



**Santa Clara Valley  
Urban Runoff  
Pollution Prevention Program**

**MANAGEMENT COMMITTEE  
INFORMATION PACKET**

Campbell • Cupertino • Los Altos • Los Altos Hills • Los Gatos • Milpitas • Monte Sereno • Mountain View • Palo Alto  
San Jose • Santa Clara • Saratoga • Sunnyvale • Santa Clara County • Valley Water

**September 19, 2019 Meeting**

**MATERIALS FOR INFORMATION**

**II. September 19, 2019 Agenda**

**III. August 15, 2019 Meeting Minutes**

**IV. August 15, 2019 Action Items**

**VII. A. Program Manager's Report**

3. Potential Grants, September 2019

**VIII. MRP Implementation**

1. Memorandum to Management Committee, from Program Staff, re: Management Committee Briefing on Priority Items, September 2019
2. Highlights of BASMAA Committee Meetings, August 2019 to September 2019

**IX. Other Business**

1. Letter to Tracy Perry, Office of Pesticide Programs, from Daniel Apt, CASQA, re: the Draft Revised Method for National Level Endangered Species Risk Assessment Process for Biological Evaluations of Pesticides, August 15, 2019
1. Letter to Nancy Vogel, Director of Governor's Water Portfolio Program, from Daniel Apt, CASQA, re: CASQA Comments on Water Resilience Portfolios, September 9, 2019
1. Letter to Mr. E. Joaquin Esquivel (Chair) and members of the State Water Resources Control Board, from Geoff Brosseau, CASQA, re: Proposed Stormwater Permit Fees – 2019-20, September 12, 2019
2. MC Calendar, September 2019 to November 2019



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**AGENDA**

**MANAGEMENT COMMITTEE MEETING**

**September 19, 2019, 9:30 - 11:00 am**

Sunnyvale Civic Center, West Conference Room  
456 Olive Avenue, Sunnyvale

- 9:30**    **I.    Management Committee Meeting Call to Order/Introductions**
- II.    Additions or Revisions to Agenda; Announcements**
- III.   Approval of Minutes (August 15, 2019 meeting)**
- IV.   Review of Action Items from Last Meeting**
- 9:40**    **V.    Time Open for Public Comment on Any Subject Not on Agenda (2 minutes)**
- VI.   Regional Water Board Staff Comments**
- 9:45**    **VII.   Program Business**
- A. Program Manager's Report**
1. Bay Area Stormwater Management Agencies Association (BASMAA) Update – *information.*
2. California Stormwater Quality Association (CASQA) Update – *information.*
3. Grants Update – *information.*
- 10:00**    **B. Program Management**
1. Program FY 18-19 Annual Report – *request for approval of draft report and authorization of the Program Manager to sign the certification form and submit the Annual Report to the Water Board on behalf of the MC consistent with the MRP.*
2. FY 18-19 BASMAA Regional Supplements – *request for approval of BASMAA regional reports and cover letter with certification, and authorization of the Program Manager to transmit the document to the Water Board (via BASMAA) consistent with the MRP.*
3. Co-permittee FY 18-19 Annual Reports – *status report.*
4. FY 18-19 Final Self Audit Report – *request for acceptance.*
- 10:15**    **C. Program Budget**
1. FY 18-19 Annual Budget Compilation (ABC) Report – *request for acceptance.*

**10:20 VIII. MRP Implementation**

**A. New Development and Redevelopment**

1. Priority Items Identified by Program Staff-- *see MC briefing memorandum.*
  - a. Green Stormwater Infrastructure Work Plan Tasks – *see MC briefing memorandum.*
  - b. Stormwater Resource Plan Development – *status report.*
2. Management Committee Requested Items

**10:30 B. Trash Controls**

1. Priority Items Identified by Program Staff -- *see MC briefing memorandum.*
  - a. Receiving Water Monitoring Plan – *status report.*
  - b. Trash Load Reduction – *status report.*
2. Management Committee Requested Items

**10:40 C. Monitoring / Pollutants of Concern**

1. Priority Items Identified by Program Staff-- *see MC briefing memorandum.*
  - a. PCBs/Mercury Load Reduction – *status report.*
  - b. Reasonable Assurance Analysis (RAA) – *status report.*
2. Management Committee Requested Items

**10:45 D. Outreach Activities**

1. Priority Items Identified by Program Staff -- *see MC briefing memorandum.*
2. Management Committee Requested Items

**10:50 E. Other Permit-Related Activities**

1. Priority Items Identified by Program Staff -- *see MC briefing memorandum.*
2. Management Committee Requested Items

**10:55 IX. Other Business**

1. External Meeting Summaries – *questions on materials provided prior to the meeting.*
2. Miscellaneous – *information from MC members.*
3. AHTG Status Table – *updates available at <http://www.scvurppp-w2k.com/mc.shtml>*

**11:00 X. Adjourn**



**MANAGEMENT COMMITTEE MEETING  
MINUTES**

August 15, 2019

Campbell • Cupertino • Los Altos • Los Altos Hills • Los Gatos • Milpitas • Monte Sereno • Mountain View • Palo Alto  
San Jose • Santa Clara • Saratoga • Sunnyvale • Santa Clara County • Valley Water

**I. MANAGEMENT COMMITTEE CALL TO ORDER / INTRODUCTIONS**

Sharon Newton (Vice-Chair, San Jose) called the meeting to order at 9:40 am. Management Committee (MC) members introduced themselves.

**II. ADDITIONS OR REVISIONS TO THE AGENDA; ANNOUNCEMENTS**

There were no additions to the agenda. The following announcements were made:

- The MC thanked Cheri Donnelly (Cupertino) for her service on the MC and presented her with a Certificate of Recognition. Cheri Donnelly is retiring from the City of Cupertino in September.
- Alex Wycoff is the Acting Environmental Programs Manager for the City of Cupertino
- Simret Yigzaw is the new Supervising Environmental Services Specialist at the City of San José.
- The City of Santa Clara has an opening for a code enforcement technician position.

**III. APPROVAL OF MINUTES**

**Motion:** Eric Anderson (Mountain View) moved to approve the minutes from the July 18, 2019 MC meeting. **Second:** James Downing (Valley Water). **Vote:** Motion passed unanimously.

**IV. REVIEW OF ACTION ITEMS FROM LAST MEETING**

Action Items from the July 18, 2019 meeting:

- Action Item 7-19-1 (Develop a scope of work and budget for evaluating the effectiveness of source control actions for reducing litter) is in progress.
- Action Item 7-19-2 (Send information collected from the Co-permittee pesticide source control evaluation survey to the MC for review) is in progress. Program staff is waiting for response from one Co-permittee. The compiled information will likely be sent to the MC next week for review.

Action Items from previous meetings:

- Action item 4-18-2 (Develop an updated description of WMI-related groups for posting on the WMI website) is in progress. Jill Bicknell (Program staff) will send it to Kirsten, Trish Mulvey (CLEAN South Bay), and Phil Bobel (Palo Alto) for review. The MC discussed options for merging the WMI website with the SCVURPPP website, but no decisions was made.

**V. TIME OPEN FOR PUBLIC COMMENT ON ANY SUBJECT NOT ON AGENDA**

No members of the public were present.

## VI. WATER BOARD STAFF COMMENTS

Water Board (WB) staff was not present at the meeting, and no comments were submitted.

## VII. PROGRAM BUSINESS

### A. PROGRAM MANAGER'S REPORT

#### 1. BASMAA Update

Chris Sommers (Program staff) reported that the BASMAA Board is continuing to discuss its current and future organizational structure.

#### 2. CASQA Update

Jill Bicknell (Program staff) provided the following updates:

- The Board approved the FY 18-19 Pesticides Subcommittee Annual Report and Effectiveness Assessment.
- CASQA has hired Gigantic Ideas Studio to develop materials for communicating stormwater messages.

#### 3. Grants Update

The City of San Jose's River Oaks Stormwater Capture Project was selected for inclusion in the set of projects to be submitted to DWR for the 2019 Prop 1 IRWM grant.

### B. PROGRAM MANAGEMENT

No items.

### C. PROGRAM BUDGET

No items.

## VIII. MRP IMPLEMENTATION

### A. NEW DEVELOPMENT AND REDEVELOPMENT

#### 1. Priority Items Identified by Program Staff

Jill provided the following updates:

- The C3PO AHTG met on Monday, July 29. Program staff provided updates on the SCVURPPP GSI Work Plan and MRP 3.0 discussions at the meeting.
- A workshop on installation and O&M inspections of post-construction stormwater treatment measures will be held on October 29, 2019 at the Mountain View Community Center.
- Program staff is continuing to work on the GSI Handbook. Both parts will be finalized in September.

*Action: Program staff will post the GSI Handbook on the SCVURPPP website and send a link to the MC for including in Co-permittee GSI Plans.*

## **B. TRASH CONTROLS**

### **1. Priority Items Identified by Program Staff**

Chris provided the following updates:

- Program staff are preparing the draft Section 10 for all Co-permittees.
- The curb-inlet screen study is complete. Program staff will present preliminary findings of the study at the 2019 CASQA Annual Conference in October. A draft of the presentation will be provided in September to the Trash AHTG. A draft report will be completed in November.
- A number of upcoming legislative bills will focus on trash/waste reduction. Trish Mulvey (CLEAN South Bay) has requested that the Program and/or BASMAA consider submitting letters of support. The MC agreed to submit letters via BASMAA.
- Caltrans staff has requested GIS data layers of Co-permittee jurisdictional areas treated by trash capture devices and supporting information. The MC agreed to allow Program staff to share these data with Caltrans. Program staff will develop a data sharing agreement for Caltrans to receive the data, and compile and send the data to Caltrans.

## **C. MONITORING AND POLLUTANTS OF CONCERN**

### **1. Priority Items Identified by Program Staff**

Chris provided the following updates:

- Program staff is continuing to participate on the BASMAA RAA Work Group. The Work Group is beginning to conduct the peer review process required by the MRP. The SCVURPPP RAA Work Group will meet in late September or early October.
- Program staff has received information on completed GSI projects from Co-permittees for the GSI Database. Co-permittee staff should ensure that they are collecting Drainage Management Area (DMA) information for all regulated projects.
- SFEI is organizing a symposium on microplastics on October 2, 2019. Program staff will send the registration information to the MC, when available.
- The 2019 RMP Annual Meeting will be held on October 10. The theme of the meeting is "Pollutant Pathways to the Bay". Chris encouraged MC members to attend. Program staff will send the registration information to the MC, when available.

## **D. OUTREACH ACTIVITIES**

### **1. Priority Items Identified by Program Staff**

A joint-meeting between the WEO AHTG and the Public Education Subcommittee of the Recycling and Waste Reduction Commission Technical Advisory Committee will be held on August 27, 2019 to further discuss conducting a joint-outreach campaign. The MC recommended that Alex Wycoff (Cupertino) work with Program staff on aligning the agenda and discussions with SCVURPPP priorities.

## **E. OTHER PERMIT-RELATED ACTIVITIES**

No items.

**IX. OTHER BUSINESS**

No items.

**X. ADJOURN**

The MC meeting adjourned at 11:10 a.m.

**XI. CASQA Annual Update**

Jill gave a presentation on FY 18-19 CASQA activities.



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**Meeting Attendance Record**

DATE Aug 15, 2019

Campbell • Cupertino • Los Altos • Los Altos Hills • Los Gatos • Milpitas • Monte Sereno • Mountain View • Palo Alto  
San Jose • Santa Clara • Saratoga • Sunnyvale • Santa Clara County • Valley Water

**CO-PERMITTEE REPRESENTATIVES**  
(voting members)

**SIGNATURE**

Cheri Donnelly – Cupertino  
Alternate: Roger Lee

*C. Donnelly*

Aida Fairman – Los Altos  
Alternate: Andrea Trese

Nichol Bowersox – Los Altos Hills  
Alternate: Kaho Kong

Elaine Marshall – Milpitas  
Alternate: Kan Xu

Eric Anderson – Mountain View  
Alternate: Carrie Sandahl

*Eric Anderson*

Karin North – Palo Alto  
Alternate: Pamela Boyle Rodriguez  
Alternate: Michel Jeremias

*Karin North*

Sharon Newton – San Jose  
Alternate: Jeff Sinclair

*Sharon Newton*

Rinta Perkins – Santa Clara  
Alternate: Dave Staub

*Rinta Perkins*

Melody Tovar – Sunnyvale  
Alternate: Nupur Hiremath

*Nupur Hiremath*

Vanessa Marcadejas – Santa Clara County  
Alternate: Garik Iosilevsky

*Vanessa Marcadejas*

Kirsten Struve – SCVWD  
Alternate: James Downing

*James Downing*

Sheila Tucker – West Valley Communities  
(Campbell, Los Gatos, Monte Sereno, and Saratoga)

*Sheila Tucker*

**URBAN RUNOFF PROGRAM STAFF**

Adam Olivieri

*Adam Olivieri*

Jill Bicknell

*Jill Bicknell*

Chris Sommers

*Chris Sommers*

Vishakha Atre

*Vishakha Atre*

**REGIONAL BOARD REPRESENTATIVE**

TBD

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**INTERESTED PARTIES/AGENCY REPRESENTATIVE**

Trish Mulvey – Clean South Bay

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**ADDITIONAL ATTENDEES**

ALEX WYKOFF - CUPERTINO

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**Santa Clara Valley Urban Runoff Pollution Prevention Program  
Management Committee Meeting Action Items**

**Action Items from the August 15, 2019 Meeting**

<b>Action</b>	<b>Description</b>	<b>Responsibility</b>	<b>Due Date</b>	<b>Status</b>	<b>Comments</b>
8-19-1	Post the GSI Handbook on the SCVURPPP website and send the link to the MC	Program staff	September	In Progress	Part 1 posted Sept. 6 and link sent to MC; Part 2 to be posted by end of September

**Action Items Remaining from Previous Meetings**

<b>Action</b>	<b>Description</b>	<b>Responsibility</b>	<b>Due Date</b>	<b>Status</b>	<b>Comments</b>
7-19-1	Develop a scope of work and budget for evaluating the effectiveness of source control actions for reducing litter.	Program staff	September	In Progress	
7-19-2	Send information collected from the Co-permittee pesticide source control evaluation survey to the MC for review.	Program staff	August	Completed	
4-18-2	Develop an updated description of WMI-related groups for posting on the WMI website.	Program staff	August	In Progress	

## OVERVIEW OF POTENTIAL GRANTS

**September 2019**

Grant Name	Grant Description	Funding Amount	Match	Due Date	Status/Comments
<p>Recreational Trails and Greenways Grant Program - Proposition 68</p> <p><a href="http://resources.ca.gov/grants/trails/">http://resources.ca.gov/grants/trails/</a></p> <p>Technical Assistance Webcast on Wednesday, September 25, 2019</p>	<p>The intent of the grant is to fund projects that provide non-motorized recreational infrastructure development and enhancements that promote new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or other natural environments to encourage health-related active transportation and opportunities for Californians to reconnect with nature.</p>	<p>\$27.7 million available. Awards for individual projects are capped at \$4 million. There are no minimum grant amounts.</p>	<p>20% match, unless the project has been identified as serving a disadvantaged community.</p>	<p>August 20 through October 11, 2019</p>	<p>One of the general requirements is that projects should include, where feasible: "Stormwater capture to reduce runoff, reduce water pollution, or recharge groundwater supplies, or a combination thereof."</p>
<p>The Department of Pesticide Regulation's (DPR's) 2020 Pest Management Research Grant</p> <p><a href="http://www.cdpr.ca.gov/docs/pestmgmt/grants/research/index.htm">http://www.cdpr.ca.gov/docs/pestmgmt/grants/research/index.htm</a></p>	<p>Two funding priorities:</p> <ol style="list-style-type: none"> <li>1. Projects that identify, develop, and implement safer, practical, and sustainable alternatives to chlorpyrifos (\$2.1 million).</li> <li>2. Projects that develop methods or practices to reduce risks associated with pesticides of high regulatory concern and/or are considered high-risk and which can be incorporated into an IPM system (\$500,000).</li> </ol>	<ol style="list-style-type: none"> <li>1. Alternatives to chlorpyrifos - \$2.1 million; projects ranging from \$150,000 to \$500,000</li> <li>2. Projects that focus on pesticides of high regulatory concern - \$500,000; projects ranging from \$50,000 to \$500,000.</li> </ol>	<p>Not required</p>	<p>Concept applications - Oct 7, 2019</p> <p>Project proposals - Dec 20, 2019</p>	<p>Priority #1 will focus on alternatives to legally remaining uses of chlorpyrifos, which are agricultural.</p> <p>Priority #2 will focus on "high regulatory concern" and "high risk" pesticides only. These categories are not defined, but applications around alternatives for known urban water pollutants (e.g., pyrethroids, fipronil, imidacloprid) would be acceptable.</p>

## OVERVIEW OF POTENTIAL GRANTS

**September 2019**

Grant Name	Grant Description	Funding Amount	Match	Due Date	Status/Comments
Valley Water Priority A2: <i>Water Conservation Grants</i> <a href="https://www.valleywater.org/sites/default/files/FY20%20A2%20Water%20Conservation%20Grant%20RFP.pdf">https://www.valleywater.org/sites/default/files/FY20%20A2%20Water%20Conservation%20Grant%20RFP.pdf</a>	Provides funding for projects to study and test new water conservation programs and technologies with the goal to identify water savings devices and strategies that can assist Valley Water with its water conservation efforts.	Total funding available - \$100,000  Funding limit for each project: between \$5,000–\$50,000	25% match required	Friday, November 1, 2019	Grant workshops on September 10, 2019, and September 18, 2019
Valley Water Priority B3 <i>Pollution Prevention Partnerships and Grants</i> <a href="https://www.valleywater.org/sites/default/files/FY20%20B3%20Pollution%20Prevention%20Grant%20RFP.pdf">https://www.valleywater.org/sites/default/files/FY20%20B3%20Pollution%20Prevention%20Grant%20RFP.pdf</a>	Provides funding for projects addressing the reduction of contaminants in surface or groundwater and the reduction of toxins in our local waterways.	Total funding available - \$500,000  Funding limit for each project: between \$25,000–\$200,000	25% match required	Friday, November 1, 2019	Grant workshops on September 10, 2019, and September 18, 2019
Valley Water Priority D3 <i>Wildlife Restoration Grants</i> <a href="https://www.valleywater.org/sites/default/files/FY20%20D3%20Wildlife%20Habitat%20Restoration%20Grant%20RFP.pdf">https://www.valleywater.org/sites/default/files/FY20%20D3%20Wildlife%20Habitat%20Restoration%20Grant%20RFP.pdf</a>	Provides funding for projects that create or enhance wetland, riparian and tidal marsh habitats; protect special status species; remove fish migrations barriers; install fish ladders; remove non-native, invasive plant species; and plant native species.	Total funding available - \$1.3 million  Funding limit for each project: between \$50,000 to \$500,000	25% match required	Friday, November 1, 2019	Grant workshops on September 10, 2019, and September 18, 2019
Valley Water Priority D3 <i>Mini-Grants</i> <a href="https://www.valleywater.org/grants">https://www.valleywater.org/grants</a>	Provides seed funding per project to encourage broader and long-term community engagement in wildlife habitat restoration or watershed stewardship activities in Santa Clara County.	Total funding available - \$200,000  Funding limit for each project: \$5,000	25% match required	Applications are accepted year-round on a rolling basis	Grant workshops on September 10, 2019, and September 18, 2019



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**TO: Management Committee**

**FROM: Program Staff**

**DATE: September 13, 2019**

**SUBJECT: Management Committee Briefing on Priority Items**

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**Program Management**

- FY 18-19 Program Annual Report – Program staff distributed the draft version of the Program’s Annual Report to the Management Committee (MC) on August 30<sup>th</sup> for review. Comments are due to Program staff by September 17<sup>th</sup>. The final draft Annual Report will be provided to the MC for approval at the September 19<sup>th</sup> MC meeting.
- FY 18-19 Co-permittee Annual Reports – Program staff are conducting completeness reviews of draft Co-permittee Annual Reports. The majority of the Co-permittee reports have been received for review, and comments are being provided back within a couple days. The deadline for submitting the final annual reports (electronic version only) to Program staff is September 20. Please contact Vishakha Atre if you are unable to meet this deadline.
- FY 18-19 Program Manager Self-Audit Report (SAR) - The draft final FY 18-19 SAR was provided to the MC for review on September 13<sup>th</sup> and comments are due by September 18<sup>th</sup> to Program staff. Acceptance at the September 19<sup>th</sup> MC meeting will be requested.
- FY 18-19 Annual Budget Compilation (ABC) Report – The draft final FY 18-19 ABC report was provided to the MC for review on September 13<sup>th</sup> and comments are due by September 18<sup>th</sup> to Program staff. Acceptance at the September 19<sup>th</sup> MC meeting will be requested.
- NPDES Permit Reissuance – The fourth meeting of the MRP 3.0 Steering Committee occurred on June 25<sup>th</sup>. The agenda included a review of the summary and action items from the previous meeting, summaries from the four MRP 3.0 work groups regarding discussions that have occurred to-date and topics for upcoming meetings, and a presentation and discussion on the relationship between Green Stormwater Infrastructure (C.3.j) requirements, and C.11/C.12 load reduction requirements (if any) in MRP 3.0, and other potential indicators/drivers for GSI. The September 3<sup>rd</sup> meeting was cancelled, and the next meetings will be held on November 5 (on the topics of reporting and “other” provisions) and December 3 (on the topic of monitoring).

Updates on the Work Groups are as follows:

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**Note:** \* indicates that Program staff has identified this item for discussion and/or consideration for approval at the Management Committee meeting.

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- C3/GI Work Group – The Work Group is being coordinated by Jill Bicknell (SCVURPPP) and Matt Fabry (SMCWPPP). The Work Group held its 7<sup>th</sup> meeting on September 5. During this meeting (which included Water Board staff), the Work Group discussed: permittee responses to the list of “perspectives” provided by Water Board staff on current and proposed C.3 provisions; preliminary draft language on GSI drivers and indicators; and a new alternative compliance option related to credit trading and offsite projects across jurisdictional boundaries. The next C3/GI Work Group meeting, for both permittee and Water Board staff, will be held on October 3.
- Monitoring Work Group – The Work Group is being coordinated by Bonnie de Berry (SCVURPPP/SMCWPPP) and Lucile Paquette (CCCWP). Jordan Ciprian (San Jose), James Downing (Valley Water), and Chris Sommers and Paul Randall (SCVURPPP) are representing SCVURPPP on the Work Group. The most recent meeting with Water Board staff was held on August 19<sup>th</sup>. The Work Group members continued to share their perspectives on the utility of different types of monitoring. Discussions have been productive to-date. The Work Group will meet again in late September.
- PCBs/Mercury Work Group – This Work Group is being coordinated by Jim Scanlin (ACCWP) and Lisa Austin (Geosyntec for ACCWP/CCCWP). Raffles Warners (City of Santa Clara), Carol Boland (San Jose) and Chris Sommers (SCVURPPP) are representing SCVURPPP. The Work Group met with Water Board staff most recently on August 29<sup>th</sup>. The Work Group members continued to share their perspectives on the current structure of the permit and the lessons learned in MRP 1.0 and 2.0 regarding control measure effectiveness, costs and load reduction opportunities moving forward. Discussions have been productive to-date. The Work Group will meet internally a number of times prior to our next meeting with the Water Board in November.
- Trash Work Group – The Work Group is being coordinated by Chris Sommers (SCVURPPP). Carrie Sandahl (Mountain View), Liz Neves (San Jose), Shelia Tucker (West Valley), Rinta Perkins (Santa Clara) and Kirsten Struve (Valley Water) are representing SCVURPPP on the Work Group. The most recent Work Group meeting with Water Board staff occurred on July 23<sup>rd</sup>. The Work Group members continue to share their perspectives on C.10 provisions. Discussions have been productive to-date. The Work Group will meet again in late October (exact date TBD).

## **New Development and Redevelopment**

- Stormwater Resource Plan (SWRP) – Program staff completed responses to a few additional comments from the Grant Manager (as discussed at the May MC meeting) and the responses and revisions to the SWRP were accepted. The revisions were incorporated into the Final SWRP, the date was updated to August 2019, and the revised Final SWRP was posted on the SCVURPPP website. The Bay Area IRWM adopted the revised Final SWRP into the IRWMP at its August 26, 2019 meeting. The revised Final SWRP is being routed at Valley Water for signature and will be submitted to the Grant Manager later in September
- GSI Handbook Part 1 – The final GSI Handbook Part 1 was posted on the SCVURPPP website on September 6 and the web link was sent to the MC.
- GSI Handbook Part 2 – Work is continuing on the final GSI Handbook Part 2, and the bioretention typical details are nearly completed. The final Part 2 and the bioretention and pervious pavement typical details (in CAD and PDF) will be completed and posted on the SCVURPPP website (on the same web page as Part 1) by the end of September.
- GSI Alternative Sizing Guidance - BASMAA conducted a regional project that evaluated approaches to treatment measure selection and sizing where GI project constraints preclude fully meeting the C.3.d sizing requirements, including conducting a hydrologic modeling analyses to develop bioretention sizing curves and development of guidance on use of the sizing curves. Water Board staff provided written comments on June 21, 2019 that granted conditional acceptance of the technical report and guidance (see August MC Information

Packet). Discussion of the BASMAA technical report and guidance was incorporated into the final GSI Handbook, for reference by Co-permittee GSI Plans. It is anticipated that continuing discussions will occur during FY 19-20 to address Water Board staff's remaining concerns.

- C3PO AHTG – The next C3PO AHTG meeting will be held on September 23 at San Jose City Hall.

### **Industrial/Commercial Business Inspection**

- IND/IDDE AHTG – Program staff will be sending a survey to the AHTG to schedule the next meeting in late September or October.

### **Municipal Maintenance**

- Municipal Maintenance AHTG – Program staff will continue to pass along municipal maintenance training opportunities or other information of potential interest to the AHTG.

### **Construction**

- Construction AHTG – Program staff will be sending a survey to the AHTG in late September to schedule the next meeting in October.

### **Watershed Education and Outreach**

- Joint Meeting of the WEO AHTG and the RWRC TAC Public Education Subcommittee – A joint meeting was held on August 27, 2019 to discuss outreach on single-use disposable foodware. Attendees identified youth/teenagers and businesses as the two main audiences. As an alternative to creating a new campaign, the two groups will discuss expanding upon the outreach being conducted by the Bay Area Recycling Coalition (BayRoc) and Rethink Disposable. Both of these groups have been conducting outreach on single-use foodware.
- Outreach Events – Watershed Watch half-off car wash events will be held on September 10 (Classic Car Wash in Campbell) and September 25 (Montague Premier Car Wash in San Jose).

### **Pesticide Controls**

- Green Gardener Training – Program staff prepared handouts and scheduled guest instructors for the Fall 2019 Green Gardener training. There are 26 students signed up for the training in English. The Spanish-language training was canceled due to low enrollment.
- Pesticide Source Control Evaluation Report -- Program staff completed developing the Pesticide Source Control Evaluation Report, required by the MRP for submitted with the FY 18-19 Annual Report, and posted it on the SCVURPPP website on September 6 for review by the MC. The report evaluates the effectiveness of the pesticide source control measures implemented the Program and Co-permittees, and analyzes monitoring data to evaluate the attainment of pesticide concentration and toxicity targets for water and sediment. The report also includes a Co-permittee specific section that summarizes the improvements to IPM programs made in the last five years and enhancements planned for the next permit term.

### **Watershed Management Initiative**

- Land Use Subgroup (LUS) – Program staff chaired the March 20<sup>th</sup> meeting. The Subgroup has decided to change the meeting frequency to approximately quarterly. Program staff prepare agendas and meeting summaries and complete actions items related to this subgroup. One topic discussed was partnering with the Peninsula-South Bay Watershed Forum on presentations and information sharing. The June 19<sup>th</sup> meeting of the LUS was cancelled and the next meeting is scheduled for September 18<sup>th</sup>.
- Zero Litter Initiative (ZLI) – The ZLI Steering Committee meets on a monthly basis. Major topic areas currently being discussed include coordination with Caltrans and other agencies on trash

management, design guidance for reducing litter and waste in new and existing buildings, regulations and programs for reducing plastic foodware and litter, and other topics for future webinars. The next ZLI Steering Committee meeting/call is scheduled for September 6, 2019.

ZLI member Peter Schultze-Allen (Program staff), attended the second meeting of the Model Foodware and Litter Reduction Ordinance Work Group of the Santa Clara County Recycling and Waste Reduction Commission - Technical Advisory Committee (RWRC TAC) on August 20<sup>th</sup>. The Work Group discussed aspects of a model foodware and litter reduction ordinance that eventually could be forwarded to the RWRC TAC for consideration by each Santa Clara County municipality. The Work Group will meet again in the fall after a draft model ordinance has been developed for Co-permittee comment. The Work Group also discussed other tasks that will be implemented in FY 19-20 and future years.

- SCBWMI Website - SCVURPPP currently hosts the Watershed Management Initiative website. Program staff continue to update the website quarterly. Program staff is updating descriptions of the WMI committees and subgroups to reflect current WMI activities.

## Trash Controls

- On-land Visual Trash Assessments – Trash assessments in FY 18-19 at previously assessed street/sidewalk sites are complete. Over 1,000 assessment events were conducted by Program staff in FY 18-19. Additionally, Program staff conducted an analysis of how best to modify the assessment program to incorporate assessments at land areas that drain to private inlets directly connected to Co-permittee storm drain systems. Program staff provided guidance to Co-permittees on reassessing baseline conditions and requested that if Co-permittees choose to update their baselines, assessments should ideally be completed by the end of the fiscal year. A number of Co-permittees have submitted their data to Program staff. Potential modifications to baseline maps and the assessment sites will be discussed with the Trash AHTG in September.
- Trash Performance Standard Development – The Program has developed study designs for two performance standards for trash control measures – curb inlet screens and enhanced business inspections.
  - Curb-Inlet Screen Study - The curb-inlet screen performance standard project includes participation by the City of Oakland. Fieldwork began in late July 2018 and was completed in August 2019. Program staff were selected to present the preliminary findings of the study at the 2019 CASQA Annual Conference in October. A draft of the presentation will be provided in September to the Trash AHTG. A draft report will be completed in November.
  - Enhanced Business Inspection Performance Standard Project - Program staff are moving forward with the City of Sunnyvale staff on this project. The design of the study is currently under development. Program staff are evaluating assessment data collected to-date at locations where the enhanced inspection program has been implemented. Based on this evaluation, Program staff will recommend how best to move forward. Additional details will be provided at the September AHTG meeting.
- Receiving Water Monitoring Program Reporting (BASMAA Regional Project) – MRP 2.0 requires that Co-permittees develop and implement a Monitoring Program Plan and assess the level of trash in local receiving waters to answer specific monitoring/management questions. The regional Monitoring Plan is being implemented by each MRP Program, and coordinated at the regional level. Program staff have completed the first three (of five) rounds of qualitative assessments at 30 sites in water bodies in the Santa Clara Valley. One (of two) round of qualitative/quantitative assessments led by Co-permittees have been completed, with assistance from Program staff. Data generated by Co-permittees were forwarded to Program staff. The first interpretation of the data collected by Program staff, SCVURPPP Co-permittees and by Permittees/Programs associated with other MRP counties is now complete. The preliminary regional report was approved by the Management Committee in June and

submitted to the Water Board via BASMAA on July 1, 2019. The final report is due to the Water Board by July 1, 2020.

- Trash AHTG Meetings – The Trash AHTG typically meets on the 3rd Tuesday of the month. The last meeting was on July 23<sup>rd</sup>. The next meeting is September 17<sup>th</sup>.

## **Monitoring / Pollutants of Concern**

- Regional Monitoring Coalition (RMC)
  - Creek Status Monitoring – WY 2019 creek status monitoring is underway. Bioassessment monitoring was completed in mid-June. Other monitoring will continue through summer and fall 2019.
  - Stressor/Source Identification (SSID) Projects – The Program is required to conduct two SSID projects during MRP 2.0 and plans to participate in a regional project to fulfill MRP requirements. The following is a status of the three SSID projects:
    - Coyote Creek Toxicity - Program staff is currently conducting a project to evaluate the stressors and sources of sediment toxicity in Coyote Creek. Monitoring for the project began in the summer of 2018 with sediment toxicity and chemistry monitoring. Initial results were received from laboratories and minimal toxicity was observed. With AHTG concurrence, Program staff have moved forward with proposed additional monitoring in summer 2019. An update on the project was provided at the last Monitoring AHTG meeting on July 2<sup>nd</sup>.
    - Lower Silver/Thompson Nutrients - Program staff developed a work plan for a second SSID project for SCVURPPP. The SSID project will be a nutrient study in Lower Silver and Thompson Creeks. A work plan was finalized in August 2019 after Monitoring AHTG review. Monitoring began in August will occur through FY 2019-20.
    - Electrical Facilities as PCB Sources – BASMAA is conducting a regional SSID project on behalf of all MRP Permittees. Through the project, BASMAA member agencies are working with Water Board staff to compile and analyze data and information received from electrical transmission/distribution agencies in an effort to better understand potential sources of PCBs to stormwater. The project began in FY 18-19 and will continue through FY 19-20. A work plan describing the project was included in the Program's Water Year 2018 UCMR.
  - POCs Monitoring – The Program conducted POC monitoring in WY 2019 at 6 sites in collaboration with RMP monitoring. Results will be available in mid-2019 and will inform potential future source property identification projects. Additional POC monitoring is currently being planned for late 2019 (wet weather).
  - PCB/Hg Source Identification Studies – The Program recently completed PCB/Hg source property identification studies in seven WMAs. Four of the seven areas are within San Jose, two are in Santa Clara, and one is in Palo Alto. Program staff have met with the affected Co-permittees and next steps, including property referrals, are currently under discussion. Additionally, based on WY 2017 POC monitoring data, Program staff have identified another four WMAs that may contain source properties, and source property investigations are now underway in these WMAs.
  - PCB/Hg Control Measure Implementation Plan – To better inform the potential locations where focused PCB control measure implementation may occur, the Program continues to conduct projects in compliance with MRP 2.0 requirements that entail updating preliminary source maps, sampling sediment and water within potentially high interest drainages, and identifying current and proposed control measures. Program staff developed a Draft (updated) Control Measure Implementation Plan, which was

submitted for review by Co-permittees in late August. The final plan will be submitted to the Water Board with the Program's FY 18-19 Annual Report.

- Tracking POC Control Measure Implementation – Information on the extent and magnitude of GSI facilities was summarized in Versions 1.0 and 2.0 of the Program's POC Control Measures Plan. Program staff has developed a more efficient method to obtain, store and access LID/GSI data and other geospatial data at a county-wide level. The method includes applications for each Co-permittee to effectively and efficiently track GSI projects, which is needed for conducting the RAA for PCBs and mercury and addressing GSI planning requirements. The Program's GSI database is now available to Co-permittees and will be made available to the public in late 2019 or early 2020. The current structure of the database is Phase I. The remaining phases (including the publicly available version) are planned to be completed in FY 2019-20. Additional functionality will be added to the database as well during the next phase.
- Reasonable Assurance Analysis (RAA) – Co-permittees are required to conduct an RAA to address PCB and Mercury load reductions required by the TMDLs. Initial RAA tasks for SCVURPPP began in April 2018 and a separate RAA work group has been formed to help guide the project. Current tasks include baseline pollutant modeling and modeling the benefits of existing GSI systems. A draft report on POC baseline modeling results was distributed to the Work Group the third week of April and comments were request by early May. Next steps include modeling the benefits of existing and predicted GSI projects. A presentation of these results will be given to the Management Committee, following the October 17<sup>th</sup> MC meeting. In addition, the BASMAA RAA Work Group has begun the "Peer Review" process required by the MRP and BASMAA is contracting with two peer reviewers. Peer review of the Program's RAA methods and assumptions will be initiated in October.
- Management of PCBs during Building Demolition – Co-permittees are required to develop and implement a protocol to manage PCBs in applicable buildings during demolition. Over the course of FY 2017-18 and 2018-19, BASMAA conducted a regional project to develop a model protocol and tools to assist Co-permittees in their implementation of this protocol. The regional project was completed in October 2018. With assistance from Program staff, Co-permittees are using the information, tools and guidance provided via the regional project to begin implementing a PCBs in Building Demolition Management Program by July 1, 2019. Program staff is assisting Co-permittees in the development and implementation of this program. Tasks that Program staff is undertaking are included in a separate PCBs in Demo Control Program Work Plan. The tasks were discussed at the POC AHTG meeting in June and will be discussed in the next meeting which is being scheduled for October or November (exact date TBD).
- Additional BASMAA Regional Projects
  - RAA for Source Controls – BASMAA is currently conducting a project designed to update the current Interim Load Reduction Accounting Methodology for use when developing reasonable assurance that control measure plans developed by MRP Permittees by the end of the permit term will achieve TMDL wasteload allocations. The project began in January 2019 and will occur through early 2020. Additional information on this project will be provided at the next POC and RAA AHTG meetings.
- SF Bay Regional Monitoring Program (RMP)

Program staff serves as stormwater representatives on the RMP's Steering Committee (SC) and Technical Review Committee (TRC). Program staff participates to ensure, to the extent possible, that information needs and priority projects for the RMP align with monitoring needs and requirements identified in the regional stormwater permit. The TRC last met on June 13<sup>th</sup> and the SC met in August. The next TRC meeting is scheduled for September 26, 2019 and the SC meeting is scheduled for October 23<sup>rd</sup>. RMP Workgroups also continued to meet in August/September 2019, including the Small Tributaries Loading Strategy (STLS) team.
- Monitoring & Pollutants of Concern AHTG Meetings

- The POC AHTG last met on June 24<sup>th</sup> to discuss ongoing Program staff assistance needed by Co-permittees to adopt/implement the MRP-required Management of PCBs during Building Demolition Program by July 1, 2019. The next meeting will occur in October or November (exact date TBD).
- The Monitoring AHTG met on July 2<sup>nd</sup>. The next meeting will occur in late fall 2019 (exact date TBD).



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## **Highlights of BASMAA Committee Meetings August – September 2019**

### **BASMAA PIP Committee**

*Chair* – Jennifer Kaiser (Vallejo Flood & Wastewater District)  
*SCVURPPP representatives*– Vishakha Atre (SCVURPPP)

- Next Meeting (meets quarterly) – October 23, 2019, 1:30 – 3:00 pm

### **BASMAA Development Committee, August 1, 2019**

*Chair* – Shannan Young (Dublin); *Vice Chair* – Peter Schultze-Allen (SCVURPPP)  
*SCVURPPP representatives* – Jeff Sinclair (San Jose), Pam Boyle Rodriguez (Palo Alto),  
Jill Bicknell (Program Staff)

The DC discussed the following topics:

- Asset Management: The Committee received a presentation on Green Infrastructure Asset Management from Ed Othmer (Stantec).
- Alternative Compliance: Peter Schultze-Allen made a presentation to the DC on Alternative Compliance using a case study from Emeryville. Shannan Young provided information on the City of Dublin's Alternative Compliance Handbook.
- MRP 3.0 C.3 / GI Work Group: Jill Bicknell gave an update on the Work Group and GI Indicators Subgroup Meetings
  - June 5 – Regional Water Board staff provided perspectives on C.3 / GI issues.
  - July 15 Meeting – Work Group reviewed preliminary draft C.3 provisions table and provided initial input on permittee perspectives and table sent to permittees for review and comments.
  - September 5 – Next MRP 3.0 C.3 / GI Work Group meeting
  - GI Indicators Subgroup -- Met July 17 and July 31 to develop draft proposed language on indicators and drivers for GI implementation.
- Participation in Processes to Promote GI:
  - Jill Bicknell led a discussion of reporting requirements in the FY 18-19 Annual Report for this topic. A plan and schedule for new and ongoing efforts at the regional level needs to be submitted and can be developed at a regional level. A work group was formed to prepare a draft for the BASMAA New Development and Redevelopment Regional Supplement.
- Next Meeting – October 3, 2019, 1:30-4:00 pm

### **Trash Committee**

*Chair* – Kirsten Struve (Valley Water)  
*SCVURPPP representatives* – Chris Sommers (SCVURPPP), Liz Lewis (San Jose) and Cheri Donnelly (Cupertino).

- Next Meeting – September 24, 2019, 10:00 am – 12:00 pm

**Monitoring/POC (MPC) Committee**

*Chair* – Reid Bogert (SMCWPPP)

*SCVURPPP representatives* – Chris Sommers and Lisa Sabin (SCVURPPP), Jordan Ciprian (San Jose), and James Downing (Valley Water)

- Next Meeting – October 2, 2019, 9:00 am – 3:00 pm



## California Stormwater Quality Association®

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August 15, 2019

Tracy Perry  
Office of Pesticide Programs (OPP)  
c/o Regulatory Public Docket Center (28221T)  
U.S. Environmental Protection Agency (EPA)  
1200 Pennsylvania Ave. NW.  
Washington, DC 20460-0001

Subject: Draft Revised Method for National Level Endangered Species Risk Assessment Process for Biological Evaluations of Pesticides (Docket ID No. EPA-HQ-OPP-2019-0185)

Dear Ms. Perry:

On behalf of the California Stormwater Quality Association (CASQA<sup>1</sup>), thank you for this opportunity to comment on EPA's Draft Revised Method for National Level Endangered Species Risk Assessment Process for Biological Evaluations of Pesticides. CASQA comments on procedures for assessing risks of pesticide ingredients because, on a recurring basis, uses of EPA-approved pesticides result in adverse impacts to water quality and aquatic life in urban runoff and receiving waters.

Municipalities are held responsible for impacts to receiving water that result from pesticide pollution from urban runoff via municipal storm drain systems. When pesticide-related water pollution occurs, municipalities can be subject to enforcement actions under the terms of their National Pollutant Discharge Elimination System (NPDES) permits. Municipalities also face negative publicity and the increasing threat of litigation under the citizen suit provisions of the Clean Water Act (CWA).<sup>2</sup> Pesticide pollution of urban surface waters thereby creates a multi-million-dollar regulatory burden for our municipal agency members.

CASQA is pleased that the EPA and the Fish and Wildlife Service (FWS) are cooperating to address endangered species in pesticide registration review. As managers tasked with protecting the surface waters receiving our discharges and the species in these waters—including endangered species—we appreciate the effort being put forth to develop procedures to integrate EPA pesticides Biological Evaluations (BEs) with EPA pesticides risk assessments. The NPDES permits issued to CASQA's member agencies include requirements to protect all the beneficial uses of waters receiving our urban runoff discharges, including protecting rare, threatened, or endangered species. Through these CWA permits, water quality regulators make municipalities responsible for meeting Endangered Species Act (ESA) requirements.<sup>3</sup>

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<sup>1</sup> CASQA is comprised of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms throughout California. Our membership provides stormwater quality management services to more than 26 million people in California.

<sup>2</sup> c.f., *Natural Resources Defense Council, Inc. v. County of Los Angeles* (Filed July 13, 2011), Case No. 1056017; *Coalition for a Sustainable Delta, et al., v. City of Stockton and County of San Joaquin* (Filed Feb. 18, 2009), Case No. 2:09-cv-00466-JAM-KJN.

<sup>3</sup> For example, see *San Francisco Bay Municipal Regional Stormwater Permit*, Order No. R2-2015-0049 (November 19, 2015), Attachment A, Page A-18, Paragraph B.8.

Since our member agencies do not have authority to control indoor or other upstream pesticide uses and have no practical control over subsequent discharges, we seek to ensure that the pesticides ESA Consultation process will lead to mitigations that will protect endangered species and their critical habitats. Because our responsibilities extend beyond endangered species to include all other beneficial uses in our receiving water, we also seek to ensure that OPP's pesticide Registration Review process will lead to mitigations that will protect all beneficial uses of surface waters (not just endangered species).

Our primary concern is that the proposed revised method for preparing BEs incorrectly excludes impervious surfaces from the list of areas that receive pesticide treatment, which undermines consideration of mitigation to address this very important source of pesticides in urban runoff.

We also agree with EPA's assessment that the pilot BEs – including the one on malathion that we reviewed in detail and commented on – were unnecessarily complex and the documentation was relatively difficult to peer review.

### **Pesticides Are Applied on Outdoor Impervious Surfaces and Must Be Addressed in BEs**

On page 23 of the draft revised method for preparing BEs, the EPA incorrectly assumes that pesticides are not applied onto outdoor impervious surfaces, as seen in the excerpt below (emphasis added):

“For uses that are spatially represented by the developed landcover class (e.g., residential, gardens, turf, ornamentals), usage data are also available at the national level. EPA is currently investigating an approach for adjusting the percent of residential land expected to be treated by accounting for the proportion represented by **impervious surfaces (which are not expected to be treated)**. A treated area assumption will be made for these areas based on the percent of a typical lot that is not represented by impervious surfaces (e.g., houses, driveways).”

Applicator surveys (e.g., Meta Research 2010; Flint 2003, both enclosed) and scientific studies (e.g., Jorgenson and Young 2010; Davidson et al 2014, both enclosed) demonstrate that impervious surface treatments - often around buildings to control ants & spiders - are the primary source of insecticides in urban runoff. Based on scientific findings linking pyrethroids applications on outdoor urban impervious surfaces to aquatic toxicity in surface waters receiving urban runoff, California Department of Pesticide Regulation (CDPR) issued regulations to limit pyrethroid applications on impervious surfaces.<sup>4</sup> Similar research on fipronil use and runoff stimulated label changes by fipronil registrants recently approved by EPA to protect water quality.

### **Clean Water Act Compliance Assessment Must Be an Integral Part of BEs and the Pesticide Endangered Species Act Consultation Process**

Narrative and numeric water quality criteria established by EPA's Office of Water (OW) serve as the basis for enforceable water quality objectives, which are a key component of CWA implementation. OW develops water quality criteria to be protective of aquatic ecosystems, i.e., all organisms and their supportive habitat, including endangered and non-endangered species. Thus, CWA implementation is an integral part of endangered species and aquatic habitat protections.

EPA's water quality criteria should be used in its BEs to support regulatory consistency between OPP and OW. For some pesticides, EPA has developed numeric criteria. These national values are enforceable under the CWA in many states and should always be used in BEs if they exist. If the BE uses an effects threshold above the EPA water quality criterion, it could be creating a regulatory gap for agencies with CWA permits. Because most US local governments (including those in California) lack the statutory authority to regulate pesticide use in urban areas, it is essential that EPA employ the pesticide registration and Registration Review processes to assess and prevent urban water pollution as defined by the CWA. Once pesticides are present in urban runoff at levels exceeding CWA

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<sup>4</sup> California Department of Pesticide Regulation Surface Water Regulations, 2012. Available at: <http://www.cdpr.ca.gov/docs/leqbills/calcode/040501.htm#a6970>

requirements, it is technically and economically infeasible for municipal stormwater agencies to reduce pesticide levels sufficiently to meet those requirements in the receiving waters. Since OPP controls pesticide labels, even our state pesticide regulatory agency cannot readily address pesticide water pollution stemming from consumer pesticide products. CASQA therefore has repeatedly requested that EPA develop improved risk assessment methods for water quality impacts stemming from pesticide applications in urban areas, and then apply these methods systematically to risk assessments for all pesticides with non-agricultural uses.

## Other Comments

1. **BEs must evaluate all uses of a pesticide that EPA is approving – not just uses that have occurred historically.** When EPA reviews a pesticide, it licenses each individual use of that pesticide as described on product labels. If EPA restricts its analysis only to uses that have occurred historically, or to select geographic areas, EPA is effectively licensing uses that it is not evaluating, which is inconsistent with the ESA. This would be the effect of the usage data methodology proposal.
2. **BEs must use chronic invertebrate toxicity data.** The proposal to use only lethal toxicity (LC50) data for aquatic invertebrates deviates from the CWA regulation of aquatic ecosystems to protect food supplies for endangered species.
3. **Urban pesticide use estimates could be greatly improved with use of reported urban use and sales data collected annually by California Department of Pesticide Regulation (CDPR).** Each year, CDPR mandates reporting of pesticide product-specific sales and all professional pesticide use (including urban use). These data provide the quantity of active ingredients. The sales data are collected for every product brand-label combination. Reported use and total annual sales data are freely available and readily accessed from CDPR's online database at <https://www.cdpr.ca.gov/dprdatabase.htm>. While CDPR considers its product-specific sales data as confidential, these data can be obtained upon request by EPA and consolidated (e.g., by use category) before publishing in risk assessments.

Thank you for your consideration of our comments. If you have any questions, please contact Dave Tamayo, CASQA Pesticides Subcommittee Chair, at (916) 874-8024 or [tamayod@SacCounty.net](mailto:tamayod@SacCounty.net), or CASQA Executive Director Geoff Brosseau at (650) 365-8620 or [geoff.brosseau@casqa.org](mailto:geoff.brosseau@casqa.org).

Sincerely,



Daniel Apt, Chair  
California Stormwater Quality Association

### Enclosures:

1. Meta Research (2010). California 2009 Urban Pesticide Use Pattern Study. Conducted by the Pyrethroid Working Group and Meta Research, Inc. Submitted to the California Department of Pesticide Regulation.
2. Jorgenson, B. C. and T. M. Young (2010). "Formulation Effects and the Off-Target Transport of Pyrethroid Insecticides from Urban Hard Surfaces." *Environmental Science & Technology* **44**(13): 4951–4957.
3. Davidson, P. C., R. L. Jones, C. M. Harbourt, P. Hendley, G. E. Goodwin and B. A. Slizy (2014). "Major transport mechanisms of pyrethroids in residential settings and effects of mitigation measures." *Environ Toxicol Chem* **33**(1): 52-60.
4. Flint, M. L. (2003). *Residential Pesticide Use in California: A Report of Surveys Taken in the Sacramento (Arcade Creek), Stockton (Five-Mile Slough) and the San Francisco Bay Areas with Comparisons to the San Diego Creek Watershed of Orange County, California*. Davis, CA, University of California Statewide IPM Program, University of California Davis.

CASQA Comments on Draft Revised Method for National Level Endangered Species Risk Assessment Process for Biological Evaluations of Pesticides (EPA-HQ-OPP-2019-0185)

cc: Richard P. Keigwin, Jr., Director, EPA Office of Pesticide Programs  
Andrew Sawyers, Director, EPA Office of Water, Office of Wastewater Management  
Tomas Torres, Director, Water Division, EPA Region 9  
Marietta Echeverria, Director, Environmental Fate and Effects Division, EPA OPP  
Kris Garber, Environmental Fate and Effects Division, EPA OPP  
Chuck Peck, Environmental Fate and Effects Division, EPA OPP  
Elizabeth Donovan, Environmental Fate and Effects Division, EPA OPP  
Colleen Rossmesl, Environmental Fate and Effects Division, EPA OPP  
Claire Paisley-Jones, Biological and Economic Analysis Division, EPA OPP  
Mark Suarez, Biological and Economic Analysis Division, EPA OPP  
Patti TenBrook, EPA Region 9  
Debra Denton, EPA Region 9  
Eugene Bromley, EPA Region 9  
Karen Mogus, Deputy Director, California State Water Resources Control Board  
Philip Crader, Assistant Deputy Director, California State Water Resources Control Board  
Claire Waggoner, California State Water Resources Control Board  
Jeffrey Albrecht, California State Water Resources Control Board  
Matthew Freese, California State Water Resources Control Board  
Richard Breuer, California State Water Resources Control Board  
Tom Mumley, California Regional Water Quality Control Board, San Francisco Bay Region  
Janet O'Hara, California Regional Water Quality Control Board, San Francisco Bay Region  
Daniel McClure, California Regional Water Quality Control Board, Central Valley Region  
Peter Meertens, California Regional Water Quality Control Board, Central Coast Region  
Nan Singhasemanon, California Department of Pesticide Regulation  
Jennifer Teerlink, California Department of Pesticide Regulation  
Chris Hornback, Chief Technical Officer, National Association of Clean Water Agencies  
Cynthia Finley, Director, Regulatory Affairs, National Association of Clean Water Agencies  
Scott Taylor, National Municipal Stormwater Alliance  
CASQA Board of Directors, Executive Program Committee, and Pesticides Subcommittee



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September 9, 2019

Nancy Vogel  
Director of Governor's Water Portfolio Program

**Subject: CASQA Comments on Water Resilience Portfolio**

Dear Ms. Vogel:

The California Stormwater Quality Association (CASQA)<sup>1</sup> appreciates the opportunity to provide input on California's Water Resilience Portfolio (Portfolio) and highlight the value of stormwater as an important component of California's water resources.

Recent data and climate change predictions indicate that California's precipitation patterns are changing. Although we had record snowfall last year, we have also seen years where the snowpack is significantly reduced from annual averages. Increasingly, California will receive its water in the form of rain from fewer, more intense storms in the central and coastal areas of the state and less in the form of snowpack from storms in the mountains. Where historically California relied on the melting snowpack as the method for capturing precipitation as a resource, in the future more precipitation will need to be captured as stormwater runoff to use precipitation as a resource. The continued reliance on melting snowpack as one of California's primary sources of water does not appear sustainable.

Unfortunately, much of California's water supply system of reservoirs, pipes, pumps, and canals is located, designed, constructed, and operated to capture and distribute melting snowpack. The state does not have equivalent systems of similar magnitude for capturing stormwater where it lands and using it as water supply. California is not plumbed for the future. What is needed is a more climate resilient distributed system of stormwater capture throughout the state that is planned in an integrated manner with other water resources that can help to augment local water supplies.

Managing stormwater as a resource is the defining tenet of CASQA's "Vision and Strategic Actions for Managing Stormwater in the 21st Century" (Vision)<sup>2</sup>. Specifically, CASQA's Vision is to:

"Manage stormwater as a vital component of California's water resources in a sustainable manner, to support human and ecological needs, to protect water quality, and to enhance and restore our waterways."

To achieve this Vision, principles and strategic actions were identified. One of the key principles is the identification of stormwater as a valuable water resource that is an important part of the solution to providing a reliable and sustainable water supply.

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<sup>1</sup> CASQA is a nonprofit corporation with approximately 2,000 members representing more than 26 million people throughout California that advances sustainable stormwater management protective of California water resources. Our membership is comprised of a diverse range of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms.

<sup>2</sup> [https://www.casqa.org/sites/default/files/downloads/final\\_-\\_2019\\_casqa\\_vision\\_for\\_sustainable\\_stormwater\\_management\\_august\\_2019.pdf](https://www.casqa.org/sites/default/files/downloads/final_-_2019_casqa_vision_for_sustainable_stormwater_management_august_2019.pdf)

CASQA has three comments and four recommendations for the Portfolio to support maximizing the use of stormwater as a resource.

1. Identifying stormwater as an important and valuable part of the Water Resilience Portfolio
2. Prioritizing funding for multi-benefit projects that include stormwater capture, recharge, and use
3. Increasing coordination across government agencies at the state and local level through integrated planning to reduce barriers to implementing and funding these types of projects

Including these elements in the Portfolio will help make significant amounts of water available for use as a resource, and help improve the quality of California's creeks, streams, rivers, lakes, and coastal waters.

#### **COMMENT #1: STORMWATER SHOULD BE IDENTIFIED AS AN IMPORTANT AND VALUABLE PIECE OF THE PORTFOLIO**

Stormwater is a resource, with social, economic, and ecological value that is often not fully evaluated when considering available water resources and evaluating projects or added as an afterthought to consideration of more traditional sources of water. The magnitude of available stormwater resources is still being assessed but is anticipated to be significant and CASQA is engaged in helping to develop that estimate. The Department of Water Resources (DWR) Report "Water Resources Available for Replenishment", estimates that 1.5 million acre-feet per year of stormwater could be diverted for replenishment purposes, but that is expected to be just a fraction of the resource that is available. Additionally, capture and use of stormwater provides a local water supply and supports regional self-reliance on water helping to address the uncertainty and availability of imported water with climate change. Water agencies and water resource planning efforts need to be incentivized to consider stormwater as a portion of their sustainable water resource portfolio.

Since establishing the Vision, CASQA has been actively working with local, regional, and state entities to promote the value of stormwater as a resource, work with the Integrated Regional Water Management (IRWM) Roundtable of Regions (Roundtable) to identify strategies to better integrate stormwater projects and infrastructure into Integrated Regional Water Management Programs, and remove barriers to effectively implementing projects that will improve stormwater quality in a manner that also provides a water resource benefit where feasible. Highlighting stormwater as a key element of the Water Resilience Portfolio would provide clear direction to stormwater agencies, regulatory agencies, and water resource agencies that efforts to maximize stormwater capture, recharge, and use are valued and should be incentivized.

#### **CASQA Recommendation for the Portfolio:**

*Clearly identify stormwater as an important and valuable part of the Water Resilience Portfolio and incentivize consideration of stormwater as a piece of sustainable water resource planning.*

#### **COMMENT #2: INVESTMENTS IN STORMWATER INFRASTRUCTURE SHOULD BE SUPPORTED**

Traditionally, when funding for stormwater infrastructure is discussed, flood protection is the primary goal. Gradually, this focus has been changing, with efforts such as the Stormwater Resource Plan requirements for Proposition 1 emphasizing the benefits of funding stormwater infrastructure that both provides multiple benefits, such as addressing water quality and increasing water resources. Yet, stormwater infrastructure and management still has little to no reliable funding and is often not considered when water resource infrastructure investments are being considered.

The successful passage of the Safe Clean Water Program (Measure W) in Los Angeles County demonstrates strong public support for re-plumbing for the future by prioritizing funding for and investing in stormwater infrastructure to create a water resilient California. As noted in the Los Angeles County Board Motion to initiate development of the funding measure:

“The Department of Public Works recently completed a Water Resilience Rapid Assessment (Assessment) outlining some of the early findings of the planning effort and greatest perceived needs relevant to building regional water resilience. The Assessment finds that stormwater capture strategies represent a unique opportunity for the region to substantially supplement local water supply, improve water quality, and provide additional benefits for watershed health and community quality of life. The Assessment further finds that, while other types of water management infrastructure are supported by reliable sources of revenue, stormwater infrastructure and management has little to no reliable funding.” (Regional Water Resilience Planning, Outreach, and Engagement, and Stormwater Capture Expenditure Plan, Motion by Supervisors Sheila Kuehl and Hilda Solis, May 30, 2017)

Additionally, in the San Francisco Bay Area, stormwater agencies are increasingly coordinating with transportation and regional planning agencies to increase the available funding for water resilience-promoting approaches like green infrastructure through efforts like the Urban Greening Bay Area project, which produced a “Roadmap of Funding Solutions for Sustainable Streets”<sup>3</sup>. Sustainable Streets are designed to cost effectively deliver multiple benefits, including water resilience through climate change mitigation, water quality improvement, and localized flood control. The Roadmap presents specific actions that a range of local, state, and federal agencies can take to ease the financial burden local governments are facing by maximizing available resources and/or identifying new funding streams.

CASQA believes that the Portfolio provides an opportunity to emphasize the need for investing in stormwater infrastructure, highlight the lack of available funding, and prioritize identification of methods for valuing stormwater as a resource and obtaining funding for multi-benefit projects; including by referencing examples like those in Los Angeles and the San Francisco Bay Area.

**CASQA Recommendations for the Portfolio:**

- *Highlight the value of stormwater as a water resource and the multiple benefits of investing in stormwater infrastructure to both improve the quality of California’s waters and increase local water supplies.*
- *Identify methods and examples of valuing stormwater as a resource and funding multi-benefit stormwater projects.*

**COMMENT #3: BARRIERS TO THE FUNDING AND USE OF STORMWATER AS A RESOURCE SHOULD BE IDENTIFIED AND ELIMINATED**

The State Water Board’s Strategy to Optimize Resource Management of Stormwater (STORMS) included a priority project to identify and eliminate barriers to stormwater capture and use. The project report entitled “Product 1–Final Report: Enhancing Urban Runoff Capture and Use” (April 2018) provides an overview of barriers to the use of stormwater as a resource and identifies strategies to eliminate those barriers. The report also provides a roadmap of potential solutions that could be considered in the Portfolio to reduce or eliminate barriers to using stormwater as a resource.

Recent stormwater discharge permits have incentivized or required the development of watershed plans for managing stormwater quality. Billions of dollars are anticipated to be spent investing in projects to improve stormwater quality throughout California as a result of these plans. In many cases, projects can be designed to also provide water resource benefits. However, several barriers could result in lost opportunities to maximize these investments to not only improve water quality, but also generate a valuable water resource. Examples of these barriers include challenges with communicating the value of stormwater infrastructure projects to water resource agencies and IRWM groups to obtain funding, challenges with public acceptance of projects, regulatory requirements

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<sup>3</sup> <http://basmaa.org/Announcements/roadmap-of-funding-solutions-for-sustainable-streets>

that disincentivize building projects in optimal locations for a water resource benefit, lack of integrated planning involving stormwater and other water agencies, lack of triple-bottom line sustainability analysis<sup>4</sup> to understand the true value of stormwater capture projects, and conflicting local requirements that make collaboration on regional multi-benefit projects difficult. Reducing or eliminating the identified barriers would increase the likelihood that multi-benefit projects are developed and implemented, and significant water resource benefits are obtained from the upcoming investments. CASQA is committed to working with the Roundtable, Department of Water Resources, and the State Water Board to reduce the barriers to integrating stormwater resource projects into IRWMs and supports the development of structures and processes within the Portfolio that incentivize the integration, consistent with CASQA's Vision.

**CASQA Recommendation for the Portfolio:**

*Include strategies that will reduce or eliminate barriers to stormwater capture and use, as outlined in the State Water Board's STORMS Project 1 Final Report.*

Thank you again for the opportunity to comment on California's Water Resilience Portfolio. If you have any questions, please contact CASQA Executive Director Geoff Brosseau at (650) 365-8620.

Sincerely,



Daniel Apt, Chair  
California Stormwater Quality Association

cc: Jared Blumenfeld, CalEPA Secretary  
Wade Crowfoot, Natural Resources Secretary  
Karen Ross, Department of Food and Agriculture (DFA) Secretary  
Cindy Messer, DWR Chief Deputy Director  
Kristopher Tjernell, DWR Integrated Watershed Management Program Deputy Director  
Arthur Hinojosa, DWR Integrated Regional Water Management Division Chief  
Erik Ekdahl, State Water Board, Division of Water Rights Deputy Director  
Jenny Lester Moffitt, DFA Undersecretary  
IRWM Roundtable of Regions Network members  
Ellen Hanak, Public Policy Institute of California – Water Policy Center Director  
CASQA Board of Directors  
Geoff Brosseau, CASQA Executive Director  
Karen Cowan, CASQA Assistant Executive Director  
CASQA Executive Program Committee  
CASQA Vision Subcommittee

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<sup>4</sup> A triple-bottom line sustainability analysis accounts for a project's performance in not just the traditional financial bottom-line but rather across three aspects: financial, environmental, and social.



## California Stormwater Quality Association®

*Dedicated to the Advancement of Stormwater Quality Management, Science and Regulation*

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September 12, 2019

Mr. E. Joaquin Esquivel, Chair  
State Water Resources Control Board

Subject: Proposed Stormwater Permit Fees – 2019-20

Dear Mr. Esquivel and Members of the Board:

On behalf of the NPDES stormwater permittee members of the California Stormwater Quality Association (CASQA), we are writing you to convey our support for the proposed 2019-20 fee schedules for stormwater permittees. It is our understanding that the fees will not be increased for 2019-20.

State Water Board Waste Discharge Permit Fund records show the stormwater program is the only program with a positive balance over more than a decade of fiscal years starting in 2004-05 – by a wide margin while the rest of the programs were in the red during that same time period. We understand the positive and negative program balances were only “on paper” because each year during that time period any positive balance was essentially used to cover the costs of other programs that had negative balances. State Water Board records also show that starting in 2002-03 this unintended but real over-collection of stormwater permit fees resulted in a cumulative over-collection of stormwater permit fees of more than \$28 million through 2013-14 – the last year there was a fee increase.

The stormwater permittees very much appreciate the State Water Board’s recognition of the situation at that time and staff’s efforts since to address it, including fine-tuning the budget projection methodology resulting in budget projections that are much closer to actual numbers. Since 2015-16, the actual overcollections have been much smaller. So, although the overcollections have continued, they have averaged about \$1.473 M (about 5% over budget) over the last four years versus about \$2.825 M (about 16% over budget) over the previous 13 years. And as a result, since 2014-15, the State Water Board has been able to either discount stormwater fees (2014-15 through 2017-18) or leave the fees unchanged (2018-19 and 2019-20 (proposed)).

Accordingly, the stormwater permittees strongly support the proposed 0.0% increase in total stormwater permit fees for 2019-20.

Sincerely,

Geoff Brosseau  
Executive Director, California Stormwater Quality Association

cc: CASQA Board of Directors and Executive Program Committee

# Scheduled Meetings and Deliverables

## September – November 2019

### September

<b>6</b>	<b>ZLI Steering Committee</b> 9:00 am – 10:00 am	Conference Call
<b>17</b>	<b>Trash AHTG</b> 1:00 pm – 4:00 pm	San Jose City Hall Room T-644
<b>18</b>	<b>Land Use Subgroup</b> 10:00 am – 11:30 am	Conference Call
<b>19</b>	<b>Management Committee</b> 9:30 am – 11:00 am	Sunnyvale Civic Center West Conference Room
<b>23</b>	<b>C3PO AHTG</b> 1:30 pm – 3:00 pm	San Jose City Hall Room TBD
<b>26</b>	<b>BASMAA Board of Directors (TBD)</b> 10:00 am – 3:00 pm	EOA, Oakland

# October

2	<b>Microplastic Symposium</b> 9:00 am – 4:00 pm	David Brower Center Berkeley
3	<b>BASMAA Development Committee</b> 1:30 pm – 4:00 pm	EOA, Oakland
4	<b>ZLI Steering Committee</b> 9:00 am – 10:00 am	Conference Call
7-9	<b>CASQA Conference</b> <a href="https://www.casqa.org/events/annual-conference">https://www.casqa.org/events/annual-conference</a>	Monterey
10	<b>SF Bay Regional Monitoring Program (RMP) Annual Meeting</b> 9:00 am – 5:00 pm	David Brower Center Berkeley
15	<b>Trash AHTG</b> 1:00 pm – 4:00 pm	San Jose City Hall Room TBD
17	<b>Management Committee</b> 9:30 am – 11:00 am	Sunnyvale Civic Center West Conference Room
	<b>Presentation on RAA to Management Committee</b> 11:00 am – 1:30 pm	Sunnyvale Civic Center West Conference Room
21-22	<b>State of the Estuary Conference</b> <a href="https://www.sfestuary.org/state-of-the-estuary-conference/">https://www.sfestuary.org/state-of-the-estuary-conference/</a>	Scottish Rite Center Oakland
24	<b>BASMAA Board of Directors (TBD)</b> 10:00 am – 3:00 pm	EOA, Oakland
29	<b>C3 Installation and O&amp;M Inspection Workshop</b> 9:00 am – 3:00 pm	Mountain View Community Center - Redwood Hall

# November

1

**ZLI Steering Committee**  
9:00 am – 10:00 am

Conference Call

5

**MRP 3.0 Steering Committee**  
1:30 pm-4:30 pm

Water Board Offices,  
2<sup>nd</sup> Floor, Room 2

19

**Trash AHTG**  
1:00 pm – 4:00 pm

San Jose City Hall  
Room TBD

21

**Management Committee**  
9:30 am – 11:00 am

Sunnyvale Civic Center  
West Conference Room