Municipal Regional Stormwater NPDES Permit: Lessons Learned and Reissuance Issues

PERMITTEE PERSPECTIVES AND RECOMMENDATIONS

SF BAY REGIONAL WATER BOARD MEETING

JUNE 10, 2020

Bay Area Stormwater Management Agencies Association (BASMAA)

Matt Fabry, Chair, BASMAA Board of Directors

Overview of Permittee Concerns

- Permittees have accomplished a great deal over the past permit term and have been working collaboratively with Water Board staff
- COVID-19 is significantly reducing municipal revenue streams
- Ensure that permit has a holistic vision that focuses on water quality priorities and recognizes current social and economic conditions

Overview of Permittee Concerns

- Water Board staff proposals on trash provision (C.10) will impact compliance and likely negatively impact water quality
- Proposed changes to Provision C.3 undercut Green Infrastructure Plans
- Green infrastructure targets must reflect reality and support innovative approaches
- Changes to just these two provisions (C.10 and C.3) will require a major increase in Permittee expenditures compared to MRP 2.0

Contra Costa Clean Water Program

Mitch Avalon, Consultant to Contra Costa County

COVID 19 Pandemic

Response to infectious disease spread

- Shelter in place
- Increase care capacity
- Materials acquisition/distribution (PPE)

Recovery

- Protect against infectious disease spread
- Restore economic activity

COVID 19 Impacts: Response (Phase 1)

Revenue loss

• Sales tax, Gas tax.....

Drawdown of financial reserves

Increase in service demand

• Health services, mental services, homeless services....

Operational disruption

• Emergency Operations Centers, staff sheltered in place....

COVID 19 impacts: Recovery (Phase 2, 3, 4)

Reduced revenue

• Sales tax, tax/fee waivers.....

Increase service demand

• Job placement, homeless services.....

Operational disruption

• Serve the needy, assist small business.....

Budget reductions

• Staff reduction, furloughs, hiring freeze, resource realignment.....

State and federal assistance?

COVID 19 Impacts: By the numbers

- 100% California cities face projected revenue loss
- 90% will cut/furlough staff or decrease services
 75% will have both staff and service reductions
- \$7 billion revenue shortfall over the next two years
- \$54 billion State deficit in FY 20/21

INFORMATION FROM CALIFORNIA LEAGUE OF CITIES

COVID 19 Impacts: Timeline

Response: March 2020 – May 2020

Recovery Transition: vaccine in 12 to 18 months

- Adaptation to "new normal transition"
- Realization of permanent job loss numbers

Relapse? (Hopefully not!)

• Another round of shelter in place

Restoration: post vaccine

- Adaptation to "new normal permanent"
- Realization of impact to various economic sectors

COVID 19 impacts: Contra Costa Story

Economically robust community

- Staff reduction across all departments
- 20 to 25% staff reduction in Public Works over next two years
- Terminate consultant service contracts
- Severe reduction in sales tax revenue through transition period
- Continued reduction in sales tax revenue after transition

Economically disadvantaged community

- 25% reduction in total budget
- All part-time staff laid off
- Reduce staff salaries/institute staff furloughs
- Stop all projects (unless grant funded)

COVID 19 Impacts and MRP 3.0

Reduced revenue, resources, service delivery, capacity.....

- Need more time
 - Delay permit reissuance schedule
 - Delay permit compliance schedule
- No increases in compliance costs

City of San Jose

Kerrie Romanow, Director, Environmental Services Department

San José Trash Control Actions









City of San Pablo

Amanda Booth, Sr. Environmental Program Analyst

Case Study Area



- Approximately 72 acres
- ~4.5% of San Pablo total area
- All moderate, high and very high trash generation rates
 - Only 9 storm drain inlets in the entire area

Inability to Install FTC Devices

No Infrastructure



Incompatible Inlet Design



Inlet Size: 1.3 ft x 1.3 ft ~6 inches deep

Due to proximity to creek:

- No locations downstream where FTC can be installed
- New inlets types are infeasible because of flooding issues



Photo of inside above inlet

Trash Removal Programs

In the case study area, the following programs occur:

- Weekly trash removal from "Work Alternative Program"
- Multiple (~6-12) volunteer clean-up events annually
- Twice per month street sweeping
- Earth Team Litter Removal Team
 - Perform 32 clean-ups per year (removed 15,000 pieces of litter)

Despite these programs, no consistent observed change in trash reduction score



Zerolitter.org Image of Case Study Area

Request for Flexibility

Trash is a complex societal issue; permittees need flexibility to meet the desired goal.

- 1. Time: Extend the 2022 deadline
- 2. Offsets and Credits: Continue offsets and credits program to allow cities to stay compliant while developing innovative programs
- 3. Innovation: Permit language that allows for innovative programs and flexible accounting methods for new programs and technologies

City of Fremont

Kathy Cote, Environmental Services Manager

Direct Discharge Plan

- Program developed 2017, DDTCP February 2018
- Program scope 180+ sites, 600+ population
- 30% active at any given time, 30 in sensitive areas
- Monitoring, tagging, EOW cleanups
- Approximately 100 tons debris removed in FY 2019/2020
- Annual cost \$560,000

 45% site monitoring and waste removal
 55% Police, Human Services, Code Enforcement direct support

While multiple benefits are provided, credit is essential for continued resource allocation



Program Considerations

- Sites are fluid, RVs increasing
- 7 locations with consistent populations
- COVID supplemental services handwashing stations, portable toilets, garbage service (\$1,000/month/site)
- "Sanctioned Site" challenges:
 - Citizen opposition
 - Land use conflicts
 - Access/site ownership
 - Equipment availability
 - Cost

Resources are a key concern.



City of Oakland

Kristin Hathaway, Watershed and Stormwater Division Manager

Special Projects Provision

- Housing is critical in Oakland. Homeless population doubled between 2017 and 2019.
- Covid-19 related economic impacts will further exacerbate housing crisis.
- Removing the Special Projects provision will create a further barrier to housing development.
- 2017-2019: >50% of proposed Special Projects included some amount of affordable housing.





Special Projects Provision Benefits

- Provides flexibility that helps municipalities work with developers to maximize the environmental benefits of projects
 - In Oakland, 2017-2019, Special Projects still incorporated 18% more LID than was required under the Provision while allowing site design flexibility that maximized numerous other environmental benefits of the projects.
- Aligns with municipal zoning strategies
 - vibrant downtown density
 - lot line to lot line
 - high-rise development with very limited space for LID
- Provides for onsite stormwater treatment with systems designed for urban density.

325 27th Street

Special Projects Provision Benefits

- Properly managed density can be a water quality improvement strategy.
- Watershed scale reduction in existing impervious area or "accessory" impervious areas and automobile-related pollutant impacts.
- Regional Board recognized environmental and water quality benefits of these types of projects in MRP 1.0 & 2.0.



City of Santa Clara

Rinta Perkins, Compliance Division Manager

Provision C.3 Thresholds for Regulated Projects and Small Projects

	CURRENT THRESHOLDS (SQ. FT. OF IMPERVIOUS SURFACE CREATED/REPLACED)	WATER BOARD STAFF PROPOSAL FOR MRP 3.0
Regulated Projects (site design, source control, treatment req'd)	\geq 10,000 SF (most projects)	5,000 SF (all types)
Special Land Uses (restaurants, gas stations, auto shops, parking)	5,000 SF	5,000 SF
Small Projects & Detached Single Family Homes (C.3.i)	Site design measures only for 2,500 – 10,000 SF	Site design only for 2,500 – 5,000 SF

Case Study – City of Santa Clara

In FY 2019 – 2020 (*)

- Processed over 464 planning applications
- Total 41 projects are C.3 Regulated (9% of total applications)
- Processed over 27 projects between 5,000-10,000 SF
 - If threshold is lowered, would result in 66% increase of project reviews (**)
- Processed 186 ADUs and addition projects (***)

(*) Based Project Clearance Committee (PCC) data.
(**) For period 1/1/2020 - 6/1/2020
(***) ADUs applications received as of 6/8/2020.



Reduced Thresholds Have Minimal Water Quality Benefit but Use More Resources

- BASMAA White Paper (2015) showed lower threshold increased impervious areas treated by 0.5% (~1 large development project) for the region
- Lower thresholds would result in increased staff time for (~avg 21 hours/Regulated Project):
 - Project review
 - Administrative process (O&M Agreement)
 - Construction Inspections
 - O&M Inspections & Enforcement
- Resources better spent to implement Green Infrastructure



<u>Opposed</u>to lowered threshold

Single Family Homes

- Single Family Homes currently only required to do site design measures
- Now ADUs promoted to address local housing crisis
- Legislature requires a streamlined process for ADUs
- Regulated project = increased application requirements, review process, and costs to homeowners.

Oppose having Single Family Homes be Regulated Projects

<u>Maintain</u> current requirements for site design measures only

City of San Pablo

Jill A. Mercurio, P.E. Public Works Director/City Engineer

Space Constraints

Road Projects include:

- Traffic lanes
- Parking
- Pedestrian facilities (sidewalks)
- ADA facilities
- Utilities
- Multi-modal transportation (bike and bus lanes)
- Green Infrastructure



FULL OF WATER)

intersection

Space Constraints

- Removal of utility line "caps"
- Relocation is costly and takes a long time



Space Constraints

Residential Streets:







Cost Constraints

Residential Streets:









Funding

Maintenance Backlog				
County	2017 Backlog	2027 Maintenance Backlog With SB 1	2027 Maintenance Backlog Without SB 1	
Alameda County	\$1,025,233,000	\$1,336,594,243	\$2,030,816,935	
Contra Costa County	\$858,559,000	\$1,133,180,981	\$1,695,696,201	
Marin County	\$261,476,000	\$488,182,105	\$689,874,129	
Napa County	\$264,216,000	\$416,501,410	\$537,062,902	
San Francisco	\$250,684,000	\$242,542,445	\$650,749,959	
San Mateo County	\$362,166,000	\$681,428,521	\$997,168,674	
Santa Clara County	\$1,204,079,000	\$2,013,334,487	\$2,984,851,072	
Solano County	\$574,506,000	\$1,152,204,824	\$1,462,117,714	
Sonoma County	\$1,433,128,000	\$2,357,020,549	\$2,810,537,142	
Bay Area	\$6,234,047,000	\$9,820,989,565	\$13,858,874,728	
Increase		58%	122%	

Pothole Report: Bay Area Roads at Risk, 2017

Unintended Consequences





City of Palo Alto

Pam Boyle Rodriguez, Stormwater Compliance Manager

Considerations for Green Infrastructure (GI)

- September 2019: Permittees completed and submitted GI Plans
- Most Permittees have begun implementation
- C3/GI Work Group
 - For the past year, Permittees have worked with Water Board staff to develop an implementation framework
 - Programmatic elements
 - Implementation elements
 - Metrics/goals/targets



Reached Agreements



- Programmatic indicators of implementation
 - Coordination with other planning efforts
 - Development of funding mechanisms (local and regional)
 - Progress on GI Plan elements (e.g., standard details/specs, outreach, worker training)
- Asset management
 - Structural water quality assets (LID treatment and full trash capture devices)
 - Improvement of existing tracking & reporting tools
 - Adaptive improvements to maintenance procedures; amend guidance as needed
- Implementation metrics useful for measuring progress

Discussions in Progress: Targets for Construction of GI Projects



Permittee challenges

- Communities are different (economics, demographics, characteristics)
- Difficult to create targets to meet various needs and program goals
- Current requirement to meet PCBs/mercury load reductions
- Flexibility and scalability is needed
- Public looks to municipalities to spend wisely
- Limited budget to maintain all assets
- Implementation and inter-departmental coordination takes time
- Priorities determined during Plan development

Palo Alto Example

Progress since GI Plan accepted by Council:

- Percentage added to all Public Works projects
- Three planned pilot projects with GI (~76,000 SF or 1.7 ac)
- Coordinated grant proposal leveraging Storm Drain Enterprise Fee (\$380,000/yr)
- Pilot partnership for GI maintenance
- RFP for 5-yr consultant contract

However:

- Estimated \$39 million budget shortfall
- Next three years of GI funds now allocated
- Lengthy public engagement process
- High number of community needs
- Competing interests with City utilities dept.



Alameda Countywide Clean Water Program

James Scanlin, Program Manager

Overview of PCB Reductions Efforts Lessons Learned for MRP 3



Lessons Learned

PCBs Successes from MRP 2

+ Electrical Utilities, Bridge Maintenance

Source Control: Copper, Pesticides, Litter

Challenges: Pandemics, Fiscal Crisis, Climate Change, Sea Level Rise

Guiding Principle: The Greatest Environmental Benefit with the Least Impact on Public Resources