide Program provided, one-time funding and other potential funders do not, the funds would be spent on improving the implementation of the stormwater pollution prevention portion of the GBP. It was also requested that the Countywide Program have input on the checklists.

Given the upcoming costs of complying with the MRP and the difficult fiscal times, representatives from two cities opposed the use of the Stormwater Pollution Prevention Program's reserves for the one-time allocation to the GBP. Other cities were okay with C/CAG making this decision.

- b. Update on Proposed Low Impact Development, Trash, Monitoring, and PCBs and Mercury Requirements in Draft Municipal Regional Permit – Matt Fabry and Fred Jarvis provided an update. The Water Board staff is planning on releasing the revised draft MRP for comment on September 23 and to adopt the MRP at its meeting on October 14. The MRP will become effective 45 days after it is adopted provided EPA does not have any objections. There has been progress in a number of areas of the permit, but the proposed low impact development requirements continue to change in a way that will prove challenging. The proposed MRP will require the use of rainwater harvesting and reuse, infiltration, or evaporation unless these are infeasible, in which case biotreatment may be allowed. Work is continuing on whether any exceptions to

LID will be allowed by the MRP or whether a decision on this issue will be postponed until after the permit is adopted when more information may be available.

Planning for participation in the Water Board's MRP adoption hearing was discussed. MRP-related issues need to be discussed further by the MRP Work Group either through a conference call or a meeting.

- c. Commission on State Mandates' Decision on Los Angeles Stormwater Test Case – This important test case involves the state's constitutional requirement to reimburse local agencies for state mandates. The Commission decided in July that the Los Angeles municipal stormwater permit's requirements contain state mandates that impose new programs or higher levels of service on municipalities. The state mandates included a requirement to conduct business and construction inspections. The Commission on State Mandates determined that these inspection requirements do not qualify for reimbursement by the state because the municipalities have fee authority to pay for inspections. On the other hand, the permit's requirement to place and maintain trash receptacles at transit stops needs to be reimbursed by the state because the municipalities do not have fee authority to fund this type of activity. The decision will likely be petitioned to the Superior Court and a Court of Appeals may eventually decide the legal issues. It was agreed that the municipalities did not have a choice other than to pursue a claim with the Commission on State Mandates for the MRP's requirements, such as monitoring, PCBs and mercury control, and trash control, which are beyond local municipalities' fee authorities. The legal costs for filing a claim would be lessened if they could be shared with other counties.
- d. Adoption of Reissued Construction General Permit and Upcoming Construction Site Training – Matt reported that State Water Resources Control Board adopted this permit on September 2, and it covers construction sites that disturb one acre or more of land. The permit will not become effective until next fiscal year. Existing municipal construction projects under the existing permit must electronically file Permit Registration Documents within 100 days of September 2, 2009. The San Francisco Estuary Partnership (SFEP) plans on offering workshops this fall on stormwater construction controls, and the Countywide Program will work with them in planning and implementing a workshop in San Mateo County.
- e. Preparation of BASMAA's Trash and PCB/Mercury Grant Proposals for US EPA's 2009 San Francisco Bay Water Quality Improvement Funds – BASMAA is preparing two, competing grant applications for \$5 million from EPA, and there is the possibility that another \$5 million will become available in the future. BASMAA will need to come up with \$1.7 million in match to obtain the grant, and the Countywide Program's share of this match is \$240,000 (\$60,000 per year for four years). Matt requested approval to send a letter supporting the grant application for PCBs and mercury with a commitment to meet the match requirements, and this was agreed to by consensus.

SFEP has received \$5 million in federal stimulus funds and wants to work with cities to fund the installation of trash capture devices. Matt would like to make sure that municipalities in San Mateo County receive as much of this funding as possible to meet the MRP's trash requirements.

- f. State Water Board Workshop on Urban Runoff Reuse Per Climate Change Scoping Plan– This item was postponed because of a lack of time.
3. SUBCOMMITTEE REPORTS – The subcommittee reports were skipped because of a lack of time, and summaries of recent subcommittee meetings were included in the agenda packet.
4. PUBLIC COMMENTS - None.
5. NEXT MEETING
The October TAC meeting will be cancelled, and the November 17 TAC meeting will be held in Redwood City.
6. ADJOURNED

DRAFT New Development Subcommittee Report

Meeting Date: October 6, 2009

Present: Gilbert Yau, Belmont; Kiley Kinnon, Burlingame; Muneer Ahmed, Colma; Jeannie Naughton, Daly City; Laura Prickett, EOA; Catherine Chan, Hillsborough; Shaun Mao, Menlo Park; Leslie Lambert, Portola Valley; Paul Willis, Redwood City; Laura Russell, San Bruno; Gavin Moynahan, San Carlos; Martin Quan, San Mateo; Camille Leung, San Mateo County; Cassie Prudhel, South San Francisco

Subcommittee Actions:

1. Approved summary of August 4 Subcommittee meeting.

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

Other Information/Announcements:

1. **Statewide graywater standards** for residential use went into effect on August 4 and are available at www.documents.dgs.ca.gov/bsc/prpsd_chngs/documents/erm_files/HCD_ET_Emerg_Ch16A_Pt1_7-1-09.pdf
2. **The Municipal Regional Stormwater Permit (MRP)** is scheduled for adoption by the Regional Water Board on October 14. The Subcommittee reviewed the Bay Area Stormwater Management Agencies Association's list of recommended changes to Provision C.3 (low impact development).
3. **The Construction General Permit (CGP)**, adopted by the State Water Resources Control Board on September 2, will go into effect July 1, 2010. Existing projects must file Permit Registration Documents by July 1 to be considered "Risk Level 1" (essentially current BMPs) for two years.
4. **Construction Site Compliance Training**, by the San Francisco Estuary Partnership, is offered on December 3, at Brisbane's Mission Blue Center. Registration will be free or reduced-price for SMCWPPP municipalities. It will focus on the CGP, and cover applicable MRP requirements.
5. **Enforcement Response Plan (ERP)**. The Subcommittee will coordinate with the Commercial and Industrial Inspection (CII) Subcommittee to prepare an ERP, as required by the MRP.
6. **Green Street Project Planning**. Menlo Park identified two green parking lot projects for SMCWPPP to include in a proposal for funding under Proposition 84, federal stimulus funds, or a 2010 EPA grant. Other municipalities are encouraged to propose green street projects.
7. **Guidebook of Site Design Examples**. Five projects have been identified to add to this guidebook.
8. **Model Green Streets Resolution**. A draft model resolution, supporting designs in the Sustainable Green Streets and Parking Lots Design Guidebook, was reviewed. The County/City Association of Governments will review the model resolution before it is finalized and distributed for adoption.
9. **Round Table Discussion**. A development in Redwood City will reduce the depth of the concrete curb that keeps water from seeping below adjacent pavement (page 68, C.3 Technical Guidance). Curb depth will be reduced from 36" to 6" or 12"; below this waterproof membrane will be used.
10. **Site Tour**. The meeting was held at Portola Valley Town Center, so Portola Valley staff led a tour of a daylighted creek, vegetated swales, decomposed granite walkways and other "green" features.

Work That Affects Other Subcommittees: CII Subcommittee affected by Item 5 (ERP preparation)

Next Steps:

- Municipalities with written stormwater enforcement procedures or policies for construction sites will email the policies or procedures to Laura by October 20.
- EOA will update the Guidebook of Site Design Examples after obtaining project information.
- Comments on the draft model resolution are due October 20.
- Laura Prickett will invite Sue Ma, Water Board staff liaison for San Mateo County, to the next Subcommittee meeting to discuss low impact development requirements in the MRP.

Date of Next Meeting: December 1, at the South San Francisco Wastewater Treatment Plant

DRAFT CII Subcommittee Report

Meeting Date: October 8, 2009

Subcommittee Action:

- Agreed that the August subcommittee meeting summary was acceptable.
- Agreed that a useful way for each municipality to describe how it is meeting the Provision C.15 Exempted and Conditionally Exempted Discharges requirements is to include a description of its approach in the next annual report.
- Municipalities will provide comments by October 22 on the proposed language that had been added under the “Description of Municipality’s Prioritization Process” to the draft Industrial and Commercial Business Inspection Plan (Inspection Plan). This additional language was developed recently in response to a suggestion that some example language be included in the template.
- It was agreed that the CII Subcommittee working with the New Development Subcommittee will develop one enforcement response plan template for adaptation by the cities.

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

Other Information/Announcements:

- **Bay Area Pollution Prevention Group.** The work group completed its proposed projects and budgets for FY 2010/11. San Jose is leading a campaign about not putting pharmaceuticals down the drain. Save the Bay representatives provided information about its Cities Keep It Clean Program.
- **Municipal Regional Stormwater Permit.** Noted that the final tentative order added an April 1, 2010 completion date in Provisions C.4 and C.5 for the enforcement response plan (ERP). Most of the changes to the permit provisions that affect CII were made to Provision C.15 Exempted and Conditionally Exempted Discharges.
- **Inspection Plan.** Dermot reviewed an example of using the draft Inspection Plan to create an inspection list. It was acknowledged that municipalities may inspect businesses more frequently than the commitment made in the Inspection Plan. Dermot believes that it would be fairly easy to develop one Inspection Plan document that includes all of the 16 cities that County Environmental Health provides inspection services for. He estimated that he would be able to hand out a draft list of businesses to each of these cities for review within two months. There was also discussion of businesses, such as tile cutters and limousine services, which are neither hazardous waste generators nor retail food facilities, but should be inspected for stormwater and nonstormwater discharge issues. The county may be able to use some technicians to help inspect and provide educational outreach to these businesses who may be falling through the cracks.
- **Enforcement Response Plan.** Concepts for updating a previously used enforcement response plan (ERP) were discussed. Some agencies are able to charge for the amount of time that they need to spend to do the follow up necessary to assure that problems at a business are corrected.

- **TAC Meeting.** The MRP and BASMAA's applications for federal grant funding were discussed.
- **Training Work Group.** The training work group is providing a forum for the more detailed development and trial use of an Inspection Plan template and the update of an ERP.
- **Sharing Information.** Dermot advised that stormwater complaints about a restaurant or hazmat facility should be sent to the county. Ward added that some times a more immediate response can be achieved by calling a city. Dermot reiterated that it is important to know who the code enforcement and building inspectors are in each city. The subcommittee also reviewed EBMUD's graywater fact sheet that explains new plumbing code language that makes the requirements for residential graywater reuse less onerous.

Subcommittee Work That Affects Other Subcommittees: ERP affects new development subcommittee.

Next Steps: The Training Work Group will work with the New Development Subcommittee on developing a draft ERP.

Next Meeting Date: Subcommittee will meet next on December 17, 2009 at 1:00 pm.